

## I N D E X

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1 Winnipeg, Manitoba

2 --- Upon resuming on April 22, 1991

3 **CO-CHAIR RENE DUSSAULT:** I would like  
4 to start this morning with an opening prayer.

5

6 (Opening Prayer in Inuit)

7

8 **CO-CHAIR RENE DUSSAULT:** I would like  
9 now to ask Mr. Phil Fontaine, Grand Chief of the Assembly  
10 of Manitoba Chiefs to give his presentation.

11 **PHILIP FONTAINE, GRAND CHIEF, ASSEMBLY**  
12 **OF MANITOBA CHIEFS:** Thank you. To my right is Elder Angus  
13 Merrick and seated to my left with me is Chief Harvey  
14 Nepinak.

15 Before I begin my presentation, I would  
16 like to call on Mr. Merrick here to make a brief statement.

17 I should, I would like to point out that  
18 Mr. Merrick here is 90 years young. He had his birthday  
19 on March the 18th, just last month, so we're really very  
20 pleased to have him here with us. Angus.

21 **ANGUS MERRICK:** Good morning.

22 You know, when I'm asked to speak, I  
23 always like to stand up instead of sitting down, and that's

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1 what I was taught was the proper way of addressing people  
2 that depend on you and people that you have respect for.

3                   But since I'm sitting here, I'm going  
4 to remain seated, and I've been asked to also to pray in  
5 my own language. I heard one language already, but our  
6 people in this continent have always depended on the Great  
7 Spirit to lean on for help. And this being an important  
8 day and for the rest of the week, it is fitting that we  
9 pray for help and guidance, and also pray for all the people  
10 that's here and all your relatives and friends at home.

11                   So, let's stand up, please, and I will  
12 say my prayer in my own language that my mother taught  
13 me.

14

15                   (Prayer in Native language)

16

17                   Okay. Yes. My neighbours, we the  
18 people of this country of different tribes, are now living  
19 in two cultures, and it's kind of sad sometimes, during  
20 my travels, and what I hear, radio, TV and press; some  
21 of our people are losing their cultural ways of life, but  
22 it's not the way it used to be.

23                   You take our language, even, we're

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1 losing a lot of language. My grandchildren at home cannot  
2 even speak my language we were given. And you know, I  
3 always like to say, I always like to point out, that all  
4 native languages in this continent, we're very proud of  
5 our language, because we do not have no swear words in  
6 our language. But since we've learned the other language,  
7 amongst the younger generations today, sometimes I feel  
8 very sorry for them. What's going to happen to them say  
9 forty or fifty years from now?

10 I visit institutions here in Manitoba,  
11 Saskatchewan and Alberta, where the young men and women,  
12 too, young women that are lost, and they want to go back  
13 to their own culture. They're asking questions and it's  
14 a good start, when they start asking questions about their  
15 culture. They want to know the meanings of the morning  
16 ceremonies. They want to know the meanings of pipe  
17 ceremonies. They want to know the meaning of why we have  
18 a pipe carriers and bundle carriers, sweat lodges, sun  
19 dances, and all of these types that has to do with  
20 Christianity in our way.

21 And so this is a good place to talk and  
22 try and help the younger generations that's coming up.

23 So that's all I'm going to say just now,

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1 my friends and neighbours.

2 Thank you very much. Miigwech,  
3 Miigwech for listening to me. Miigwech. Miigwech.

4

5 **PHILIP FONTAINE, GRAND CHIEF, ASSEMBLY**  
6 **OF MANITOBA CHIEFS:** Thank you very much, Elder Merrick  
7 for your prayer and your opening words of wisdom.

8 It's an honour for us here to be the first  
9 to appear before the Commission. We welcome this  
10 opportunity to share with you some thoughts we have on  
11 the work of the Commission, and some of the areas we believe  
12 are critical to the well-being of First Nation communities  
13 in Manitoba and throughout the country.

14 So, on behalf of the First Nations of  
15 Manitoba, we welcome the Royal Commission to what is now  
16 clearly recognized as our territory and we wish you well  
17 in your deliberations and we want to assure you that, as  
18 I pointed out yesterday, that you can count on our support  
19 and cooperation, so that your success becomes ours, as  
20 well.

21 What we have to present today is  
22 understood from our side here that, these will be opening  
23 comments because we expect to appear before the Commission

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1 again at some point down the road.

2                   And what we would like to do to begin  
3 is, offer some commentary on the mandate of the Commission,  
4 and then speak briefly on a number of issues that we think  
5 are important.

6                   From our perspective the initial  
7 hearings mark the beginning of a process of dialogue and  
8 exchange of information and ideas. The Commission's Terms  
9 of Reference are quite unique in stipulating that Nothing  
10 will be put on hold pending the release of a final  
11 Commission report. The Commission is to be an active  
12 participant in the process of societal change and is  
13 expected to comment freely and impact on the change  
14 process.

15                   And we want to make clear our  
16 understanding that as active participants in change, the  
17 Commissioners must strike a careful balance. The  
18 Commission must not disturb our legitimate role as a  
19 government, First Nations Government and as a political  
20 voice of First Nation communities and citizens in Manitoba.

21                   At the same time, you must not remain  
22 silent. To fall on either side of the balance point will  
23 make the commission irrelevant or counterproductive.

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1 Maintaining the balance will require a very open  
2 consultative relationship with our organization, indeed  
3 organizations, Aboriginal organizations throughout the  
4 country.

5                   We will advise you, you may advise  
6 government, and both must be through an interactive  
7 process.

8                   The context of the Commission's work is  
9 one of societal change. In this context, the biggest game  
10 in town is constitutional reform.

11                   The Commission has shown that it is  
12 prepared to take both steps, as evidenced by your  
13 commentary on the constitutional reform process. We are  
14 most encouraged by that.

15                   However, the reform process will  
16 conclude in a matter of months. We may be a bit optimistic  
17 in suggesting that it will conclude in a matter of months,  
18 but, we felt that we ought to suggest that.

19                   The Commission's main potential lies in  
20 its influence and impact on the implementation of  
21 self-government. We have some suggestions on how the  
22 Commission might begin to realize that potential.

23                   The Commission, in our view, the



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1 Commission's most powerful tool for effective change,  
2 effecting change is its mandate to issue commentary.

3           There is an immediate need for the  
4 Commission to raise a critical voice in condemning a wide  
5 range of government actions and policies which threaten  
6 to subvert the evolution of self-government.

7           In simple terms, we continue to fight  
8 the same old fights in our dealings with government.  
9 Despite the rhetoric of a new relationship, very little  
10 has changed. We are forced to expend our very limited  
11 resources in defending our rights. This is a time when  
12 defence should not be our focus. We should be looking  
13 to the future.

14           Some specific areas on which the  
15 Commission's commentary may be useful include: federal,  
16 provincial and municipal reluctance to deal in good faith  
17 with the recommendations of the Aboriginal Justice Inquiry  
18 of Manitoba.

19           The initial response we had from both  
20 levels of government has been less than encouraging and  
21 certainly not positive. The Justice Minister, the  
22 Honourable Kim Campbell, of course, has indicated that  
23 a separate justice system is a non-starter. No. Our

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1 government here followed suit and said, "Since the federal  
2 government has said no to a separate justice system, our  
3 answer is no, as well."

4                   So, here we are with an Aboriginal  
5 Justice Inquiry Report that took three years to complete  
6 its work, has 293 recommendations, recommendations that  
7 offer some hope for our people, and the first reaction  
8 we get from the government, from the governments, is "no"  
9 to the change that's being recommended in the Report.

10                   Our government here has divided up the  
11 recommendations into those that are federal, those that  
12 are joint, those that are primarily provincial, and those  
13 that are other, and they have said, as I pointed out,  
14 they've said "no" to, to a separate justice system, and  
15 we find that somewhat contradictory, because the, there  
16 is the Manitoba Task Force Report in the Constitution that  
17 says, "Yes" to the inherent right to self-government, and  
18 it's an all party report, so it includes the government  
19 and they've said "no" to a separate justice system.

20                   We find that somewhat contradictory  
21 because the inherent right to self-government -  
22 self-government means the ability to make laws and enforce  
23 laws. So, if you support self-government, how can you

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1 not support the separate justice system?

2                                   And so, that is the initial response.

3     We've just had a meeting with the Premier last week and  
4     it's somewhat more encouraging than the initial response,  
5     but we feel that they are still not prepared to consider  
6     the full extent of the Report, so, given our position,  
7     I think it's really important that we call on those people  
8     that are in a position to offer us support to do so.

9                                   And we believe that the Commission is  
10    in the position to make its position known very clearly  
11    and firmly. And we call on you to do that.

12                                  That's one. The mean spirited approach  
13    of Canada, Manitoba, and Manitoba Hydro to honouring their  
14    obligations under the Northern Flood Agreement and Grand  
15    Rapids Forebay Agreement. The general tendencies of  
16    governments to whittle away at the already inadequate  
17    resources available to First Nations government  
18    institutions, for example, cuts to child and family  
19    agencies, social assistance, non-insured health benefits.

20                                  Social assistance. Well, I want to  
21    comment on that. The federal government very recently  
22    took the position that our citizens that are off-reserve,  
23    are the responsibility of the provincial government. They

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1 are to be treated like any other Manitoba citizen. Our  
2 view is that the rights that we have or that we are supposed  
3 to enjoy as the beneficiaries of Treaty Agreements that  
4 our ancestors signed, mean that these rights are portable.  
5 They are not limited to the reserves that our people are  
6 resident on.

7                   The federal government has taken the  
8 position that those rights are only applicable on reserve.  
9     Once you leave the reserve, they are no longer in effect.  
10    So, that means, for example, in social development or  
11    social assistance that, our people that are in Winnipeg  
12    are the sole responsibility of the City or the provincial  
13    government.

14                   We want to be in a position to have  
15    jurisdiction over our citizens, regardless of where they  
16    live, regardless of where they live. And if we allow the  
17    province and the federal government to bicker as they have  
18    for years and years, they do so at the expense of our people.

19    And we already have evidence that the decision that was  
20    taken by the federal government is going to have an adverse  
21    effect on our people. And we have examples of that in  
22    the City of Brandon where our people are being denied  
23    services, because they are registered Indian or First

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1 Citizens.

2 Continuation of past patterns of  
3 unilateral action by federal and provincial governments  
4 in the areas which impact on First Nations, failure of  
5 government to adhere to the law as it relates to Treaty  
6 and Aboriginal rights, for example, Supreme Court  
7 Decisions versus Government Positions on Land and Resource  
8 Rights. Failure of governments to acknowledge  
9 responsibility for social, cultural, spiritual and  
10 individual loss and suffering resulting from the  
11 residential school system, and its successor, child  
12 welfare system. Healing and rebuilding our integral to  
13 the evolution of self-government.

14 I want to comment on the matter of  
15 residential schools. I, Chief Nepinak - I don't know about  
16 Angus Merrick, here. You never went to residential  
17 school. (Angus Merrick : Yes, I did.) He did, as well.

18 We are products of the residential school system. And  
19 the experience that we share is not the most positive one.

20 It did little to give positive reinforcement of who we  
21 are, as Ojibway people. It did much to undermine the  
22 integrity of our people. We experienced abuse of all kinds  
23 in residential school. I've already commented publicly

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1 on my own experience in residential school. People  
2 suffered from psychological abuse, deprivation, physical  
3 abuse, psychological abuse and in far too many cases,  
4 sexual abuse.

5                   And we've raised the matter with the  
6 federal government. We called for, a little over a year  
7 ago, for a full-scale public inquiry into the residential  
8 school experience. There were requests, and I put it by  
9 way of request, it wasn't a demand, it was a request that  
10 we made to the federal government, and we were rejected.

11       The Minister of Indian Affairs, the Honourable Tom Siddon  
12 said, the federal government was not interested in a witch  
13 hunt, but it was interested in justice for our people.

14                   And so, we are faced with the situation  
15 now where the federal government has apologized to the  
16 Japanese. I think it has apologized to the Italians or  
17 to the Ukrainians. I don't know which one first, and it's  
18 now considering either an apology to the Ukrainians or  
19 Italians. I don't know how that follows but, that's not  
20 the important point, but it's issuing an apology and it's  
21 not prepared to apologize to our people for all of the  
22 abuse that we suffered in residential schools.

23                   And, of course, because they are not

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1 prepared to apologize, we are unable to get government  
2 to engage with us in the process that will allow our people  
3 to talk about their experiences, to disclose their  
4 experiences, and to allow our people to begin a healing  
5 process. Because in a process of healing, the first and  
6 most important step is disclosure. So, there must be a  
7 process that will allow all of those people, the many,  
8 many, many people that attended residential schools, to  
9 allow them to begin to talk about their experiences, so  
10 that they can begin to heal.

11                   And so, we've called on the federal  
12 government to set in place a process, a joint process,  
13 that will allow people to disclose and to begin a healing  
14 process.

15                   As well, we feel that it's really very  
16 important, as a matter of fact, critical to this whole  
17 process that, whatever transpired, whatever transpired,  
18 be recorded and it become a part of the public record,  
19 so that what happened to our people in residential schools,  
20 what was done to our people, will never lose, will always  
21 be part of our memory, and it will always be there for  
22 people to see what was done to our people.

23                   We've been slightly more successful in

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1 dealing with the churches on this matter. We've had an  
2 apology from the United Church. We also now have an  
3 apology for the Catholic Church. The only problem here  
4 is that, while we have an apology, we haven't yet been  
5 able to convince them to join with us in setting in place  
6 this process that we also want the federal government to  
7 engage in.

8                   We've been arguing for the better part  
9 of a year with the particular, in particular the Catholic  
10 Church, and we're not quite sure what the main stumbling  
11 block is. For one, we wanted to establish an inter-church  
12 process that would include all of the churches. The  
13 Catholic Church has argued that since they administered  
14 more schools, they have a larger responsibility, and so,  
15 they want a separate process, see. And we don't think  
16 that's necessarily the best way to go. We think that one  
17 process would suffice, involving all of the churches  
18 together with us, and, of course, all of the, all of the  
19 debates, all of the discussions, all of the arguments that,  
20 back and forth, has not done anybody any good, particularly  
21 those people that are suffering and we really don't know  
22 who to turn to now, to do two things.

23                   One, to convince the federal government



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1 that they have the ultimate responsibility in this matter.

2 As well, as to convince the churches that they have a  
3 responsibility, as well. And whether this responsibility  
4 is, translates into one process that includes the federal  
5 government or into two separate processes, one that  
6 involves just the churches, and one that involves the  
7 federal government. However this translates, I think the  
8 important thing is that, this process must begin as soon  
9 as it is humanly possible to put in place.

10 We now have evidence that, you know, with  
11 the inquest that's taking place in Brandon of this  
12 suspicious child death, that there are many, many problems  
13 that we have to deal with as a direct result of the  
14 residential school experience.

15 And in my view, and this is just a  
16 personal view, the most important thing that we could ever  
17 do, is to begin to support our people so that they can  
18 heal themselves. So that these communities can heal.

19 I also want to comment on the task forces  
20 and advisory bodies. The Commission's mandate to create  
21 regional or issue specific task forces or advisory bodies  
22 offers a mechanism well suited to in-depth treatment of  
23 complex issues.

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1                   We would suggest that the Commission  
2 work jointly with us in exploring the application task  
3 force option in addressing Treaty issues. We've already  
4 talked about that in a previous meeting and I'm referring  
5 to the Co-Chair, Mr. Dussault and Mr. Erasmus and as we  
6 indicated then, we're prepared to assist in that process.

7     In fact, we would be prepared to co-sponsor with the Royal  
8 Commission, the Round Table on Treaty issues that's under  
9 consideration. I don't know if I'm speaking out of turn  
10 in this regard, but if I am, I apologize. If not, the  
11 offer is on the table for public record.

12                   The implementations of the  
13 recommendations of the Aboriginal Justice Inquiry of  
14 Manitoba, the honouring of the spirit and intent of the  
15 Northern Flood Agreement, and addressing the issue that  
16 I just spoke to earlier, the residential school issue,  
17 compensation and healing processes.

18                   On the matter of resource and  
19 self-government. At every turn we are faced with the  
20 shocking reality that governments are not seriously  
21 preparing for the implementation of self-government. And  
22 the best example I can give of that is this one. And I  
23 may be off by a few million dollars, you know, one way

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1 or the other. What's a few million dollars when we're  
2 talking about, I think last year, in 1991/92, the regional  
3 budget for the Department of Indian Affairs, Manitoba  
4 Region, was four hundred and fifty million dollars, give  
5 or take, as I said, a few million dollars. Eighty percent  
6 of that is directly administered by First Nation  
7 communities, eighty percent. So, we have twenty percent  
8 that's the responsibility of this regional office and I  
9 think the Manitoba Region here has approximately two  
10 hundred and seventy PY's, which means, you know, give or  
11 take. They may have two hundred and seventy people working  
12 or three hundred, depending how they play the PY game.

13                   Okay. Of the four hundred and fifty  
14 million dollars, a hundred and thirty-two million dollars  
15 of that is allocated for social development. A hundred  
16 and thirty-two million. Ten million dollars for economic  
17 development, see, so, you have this imbalance, an  
18 intolerable one at that. And so, you have a federal  
19 government that says, yes, we support self-government,  
20 we support self-government.

21                   Yet, they continue to deliver their  
22 support programs in the manner that I described, and we  
23 all know that self-government is synonymous with

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1 self-sufficiency. There can only be self-government if  
2 our communities are self-sufficient.

3                   We will never have self-sufficiency if  
4 the federal government continues to fund our communities  
5 in the way I described, and that's been our experience.

6 It's not going to change in the next budget that we're  
7 now, that's now in effect, the 92/93 budget. The balance  
8 is still the same. So, what reasonable hope can we expect  
9 that our communities will be self-sufficient in the  
10 foreseeable future, if this imbalance is allowed to  
11 continue?

12                   The Commission's Central Task Force must  
13 be seen as one of breaking the inertia of history, waking  
14 governments to the fact that self-government means  
15 societal change, change in the status quo. Government  
16 support for the entrenchment of the inherent right of First  
17 Nations must translate the real change. First Nations  
18 governments must have both power and resources.

19                   We welcome the Commission as active  
20 participants in the process of change. We caution that  
21 as a Commission, you are newcomers in what has been a very  
22 long and adversarial relationship between nations.

23 Nevertheless, we see great potential in the role you might

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1 play, and I say that with all due respect, because I realize  
2 that I'm not really talking to newcomers. I mean, we have  
3 a former Premier, we have the former National Chief of  
4 the Assembly of First Nations, Viola Robinson, former  
5 President of NCC, and former Justice of the Supreme Court,  
6 so when I make reference to "newcomers", I'm not referring  
7 to you as individuals, but more specifically to the Royal  
8 Commission.

9                                 And we probably, in this two-way  
10 process, have much to learn from you. We offer openly  
11 to work with you in fostering necessary change in Canadian  
12 society, and justice of First Nations. The Commission  
13 will span a critical period of transition. Change will  
14 not wait for you or I. This is a time for careful but  
15 quick action. What we do now will set the course for the  
16 future. So, we say, let's work together.

17                                 And that's the conclusion of my  
18 presentation.

19                                 **CO-CHAIR RENE DUSSAULT:** Thank you very  
20 much.

21                                 These are very encouraging words. You've  
22 given us an immediate blueprint for action on many topics.  
23 Some of them are burning ones, burning issues.

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1                   Maybe I would like to, coming back to  
2 one of them that has been an important one in this province  
3 with the Aboriginal Justice Inquiry Reports that was tabled  
4 last September.

5                   I would like to, for you to elaborate  
6 a bit more on what you feel are the main stumbling blocks  
7 in the implementation of the recommendations. Is it more  
8 a question of an entrenched abuse or a question of  
9 understanding what is really at stake? How it's going  
10 to work in practice, the link with the general system?

11                   I would like to if you could extrapolate  
12 a bit more precisely on what are the real reasons for what  
13 you feel as being some, has caused some problem toward  
14 the implementation of the Report at this point.

15                   **PHILIP FONTAINE:** Well, that's a, it's  
16 really difficult to understand what main, what is the main  
17 difficulty that either the federal government or both the  
18 federal and provincial governments have with respect to  
19 the Task Force Report. Not the Task Force Report, but  
20 the AJI Report and the 293 recommendations.

21                   It's been suggested that much of the  
22 difficulty has to do with power and control, because the  
23 293 recommendations really, in our view, represent a

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1 blueprint for change. It represents some very fundamental  
2 changes, if they were to be given full effect.

3                   We weren't surprised when the federal  
4 government came out with its position, when they said "no"  
5 to a separate justice system, and that what was, in their  
6 view, is necessary was to make some changes to the current  
7 system, to make it better. And that's not going to work,  
8 because in our view, cosmetic change is not what is needed  
9 now. Some very real changes are required.

10                   And so, when the Justice Minister, Kim  
11 Campbell, came out with her Position Paper at the  
12 Whitehorse meetings, we knew then that the provincial  
13 governments would fall in line and that they would take  
14 the position that this provincial government took. And  
15 that is to say, well, really, the creation of a separate  
16 justice system falls within the, within the jurisdiction  
17 or, yes, jurisdiction of the federal government. It has  
18 nothing to do with us. We have our areas of responsibility  
19 and we are prepared to, to work towards making some  
20 improvements to, to that.

21                   And we don't understand that. Why this  
22 particular division not to be established? I think the  
23 process of change that the AJI is calling for is a joint

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1 one, a cooperative one. One that requires the federal  
2 government working together with the province and the two  
3 parties working together with the Aboriginal People in  
4 this province. And I say "Aboriginal", because it  
5 includes the Metis, non-Status, and First Nation  
6 communities.

7                   So, I think the main stumbling block has  
8 to do with the sharing of power. Provincial and the  
9 federal government are not prepared to share the power  
10 that they now, and control they now exercise over our  
11 people. And in our view, making cosmetic changes is not  
12 going to change things for our people in a real way. So,  
13 but there are really two points to that.

14                   One, you could end up, if we follow the  
15 thinking of the provincial government, we could end up  
16 with more, more judges, more Aboriginal judges, more  
17 Aboriginal parole officers, more police, Aboriginal police  
18 - I was going to say policemen, but we no longer can say  
19 "policemen" - but police officers. More guards and right  
20 down the line, and court workers and whatnot.

21                   That doesn't mean that our people are  
22 going to come into conflict with the law at a less than  
23 disproportionate rate. I mean, they're still going to



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1 come into conflict with the law at the same rate that they  
2 do now, and we're still going to be filling the jails.

3 So, that's not what we're talking about.

4 In the interim, yes, that's okay, but in the long run,  
5 it's not going to result in a real and substantial change.

6 And, of course, that's coupled with the,  
7 the economic and social conditions that our people are  
8 living in.

9 So, I mean, the short answer, I suppose  
10 is that, it's really a matter of sharing power and  
11 governments are not prepared to do that.

12 **CO-CHAIR ERASMUS:** Are there  
13 Commissioners that want to ask some questions?

14 **COMMISSIONER BERTHA WILSON:** I'd just  
15 like to make a comment on this because it's my belief that  
16 there'll be no real movement towards a separate justice  
17 system until the authorities are convinced that making  
18 changes to the existing one, is an inadequate approach.

19 I think they're going to have to be  
20 persuaded first that what you are calling "cosmetic  
21 changes", although that may not be quite fair, they may  
22 be a little more than cosmetic, but I think that governments  
23 are going to have to be persuaded that the existing system

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1 can't be changed sufficiently to provide an adequate  
2 justice to Native peoples.

3                   That's going to take a quite a bit of  
4 doing. I think, I think it's, again it's this problem  
5 of education. I think that people don't really realize  
6 that the whole Native system of justice is based on entirely  
7 different values and that the treatment of the offender  
8 under the Native system, is just totally different from  
9 the treatment of the offender under our justice system.

10                   And I think that is going to have to be  
11 explained before people will be convinced that we have  
12 to have two separate systems, because under our tradition,  
13 as you know, the rule of law is so basic to our social  
14 structure and the concept of equal justice for all, is  
15 so fundamental, that I think they're going to have to be  
16 persuaded that it's not equal justice to apply the same  
17 rules to Native people as are applied to the rest of  
18 Canadians.

19                   It's the same realization that has come  
20 about in dealing with women, for example, where there's  
21 a gradual realization that it may not be equal treatment  
22 to treat people in the same way.

23                   And I think this is what has got to come

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1 through about the justice system, that it may not be equal  
2 justice to treat Native people in the same way as other  
3 Canadians.

4                   It's really, I believe, what Justice  
5 Dickson stressed to us in our Terms of Reference and need  
6 again for education in this area. And I think we're going  
7 to need an awful lot of help in this educational process  
8 if we're going to make any headway in getting a proper  
9 justice system for Native people, but I think that the  
10 governments are going to have to be persuaded that making  
11 changes to the existing system is inadequate. And I  
12 believe that's going to be an uphill battle, because many  
13 people think as you have mentioned, that appointing a few  
14 Aboriginal judges and getting Native police officers is  
15 going to solve the problem. So, there's really an  
16 educational process required here.

17                   Thank you.

18                   **PHILIP FONTAINE:** I don't have any  
19 argument with your comments.

20                   The only thing I would add to that is  
21 that, if there is one thing that most people understand,  
22 particularly Canadians, is that, one has the right to  
23 control one's own destiny.

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1                   And when we talk self-government, that's  
2 really all we're talking about, is that, we want to control  
3 our own destiny.

4                   And we don't have that, that right now.  
5       And so, if governments are prepared to recognize the  
6 inherent right, and there's very strong indications that  
7 they are, and it's, in our view, I might be overstating  
8 it, a foregone conclusion that the inherent right is going  
9 to be recognized in the Constitution, that we are asking  
10 governments to be consistent, because if they say that,  
11 as I, the point I made earlier, if they say that we have  
12 the right, then that right means that you have the ability  
13 to make laws and enforce laws. At least in our own  
14 jurisdiction.

15                   And so, when we talk about a parallel  
16 justice system or separate justice system, we're at least,  
17 for starters, talking about having jurisdiction over our  
18 own territories, and governing ourselves within those  
19 territories, and that means and includes, law enforcement.

20                   So, we should be in a position to make  
21 laws that govern our people and the ability to enforce  
22 those laws. And if governments can't understand that,  
23 at least in a reasonable way, I don't know what it is that

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1 will make them understand that's all we're, we are asking  
2 for.

3 **COMMISSIONER BERTHA WILSON:** Well, as  
4 you know, initially there was quite a bit of hostility  
5 to the concept of the right to self-government being  
6 inherent, and as you've just mentioned, it looks as if  
7 that hurdle is being gradually overcome and I feel that  
8 it may be the same kind of process that we're going to  
9 have to go through on each of these major issues.

10 It's sad that that should be so, but I  
11 think that may be the way the process is going to have  
12 to work.

13 **PHILIP FONTAINE:** Yeah. And if we talk  
14 about change, at least in that kind of process, we, the  
15 changes, the historic steps that we are talking about,  
16 you know, historic moments, the decision to invite and  
17 include Aboriginal representatives as full and equal  
18 participants, might not have been possible, because I,  
19 I say "might not have been possible", because I seem to  
20 recall the words of the Prime Minister when the Meech Lake  
21 Accord was blocked here in Manitoba, June 1990.

22 And he said, "Look, we probably will not  
23 talk about self-government for another ten, fifteen,

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1 twenty years. We are faced with constitutional  
2 paralysis." And, of course, all of that changed and one  
3 could argue that was a direct result of Oka, and we would  
4 rather not see that kind of development take place.

5 But that's a distinct possibility, but  
6 we'd rather not think that is the only way that we can  
7 effect change in this country.

8 **COMMISSIONER PAUL CHARTRAND:** Thank  
9 you. I want to express my thanks to you, Phil and to  
10 Brother Merrick and Chief Nepinak for making your comments  
11 to us this morning.

12 I feel both honoured and privileged now  
13 to be in a position to accept these representations and  
14 to try to get something done about them. And this is a  
15 time, in the start of the work of the Commission, to be  
16 optimistic about the prospects of being able to do that.

17 And I think we can look at one of the  
18 continuing difficulties has to be the unresolved matter  
19 of federal/provincial jurisdiction in this area.

20 Now, either the problem could be  
21 resolved directly in a political context or it could be  
22 resolved through the court system.

23 Now, the Commission is in a unique

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1 position. It can assist in a unique way, because unlike  
2 the courts, it is not bound by the strictures that the  
3 courts are bound by, including the usual inclination to,  
4 to follow past governmental policies. So, we may be able  
5 to assist in making recommendations that one would not  
6 would not be successful in obtaining through the court  
7 system.

8                   And the second advantage I see is that,  
9 we're also not constrained by the, by the methods of taking  
10 evidence, of accepting submissions, and that assists us  
11 also in a very important task of performing a function  
12 of public education. And if we do that, I believe that  
13 it can be significant in assisting us in making it easier,  
14 in the long run, for governments indeed to, to accept  
15 recommendations that we might make, because of the  
16 increased public support for those sorts of  
17 recommendations.

18                   So, those are some of my reasons for  
19 optimism and again, I want to thank you for your submission.

20                   **PHILIP FONTAINE:** Thank you, Paul.

21                   **COMMISSIONER ALLAN BLAKENEY:** Chief  
22 Fontaine and representatives of the Assembly of Manitoba  
23 Chiefs.

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1                   Chief, you properly emphasized the fact  
2 that the Commission shouldn't stand back and say nothing  
3 during the course of our activities over the next two or  
4 three years. That we should probably be intervening on  
5 occasion with a commentary or some other way to influence  
6 the process. But that we should be careful not to  
7 intervene in the ongoing political processes represented  
8 by negotiations between Aboriginal governments and  
9 Aboriginal organizations, and the existing mainstream  
10 government.

11                   I now ask you a question which I  
12 acknowledge at the outset to be unfair. If you were one  
13 of us and if you were going to take action to issue one  
14 commentary in the next three to six months, what do you  
15 think the subject should be, from the point of view of  
16 the Assembly of Manitoba Chiefs, and obviously I'm trying  
17 to ask you to prioritize a bit? Where do you think the  
18 pressure point is if there's - there's obviously several  
19 pressure points - but, if you were asked to name one, where  
20 do you think a pressure point is that the Commission might  
21 be able to assist you with?

22                   **PHILIP FONTAINE:** If I was sitting in  
23 your...



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1                   **COMMISSIONER ALLAN BLAKENEY:** Right.

2                   **PHILIP FONTAINE:** The first priority  
3 would be the matter of Treaties.

4                   **COMMISSIONER ALLAN BLAKENEY:**  
5 Treaties?

6                   **PHILIP FONTAINE:** Our experience has  
7 been, and when I say "our", I mean every single person  
8 that's been somehow involved or affected by the signing  
9 of Treaties over a hundred and twenty years ago, has  
10 experienced violations of one sort or another from the  
11 day that Treaties were signed a hundred and twenty years  
12 ago.

13                   From restrictions on our rights to hunt,  
14 fish and trap. The fact that we no longer enjoy the right  
15 to an education, as it pertains to post-secondary  
16 education. The fact that governments say that, that our  
17 rights only apply on reserve and not off-reserve, and that,  
18 for example, our people that are resident off-reserve and  
19 living along the bay line - the "bay line" meaning the  
20 line that goes up - well, those people are now expected  
21 to pay for their own education. They are provincial  
22 responsibilities since they live off-reserve.

23                   So, I could relate to you a whole litany

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1 of examples of where violations of one kind or another  
2 exist, and those Treaties are fundamental. Fundamental.  
3 They represent the life blood of First Nation communities.

4 They talk about the, the fact that  
5 Treaties were signed between two sovereign nations. One  
6 representing the Federal Crown and the other representing  
7 First Nation Communities. And that these agreements are  
8 international. They're not domestic. They're not  
9 contracts, they're not domestic agreements. They have  
10 international stature.

11 And so, it is really important that we  
12 maintain Treaties in the way that they were first  
13 established. That they were between two first sovereign  
14 nations. And that in return for all the land that our  
15 people are willing to share, were willing to co-exist  
16 peacefully, in harmony, we expected certain guarantees.  
17 Guarantees that translated to rights. Very few of these  
18 rights were, have been, I say "were" and have been honoured  
19 and the example I gave, post-secondary education, when  
20 government decided two years ago that the right to an  
21 education did not include the right to post-secondary  
22 education, the officials, including the Minister of Indian  
23 Affairs, Tom Siddon, and the then - I don't know what her

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1 position was, not Junior Minister - but Kim Campbell, was  
2 one of the Ministers. Mr. Erasmus was National Chief.

3                   They argued to us, well, the Treaty, the  
4 text of the Treaties makes no reference to post-secondary  
5 institutions. It doesn't make any reference to  
6 universities or community colleges.

7                   Well, when Treaties were signed here in  
8 Manitoba in 1871, I don't think any universities existed  
9 in this part of the country. Certainly no community  
10 colleges.

11                   So, how could these people that  
12 negotiated and executed these agreements, make provision  
13 for attendance at the University of Manitoba or University  
14 of Winnipeg? I mean it's absurd. It's absurd. But  
15 that's the reasoning and the argument that justice made  
16 and was acceptable to the Indian Affairs.

17                   And so, we think it's unfair and unjust,  
18 immoral and you name it, and so that would be the first  
19 priority and then, to add another one, the Aboriginal  
20 Justice Inquiry, would be another one.

21                   **COMMISSIONER ALLAN BLAKENEY:** Very  
22 good. Thank you.

23                   **CO-CHAIR GEORGES ERASMUS:** Any of the

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1 other Commissioners.

2 **COMMISSIONER VIOLA ROBINSON:** I just  
3 want to say, Chief Fontaine, how impressed I am with your  
4 presentation. I thought it was very thorough and precise  
5 and you've made some very clear statements here, and I  
6 feel is giving us a good sense of direction.

7 I think that one of the things that we  
8 are looking for is exactly what you've given us. Your  
9 concerns and how you wish to address them.

10 And I just hope that as we move along  
11 throughout the country, that others will follow in your,  
12 the way that you have expressed yourself here this morning.

13 And certainly, I have all the sympathy  
14 in the world, because I, you know, I join with you in all  
15 the things that you've said and I'm hoping that, you know,  
16 that this Commission will be able to do something that  
17 will assist First Nations, like yourselves, throughout  
18 this country, to start addressing some of these things.

19 But I have to say that I can't  
20 understand, you know, why things can be so different for  
21 so many Aboriginal People in this country from one end  
22 to the other under one form of government. The federal  
23 government, how they can treat us all so different.

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1                   However, that's what we're here for to  
2 hear presentations like yourself and hopefully that will  
3 guide us along to resolutions.

4                   So, I thank you.

5                   **PHILIP FONTAINE:** I wanted to make one  
6 additional comment, because it would appear to be  
7 contradictory from the comment I made earlier.

8                   In my own personal view, the most  
9 important thing that we could ever hope or do now, given  
10 all of the attention that's been placed on domestic  
11 violence and its affects on our people and in our  
12 communities, I made the point earlier that putting in place  
13 a healing process is probably as fundamental as anything  
14 that we could ever hope to do at the moment.

15                   And so that, I would tie that in with  
16 my comment on Treaties in the honouring of the spirit and  
17 intent is probably that one issue, the healing process,  
18 is absolutely critical.

19                   **CO-CHAIR GEORGES ERASMUS:** Thank you,  
20 Phil. Mary.

21                   **COMMISSIONER MARY SILLET:** Thank you,  
22 Mr. Chairperson.

23                   I, too, share with my fellow

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1 Commissioners gratitude for your presentation this morning  
2 and as an Inuvik, I guess, I'm, I've spent, focused most  
3 of my career on, at looking at northern issues and it  
4 definitely is another experience to come to the West and  
5 to hear other issues.

6                   One of the things that you talked about,  
7 which I'm sure it touches people very closely to the heart  
8 is the experience the Aboriginal people through  
9 residential schools. And you did say that you've been  
10 working on this issue for a long time with limited or no  
11 success. And you're saying that, you know, work still  
12 has to be done to convince the federal government and the  
13 churches that they have a responsibility for addressing  
14 this issue, and I'm wondering, I guess I wasn't really  
15 quite sure after your presentation as to what direction  
16 you wanted the Commission, if any, to take on this  
17 particular issue.

18                   **PHILIP FONTAINE:** Well, one of the  
19 things I should say first off is that, I made reference  
20 to the Japanese, Italians and the Ukrainians. We have  
21 absolutely nothing negative to say about those apologies.

22 I think those are very positive steps that were taken  
23 by the federal government and they took those steps after

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1 considerable pressure from those groups.

2                   Our concern is that this particular  
3 issue not be delayed till the Commission has concluded  
4 its work. I think it's an issue that, and you're in a  
5 position to do something about that. An issue that  
6 deserves immediate attention. Because the, the victims  
7 are all around us and they've had to carry this experience  
8 with them for as long as they've been, you know, in  
9 residential school.

10                   In my case, I entered school when I was  
11 six. At 47, it took me some forty years before I could  
12 talk about my experience in residential school, and that  
13 was just the first step. That was just the first step.

14                   And I have a number of steps to take before I can consider  
15 myself a whole person. One that can walk and associate  
16 and relate to people as a, I don't know how to describe  
17 it, without shame, without any sense of embarrassment,  
18 because of what I experienced in residential school.

19                   And when this became public knowledge,  
20 we were inundated with people writing, telephoning,  
21 calling and we were just overwhelmed with the response.

22                   And it was from people that were crying out for help.  
23 Because they, themselves, had experienced abuse in

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1 residential schools.

2                   And we're talking about generations  
3 here. I mean, Mr. Merrick is 90 years old. He went to  
4 residential school. I'm 47. There's some younger than  
5 me, so we're talking in some cases, four generations people  
6 that went to residential school.

7                   And the results of that residential  
8 school experience, is all around us in our communities,  
9 in urban centres, wherever you have First Nation people,  
10 Aboriginal people. That experience spills over and it  
11 translates into domestic violence, violence against women,  
12 against children, sexual abuse. Those people that went  
13 to residential schools, many, many of them are now in penal  
14 institutions, provincial jails. You can go to Stony  
15 Mountain Penitentiary. Five hundred inmates in that  
16 institution, sixty-four percent of those are Aboriginal.  
17 Forty-four percent are Status and the balance Metis,  
18 non-Status.

19                   And you could talk to any of those  
20 people, or a good number of them, and they will tell you  
21 that they've been to residential schools. And a lot of  
22 what they learned in residential schools, a lot of what  
23 they experienced in residential schools, they, in turn,



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1 inflicted that on other people.

2                   So, what we have to do is, bring together  
3 the responsible parties. The federal government that was  
4 ultimately responsible. It was their policy, and the  
5 agents, the people that ran these schools for them, that  
6 administered these schools, the Catholic Church, United  
7 Church, Presbyterian Church, and the Anglican Church.

8                   In Manitoba alone, we have thirteen  
9 residential schools. And so we have to put in place the  
10 process that does these three things that I mentioned  
11 before.

12                   A process that will allow for  
13 disclosure, healing and something for the public record.  
14 And when I make reference to "healing", I'm talking about  
15 both traditional and non-traditional. "Traditional"  
16 meaning our way and "non-traditional" meaning maybe  
17 therapists and whatever, whoever's out in the field now  
18 that is positioned to support people that have experiences  
19 such as those that I described.

20                   And we couldn't do that quickly enough.  
21 So, it's not necessary for the Ministers to say to our  
22 people, "I apologize to you on behalf of the federal  
23 government." I mean, the apology can come later. What

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1 would be very encouraging is if you were to tell us, yes,  
2 I'm prepared to acknowledge that there is a serious problem  
3 there, and that it's hurting far too many people.

4                   And I'm prepared to assist you, to  
5 support you, to enable your people to begin to heal  
6 themselves. And I'm prepared to make available the  
7 necessary resources to allow this process to begin.

8                   **CO-CHAIR GEORGES ERASMUS:** Thank you,  
9 Phil.

10                   Certainly what you've been saying to us  
11 this morning has been extremely important. You can rest  
12 assured that at the very least, that whatever else we will  
13 do, that, we are providing an opportunity for disclosure.  
14 At the very least, a big part of what we would like to  
15 do when we travel the country and provide opportunity for  
16 people to make presentations to us, is to tell us their  
17 experience.

18                   We want to hear it, but we want Canadians  
19 to hear it also. We will also be asking people to, to  
20 think about what they would like to occur in the future,  
21 so that, as much as we're going to provide an opportunity  
22 for disclosure, we also want to move on to the work and  
23 the mandate that we have, which is to find these solutions

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1 and to make recommendations for the healing and so forth.

2 We certainly will take everything you've  
3 told us this morning and think carefully about what we  
4 should do about the suggestions, including what to do about  
5 residential schools.

6 Perhaps, it might be wise for us here,  
7 I think, to ask Elder Merrick to, if he has the time, to  
8 join us at the table. We have other Elders here, Wisdom  
9 Keepers from different parts of the country and if, if  
10 we could be honoured by his presence over the next couple  
11 of days, it would be with our great pleasure that he could,  
12 he could sit with us and join and hear everyone else that  
13 will be making presentations to us. And if he's, if he's  
14 only got part of the time, then we'll be happy with what  
15 time we can have.

16 **ANGUS MERRICK:** (Native language) I'm  
17 not prepared to say anything until I have sat in with the  
18 other members of the cast here. So, I'll just wait till  
19 then and be able to talk with them and tell them my views  
20 of what I think would straighten out some of the matters  
21 that we are concerned with.

22 And I'm sure that all the reserves, so  
23 I'll just wait till I have the chance to, to talk with

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1 my people there. Miigwech, Miigwech.

2 **CO-CHAIR GEORGES ERASMUS:** Do you have  
3 any final remarks.

4 **PHILIP FONTAINE:** No. Thank you for  
5 giving us the honour to be with you this morning, and for  
6 being as patient as you were to listen to our presentations.

7 As I said yesterday, we are most  
8 encouraged and you can count on our support, so, we wish  
9 you well.

10 Thank you very much.

11 **CO-CHAIR GEORGES ERASMUS:** Thank you,  
12 Chief Fontaine.

13 **CO-CHAIR RENE DUSSAULT:** Now, we're  
14 going to recess for fifteen minutes and we will resume  
15 sharp at twenty to eleven. Thank you.

16

17

18 (THE HEARING TOOK A RECESS AT 10:25 A.M.

19 AND RESUMED AT 10:45 A.M.)

20

21 **CO-CHAIR GEORGES ERASMUS:** We have as  
22 our next witness, Max Yalden, the Commissioner for the  
23 Canadian Human Rights of Canada. Thank you for coming

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1 forth. Could we please keep the level of noise down.  
2 It's quite loud.

3 **MAXWELL YALDEN, COMMISSIONER, CANADIAN**  
4 **HUMAN RIGHTS COMMISSION:** Thank you, Mr. Chairman, Mr.  
5 President and Honourable Commissioners.

6 I think it's traditional on times like  
7 this to say how much one appreciates the honour and  
8 privilege of being present with a Commission such as yours,  
9 but I want you to know that I say that, in more than a  
10 tradionalist way. I am greatly pleased and honoured to  
11 be here to represent the Canadian Human Rights Commission  
12 today.

13 You will have had from us a prepared  
14 presentation, which we tried to get to you in time for  
15 you to look at it before my appearance today in order  
16 to save time and best use the brief moment we have together.

17 And I shall, as a result, confine my comments to a very  
18 brief reference to the topics that are dealt with in that  
19 submission, and try to leave as much time as we can to  
20 your questions and comments and an exchange of views.

21 We were, I think, as you know, a very  
22 early advocate of the principal of forming a Royal  
23 Commission on Aboriginal questions and we attach very great

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1 importance to your work. But particularly to the  
2 opportunity to lay out a public and well-founded plan of  
3 action to ensure a more equitable future for the Aboriginal  
4 Peoples of Canada. We've said repeatedly, and I say it  
5 again to you this morning, that we regard this as the most  
6 important human rights task facing our country. More than  
7 that, we think it is indispensable to the political and  
8 social well-being of Canadians.

9                   Our brief to you consists of six broad  
10 matters: Aboriginal self-government; social and economic  
11 development; a new relationship between Aboriginal and  
12 non-Aboriginal Canadians; Aboriginal justice; human  
13 rights and their protection; and a list of some of the  
14 specific grievances that have been brought to our attention  
15 over the years.

16                   Looking at the first of these, we are,  
17 of course, very gratified by the support that has recently  
18 emerged for the entrenchment of an inherent right to  
19 Aboriginal self-government in the Constitution, an idea  
20 which, again, as you know, our Commission and I personally  
21 have pushed for for quite some time.

22                   We think that what chiefly remains to  
23 be discussed are two corollary questions: the first, what

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1 are the implications of that right vis-a-vis the rights  
2 and forms of government of non-Aboriginal Canadians; and  
3 the second, by what means will effective Aboriginal  
4 self-government be brought about?

5                   Une réponse à ces questions n'est pas  
6 une condition nécessaire. Tant que nous n'aurons pas  
7 trouvé une réponse claire à ces questions la mise en  
8 application de ce droit peut soulever certaines  
9 difficultés. C'est pourquoi notre mémoire souligne qu'il  
10 est primordial de tenter dès maintenant de trouver des  
11 réponses aux nombreuses questions qui se posent. Ceci  
12 est d'autant plus pressant dans le cas des Métis et des  
13 Indiens non inscrits, car, tel que l'avait mentionné  
14 d'ailleurs le chef Lafontaine plus tôt ce matin, leur  
15 situation et les liens qu'ils entretiennent avec le  
16 gouvernement nous semblent des plus ambigus aujourd'hui  
17 et pour l'avenir.

18                   Si nous voulons vraiment améliorer le  
19 sort des peuples autochtones, il faut dresser un exposé  
20 des mesures d'ensemble qui relie l'autonomie  
21 gouvernementale sous toutes ses formes et la présence ou  
22 l'absence d'une assise territoriale et les moyens  
23 administratifs permettant d'assurer les services sociaux

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1 nécessaires.

2                   Many of our concerns as a Human Rights  
3 body can be subsumed under the general heading of how to  
4 effect a well-planned movement to meaningful  
5 self-government. The shifts of ownership, power and  
6 responsibility, which were also mentioned, I think, this  
7 morning by Chief Fontaine, that are encompassed within  
8 the broad notion of self-government. Within the broad  
9 notion of taking charge of one's destiny, as he put it,  
10 will be crucial to Aboriginal and non-Aboriginal Canadians  
11 alike. We may know in a general sense where we are going,  
12 but what is needed now is a clearer idea of the kind of  
13 vehicles that are going to take us there.

14                   And if I may say so again, it is for that  
15 reason that our Commission and I personally have placed  
16 so much hope in the work of your Commission, to take us  
17 from these broad generalities to concrete realities.

18                   To take one example of the kind of thing  
19 I have in mind, our submission comes out in favour, as  
20 you know, of the greater reliance on Aboriginal approaches  
21 to justice and the justice system. We think it important,  
22 both to free the Aboriginal Peoples from the dehumanizing  
23 effects of the current system and as a central plank in



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1 the restoration of community pride and self-confidence.  
2 We have, however, to look more closely at the trade-offs  
3 between the Aboriginal and non-Aboriginal systems of  
4 justice and human rights under a revised regime. We  
5 believe that it is desirable to achieve the fullest  
6 possible congruence and coordination, but we would like  
7 again to emphasize the need to map out how we get there  
8 very carefully, so we know what, in fact, we are talking  
9 about.

10 A second example is a matter of  
11 collective rights versus individual rights. We are all  
12 familiar with this dilemma and with its application, real,  
13 as well as hypothetical, to the future relationship between  
14 Aboriginal and non-Aboriginal People in this country.,

15 The question has been succinctly put,  
16 if perhaps over simply, in questioning whether the Canadian  
17 Charter of Rights and Freedoms ought to apply to  
18 self-governing Aboriginal communities.

19 These are very complex questions and  
20 certainly not questions that I am in a position to answer  
21 here today, and I doubt that the Commission is in a position  
22 to answer before further thought and research. But, I  
23 can say at once, that our Commission's perspective is

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1 essentially a universalist one. We accept, of course,  
2 that in the post-war world, many of the international  
3 conventions were drafted in the image of Western  
4 liberalism. But, we also start with the fundamental  
5 position that the rights of human beings, as human beings,  
6 need to be guaranteed and need to be given equality around  
7 the world, and we believe this is recognized and will be  
8 recognized in the declarations relating to indigenous  
9 people by those people themselves.

10 We agree, in other words, with the view  
11 expressed recently by the former Chief Justice Dickson,  
12 that, any, and I'm quoting, "Any new constitutional  
13 arrangement should take due cognizance of the important  
14 values enshrined in the Charter", and of course, from our  
15 point of view, particularly equality rights, which relate  
16 to the direct concerns of our Commission.

17 At the same time, you will all be  
18 familiar with the fact that the other great principle of  
19 human rights law in this country is that of accommodation  
20 and a spirit of reasonableness and flexibility that we  
21 think is embodied already in Sections 25 and 35 of the  
22 Constitution.

23 In any event, and I count this to be a

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1 very, very fundamental importance. We do not believe that  
2 there need to be any significant conflict between  
3 Aboriginal rights and the actual list of rights now set  
4 out in the Charter. If we think of those rights as they  
5 are contained in the Charter, one after another, we do  
6 not believe that there need be a significant conflict  
7 between those rights, between the rights as seen by the  
8 Aboriginal Peoples and by their leaders.

9                   We therefore think it would be possible  
10 for Aboriginal People, Aboriginal leaders, as free  
11 individuals, as free leaders of equal communities,  
12 sovereign and equal, to accept the broad human rights  
13 principles that are contained in the Charter.

14                   Indeed, we think it would be in the  
15 interest of self-governing Aboriginal communities to align  
16 themselves with proposals seeking non-discrimination and  
17 equality, which feature prominently in the Charter and  
18 which we believe are not peculiar to any one cultural  
19 community.

20                   I will not take you this morning, even  
21 broadly, through the list of Aboriginal grievances that  
22 the Canadian Human Rights Commission has considered over  
23 the years.

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1                   I am and my colleagues are, at anytime,  
2 at your disposal to answer any questions you may have in  
3 that respect. Our basic point is that it is not sufficient  
4 simply to say that we have put these things behind us,  
5 although we very much hope that we, indeed, have put them  
6 behind us.

7                   But we also have to consider, and I  
8 believe Chief Fontaine said this as well, is how we can  
9 relieve and redress the deeply unhappy consequences of  
10 this kind of discriminatory treatment.

11                  In spite of the fact that the Canadian  
12 Human Rights Act excludes our Commission from  
13 investigating matters arising from provisions of the  
14 Indian Act, we have in practice been faced with a number  
15 of complaints involving Aboriginal People and existing  
16 administrative systems.

17                  Since one of the implications of  
18 self-government will surely be the possibility of real  
19 or perhaps apparent conflicts between different concepts  
20 of rights, we urge you to give special attention to dividing  
21 ways and means of preventing any gaps in the defence against  
22 discrimination that we hope will be common to all  
23 Canadians.

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1                   It is our overall conclusion that,  
2 notwithstanding the other uncertainties of our day, there  
3 will never be a better time for Canada to establish a new  
4 accord between Aboriginal and non-Aboriginal Canadians,  
5 and to ensure that its results will truly benefit all of  
6 us. It seems to us that most Canadians now recognize a  
7 duty to honour our debt to our Aboriginal Peoples and to  
8 make sure that they are never again passed over or excluded  
9 from the idea of common nationhood on which many of our  
10 human rights depend. We must now, as I suggested earlier,  
11 and I hope through the work of your Commission, put flesh  
12 on the bare bones of that moral imperative.

13                   If, in moving towards that objective,  
14 our Commission can be helpful to you, we would be very  
15 pleased to be able to contribute. If, in the area of human  
16 rights in particular, Mr. Chairman, you and your colleagues  
17 have questions that we could shed some light upon, I don't  
18 mean today, I mean in terms of research contributions or  
19 in any other way that we can be useful, I know I speak  
20 for my colleagues in saying that we would be delighted  
21 to lend any further support that lies within the area of  
22 our expertise.

23                   Thank you, Mr. Chairman. I'd be very

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1 happy to try to respond to any comments or questions or  
2 observations that members of the Commission may have.

3 **CO-CHAIR GEORGES ERASMUS:** Thank you  
4 very much for your excellent presentation and we'd like  
5 to thank you for having sent us copies in advance of your  
6 more thorough presentation.

7 I'd like to open it for Commissioners  
8 to ask questions. Bertha.

9 **COMMISSIONER BERTHA WILSON:** Mr.  
10 Yalden, one of the things that has concerned me greatly  
11 over the last few months has been the emphasis on the  
12 publicity that has appeared with respect to what has been  
13 portrayed as a division developing between Native women  
14 and Native men, in relation to the applicability of the  
15 Charter.

16 And it seems to me from what I've read  
17 that at the root of this is the concept that collective  
18 rights, which are very much stressed by Aboriginal People,  
19 are in conflict with individual rights which are the  
20 dominant element in the Charter of Rights.

21 And it occurred to me that when we apply  
22 the Charter that, we deal with that under Section 1 and  
23 we engage in a kind of a balancing process between the

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1 individual human right and the collective right, which  
2 in the case of Section 1, is the right of the general public,  
3 the public-at-large, which is reflected in the legislation  
4 passed by government, and I'm wondering why the same  
5 process wouldn't be available in connection with this  
6 apparent conflict between individual rights and the rights  
7 of the Aboriginal collective.

8                   Why could the same test not be applied  
9 and the question be asked, "Is this a case where the  
10 individual right should give way to the right of the  
11 collective or is this individual right so tremendously  
12 important that it should override the rule of the  
13 collective?"

14                   It seems to me it's the same kind of  
15 process and I don't see why the same kind of mechanics  
16 wouldn't apply as have been applied under the Charter.  
17 Would you care to comment on that?

18                   **MAXWELL YALDEN:** Well, I would agree,  
19 Madam Justice Wilson, with that comment.

20                   I don't personally see this great  
21 conflict, which is said to exist between collective rights  
22 and individual rights in the first place, as a generality.  
23 I'll come back to your comment about Section 1 in a moment.

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1                   I don't, because it seems to me the  
2 notion of collective rights is used in at least two ways  
3 and there's some confusion about these ways, of using the  
4 term.

5                   There is the right of the minority, as  
6 a collectivity, to certain advantages, certain  
7 consideration by the majority. We accept that in this  
8 country, in terms of confessional rights, for example,  
9 and in a very modern context, that of the Charter, in terms  
10 of language rights. We accept that minority parents, for  
11 example, as a collectivity, because you can't educate your  
12 children in isolation, have the right to educate their  
13 children in their own language.

14                   I hope that we will have some very firm  
15 guarantees of the situation of Aboriginal Peoples, firmer  
16 than we have in the present scheme of things, as a  
17 collectivity, that as the first inhabitants of this land,  
18 as sovereign entities that came in contact with the  
19 sovereign entities from Europe.

20                   As you people, you and your former  
21 colleagues pointed out so eloquently in your decision in  
22 the Seeweed case, or indeed is there so recognized by the  
23 Government of the United States of American in contemporary



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1 documents is sovereign independent governments, that all  
2 of this will recognize collective rights. And it will  
3 be clearly present.

4                   At the same time, there is another sense  
5 in which, and this, I think, is the one you've referred  
6 to, where, from time to time, the majority, the  
7 collectivity in another broader sense says that its  
8 imperatives are going to override some other  
9 consideration, for example, Freedom of Speech, that we  
10 consider to be basically important, but not totally  
11 unlimited as a right.

12                   The cases that you're more familiar with  
13 and I am, since you were involved with them, of hate  
14 literature, for example, where it is agreed that this is  
15 a restriction on the individual Freedom of Speech. But  
16 where it is said, following Section 1, "In the greater  
17 interest of society" they're going to make those kinds  
18 of limits.

19                   It does seem to me that this could be  
20 used to meet the question that you're raising about the  
21 equality of males and females. In terms of collective  
22 rights, we've had one issue mainly in this country where  
23 a right of a majority has been used to impose certain

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1 restrictions that affected a minority, that were, of  
2 course, highly controversial. I refer to the language  
3 situation in Quebec and to Bill 178 and Bill 101.

4                   But this is the kind of thing which is  
5 permitted under the present Constitution. There is very  
6 wide latitude, in other words, under the present  
7 Constitution and under the present Charter, and I  
8 therefore, would agree again with what you say.

9                   I may observe that on the substance of  
10 the matter, the recommendations made public just yesterday  
11 by the parallel process, the Aboriginal circle, while  
12 saying that the Canadian Charter of Rights, and I'm  
13 quoting, "Shall not override First Nations' law, that  
14 gender equality be formally established in formal  
15 Aboriginal Charters of Rights and Freedoms"; so, on the  
16 substance, there seems to be some agreement that equality  
17 should be guaranteed.

18                   This question whether something known  
19 as The Charter of Rights, which already exists and in which  
20 Aboriginal People did not play a part in the drafting,  
21 should prevail over something called Aboriginal or First  
22 Nations' law, is something that I believe can be worked  
23 out, once we are talking with Aboriginal leaders as equals,

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1 because, I, and I repeat myself, I do not believe that  
2 they would be opposed to the list of rights set out in  
3 the Charter.

4 **COMMISSIONER BERTHA WILSON:** May I ask  
5 what you think the chances are of achieving an Aboriginal  
6 Charter, which would probably be the ideal solution if  
7 the Aboriginal People could develop their own Charter of  
8 Rights? Could I ask what the likelihood, is in your view,  
9 of an Aboriginal Charter being prepared and being accepted  
10 across the country by all Aboriginal groups?

11 It seems to me that it would be  
12 unfortunate to have twenty or thirty different Aboriginal  
13 Charters applying to different groups and it occurs to  
14 me that it's probably going to take some time to work out  
15 an Aboriginal Charter that will be accepted by all, and  
16 I understand it's been suggested by some of the women's  
17 groups that as a transitional measure, until that happens,  
18 the Canadian Charter might apply, even although, some of  
19 its values may not be the values of Aboriginal People.

20 In your view, what is the likelihood  
21 within the reasonably near future of one Aboriginal Charter  
22 applicable to all Aboriginal People being achieved?

23 **MAXWELL YALDEN:** Well, in the first

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1 place I would say that the prospect of several charters  
2 would, I think, be very, very unfortunate.

3 I agree with your former colleague,  
4 former Chief Justice Dickson, that this could create a  
5 kind of chaos and this would be a very difficult future  
6 to accept.

7 Therefore I would think that, were there  
8 to be one, that might be ideal, but I think I share your  
9 view that getting one would be very difficult. We know  
10 the history of trying to get a charter period, in this  
11 country. And we know how long that took. And we know  
12 with what difficulty it was achieved. And indeed, we know  
13 that it eventually was only achieved by putting in a  
14 notwithstanding clause, which some people, including me,  
15 are not very happy about. I suppose with the benefit of  
16 hindsight, not very many people are happy about it.

17 But, I wouldn't, as a result, be very  
18 optimistic about the chances of quickly, at least, arriving  
19 at a new charter, and I would hope that, at least as an  
20 interim measure, as you say, the present Charter would  
21 prevail, and in any event, personally I would like to see,  
22 if there are objections to some of the clauses in the  
23 existing charter, what those objections are and to which

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1 of the various sub-clauses in the Charter they would be  
2 levelled at, or alternatively, if there are aspects that  
3 missing from the Charter, that would bring to bear  
4 Aboriginal experience and Aboriginal wisdom, what they  
5 are and how we might add them in, in some form of creative  
6 process without necessarily going off to build a new one  
7 that might result in debate and discussion that could go  
8 on for a very, very long time without results.

9 **CO-CHAIR GEORGES ERASMUS:** Any other  
10 Commissioners. Mr. Blakeney.

11 **COMMISSIONER ALLAN BLAKENEY:** Mr. Chair  
12 and Mr. Yalden, I wonder if Mr. Yalden would agree, and  
13 I suspect he will not, that the word "discrimination" that  
14 we use and that you used in your presentation, is a loaded  
15 word. It means a distinction that we don't approve of  
16 and the "we" is the mainstream, European, private property  
17 culture which we have.

18 And that if we are to have any rational  
19 discussion of this, the first thing we must do is to change  
20 our thinking about the word "discrimination" and  
21 "non-discrimination". Which words we have sanctified,  
22 so that they will not be subject to any analysis.

23 And if we would just, we can use the word,

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1 but we would have to understand that it was our word, not  
2 anybody else's word. There's no reason why an Aboriginal  
3 group should expect, accept our definition of  
4 "discrimination."

5                   Let me put it this way. There is no  
6 reason why I would think that an Aboriginal Nation on a  
7 reserve should not say, nobody from outside that reserve  
8 shall come in and fish our lakes; clearly a violation of  
9 Section 6, I would say.

10                   Nobody who is not a member of the First  
11 Nation should hunt on our lands. I would think that  
12 appropriate. Undoubtedly discrimination. And I could  
13 go on and on. That we should have a justice system which  
14 does not include trial by jury. A clear violation of this  
15 British idea which we think is universal, in the same way  
16 that thirty years ago we thought our religious ideas were  
17 universal and we know the results of that in residential  
18 schools.

19                   Is it not true that we should think of  
20 distinctions, not as we view distinctions, Western  
21 society, but as Aboriginal People exercising their culture  
22 would think of distinctions, and decide whether they're  
23 appropriate.

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1                   And not bundle them in on the Charter,  
2           which, I suggest to you, leaves the ultimate decision  
3           making to be made by the Supreme Court, which is supremely  
4           a white Western organization, and in no sense related to  
5           Aboriginal culture.

6                   Would you then agree that we, meaning  
7           mainstream culture, are wrong in attempting to apply to  
8           Aboriginal organizations, without their consent, that  
9           bundle of ideas, which we are pleased to call  
10          discrimination and non-discrimination, and when in doubt,  
11          are pleased to leave to the Supreme Court of Canada to  
12          decide which?

13                   **MAXWELL YALDEN:** Mr. Chairman, that's  
14          a whole pile of questions at once, I may say, but I'll  
15          try to kind of disaggregate them and answer at least fifty  
16          percent of them.

17                   On the matter of what discrimination  
18          means, I think the Supreme Court to which you refer has  
19          been wrestling with that for many, many years.

20                   As we use the word in the Canadian Human  
21          Rights Commission, it refers to distinctions which is  
22          another word you used, which are to the disadvantage of  
23          one or another group, usually a minority group. We try

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1 to approach that, I think, in as universalist a manner  
2 as we can. We certainly try not to be "culture bound"  
3 in how we approach it.

4                   We use the word in another rather funny  
5 way and it doesn't require any intention. Those who are  
6 involved with these matters or who are in the justice  
7 system, will know that you do not have to intend to  
8 discriminate in order to do so. Indeed, there's much  
9 discrimination which is unintentional.

10                   So, we try to keep it as universalist  
11 as we can, and we try to keep that element of intention  
12 out of it. Certainly it's not our desire to, in the  
13 Canadian Human Rights Commission, to impose upon  
14 Aboriginal communities against their will, I think those  
15 were the words you were using...

16                   **COMMISSIONER ALLAN BLAKENEY:** Right.

17                   **MAXWELL YALDEN:** Certain values that we  
18 would cherish.

19                   And certainly we come up against cases  
20 where, on the face of it, there is some form of  
21 discrimination against perhaps a non-Aboriginal. We, in  
22 our Commission, I mean, and we dismiss those complaints  
23 from time to time. Not always, but quite frequently on



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1 the grounds that they were perfectly proper for an  
2 Aboriginal community to undertake.

3                   That, I may say, is also permitted under  
4 the Charter, both in the, in Section 15 and of course,  
5 in Section 1 that Justice Wilson referred to. There's  
6 no reason why the Charter couldn't handle those concepts,  
7 in other words.

8                   As to the matter of discrimination and  
9 whether it's important or not to the Aboriginal communities  
10 and members of the Aboriginal communities and their  
11 leaders, I should have thought that it would be most  
12 important to them, more important to them than anyone else  
13 in the country. They, after all, are among the groups,  
14 perhaps the group, that is being most subject to  
15 discrimination for decades and centuries.

16                   And indeed, I notice, again quoting from  
17 the report which they themselves just made public yesterday  
18 and which I'll quote from, the very last recommendation  
19 of all says, "That stricter human rights legislation be  
20 passed to end discrimination and racism against First  
21 Nations People in the short term and that education  
22 programs be established to eliminate racism in the long  
23 term." I say Amen to that.

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1                   **COMMISSIONER PAUL CHARTRAND:** I want to  
2 thank you, Mr. Yalden, for your presentation to us this  
3 morning, your concern in your office with human rights.

4                   And we are all aware that the value and  
5 importance of human rights in Canada, because it so happens  
6 that we are fortunate in this country that rights are a  
7 not insignificant part in deciding upon the implementation  
8 of governmental policies and our mandate, of course, is  
9 to make recommendations with respect to policies. So it  
10 happens that a large part of our work will be to try to  
11 assist in elaborating further the dialogue of Aboriginal  
12 rights.

13                   But it seems that an important first step  
14 is one that is attributed to the notions of Aboriginal  
15 rights, I'm sorry, to human rights, which focuses upon  
16 an essential humanity of people and it seems to me that'll  
17 be an important first step in Canada, to promote the general  
18 recognition of Aboriginal Peoples as human beings equally  
19 deserving of dignity and respect as individuals and as  
20 peoples.

21                   And I thank you again for your  
22 presentation and hopefully we can take advantage of your  
23 kind offer to cooperate with work of the Commission

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1 throughout our activities. Miigwech.

2 **CO-CHAIR GEORGES ERASMUS:** I think  
3 Elder Skead would like to either ask you a question or  
4 make a comment.

5 **ALEX SKEAD:** I just wanted to say a few  
6 words.

7 I was asked to come down here to, to  
8 participate in your meeting. I've been working with  
9 Native people for quite a few years now. Sometimes I think  
10 a lot of times in these conferences we get carried away  
11 from The Book, sometimes. There's only one track mind,  
12 we can't, it's just like a tunnelvision, we don't see what's  
13 on each side of the road.

14 I've been, I'm a spiritual leader and  
15 a lot of times people don't understand what that is. What  
16 is a spirit? A spirit is something that God is up there.  
17 He gave us something here in our heads to use. I've had  
18 hard times working with people. Some people that are in  
19 trouble, alcoholics, sniffers, all kinds of people that  
20 have problems. I respect these people.

21 I learned a lot of things from those  
22 people. Sometimes we don't even want to look at these  
23 guys, because they are in trouble, and we don't want to

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1 listen to them when they say something.

2                   Today I have some counsellors that are  
3 better than I am, because they have experienced the things  
4 that they went through. I tried to get a job here one  
5 time in employment office as a counsellor, because I didn't  
6 have no education. I went to fifth grade, so I went fasting  
7 instead of going to school. I learned a lot of things  
8 from the spirit. I even saw these things what you have  
9 read today.

10                   I went to places in my spirit. I  
11 recognize them in two years later. You know, sometimes  
12 people don't want to listen about the spiritual way of  
13 life. That's what our Native people use because we learn  
14 from those kind of things.

15                   Why did they make that Treaty, those  
16 Indian people? They used the sun. They didn't have no,  
17 they didn't have no paper. They couldn't even sign their  
18 name, but they used the sun for their signature. They  
19 used water, river, and it's still flowing and they used  
20 green grass. It comes up every year. That's a good sign  
21 that never go away and then they shake.

22                   And another thing is, when you shake  
23 hands, that's another language. A language that says you

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1 my friend. That's what we did when we, when they, when  
2 they met these white people, when they made this agreement.

3                   Why did they break that? See, that's  
4 why I say, we get carried away sometimes from The Book.

5 I was in a Catholic school. I was brainwashed. I didn't  
6 know who I was. I start to drink and I had a lot of problems  
7 until I realized I had to go out there and learn from the  
8 spirit. They put me on the right road.

9                   Now I have five kids. My two boys, they  
10 don't even smoke a cigarette. They're out there  
11 entertaining people in Pow Wows, and they follow - I have  
12 a daughter here that has peace pipe. We believe in peace.

13 That's what we want to find out. That's what we are  
14 working for. So, so we can take care of our own people  
15 and teach our kids, our children.

16                   Right now we have a lot of things build  
17 up over there at Portage Reserve. We got some houses build  
18 up to teach our children about life, about culture, about  
19 the land. We are so close to the land. This is my body  
20 when you see this mother earth, because I live by it.

21 Without that water, we dry up, we die. Without food from  
22 the animals, we die, because we got to live on that.

23                   That's why I call that spirit, and that's

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1 why we communicate with spirits. We thank them every day  
2 that we are alive today from them, from the water, sacred  
3 water, and we go to our sweat lodge. We pray to the spirits  
4 in four directions. We sit right in the middle of all  
5 the spirit that's helping us, give us our strength to live.

6                   Look it today when a guy is 50 years old.  
7 He's already down. Years ago the people are over a  
8 hundred years old. That was life. They pray for it.  
9 That's what I'm doing right now, trying to help my people  
10 to work together, to love one another.

11                   It doesn't make any difference if the  
12 white, or black or yellow, whatever colour we have, it's  
13 inside our body. The creator gave us that, that thing  
14 inside our body to care for one another, to work together.

15 What is this we call discrimination? It shouldn't be  
16 anything like that. We're all equal. We should work  
17 together and get along one another, help each other. When  
18 somebody's down, pull him up.

19                   That's what happened when I was working  
20 the street patrol. I found a lot of my brothers laying  
21 in the gutter. I pull them up, stand him up, take him  
22 to detox. Maybe he'll fall again. Get him up again.

23 That's the way we do it and then that's the way they should

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1 live, help one another, work together, so we have a good  
2 country.

3 An example is the best teaching. That's  
4 what we should have in Canada, a good example. Miigwech.

5 **CO-CHAIR GEORGES ERASMUS:** Thank you,  
6 Elder Skead. I guess those are the comments that the  
7 Commissioners wanted to make. I'll ask Co-Chair Dussault  
8 to make the closing comments to you.

9 **CO-PRÉSIDENT RENÉ DUSSAULT:** Merci,  
10 Monsieur le Commissaire ou Président.

11 Au nom de tous les membres de la  
12 Commission je voudrais vous remercier de nous avoir remis  
13 votre exposé à l'avance, ce qui nous a permis d'avoir une  
14 discussion, en dépit du temps relativement court dont nous  
15 disposons, sur la perspective large et universelle des  
16 droits humains, des droits de la personne, qui est la  
17 perspective internationale des Nations-Unies mais, en même  
18 temps, le principe de l'accomodation.

19 Tout au long de nos travaux, sur la  
20 question de l'autonomie gouvernementale en particulier  
21 mais également sur la question de la justice, nous serons  
22 au fond à la croisée des chemins entre les droits  
23 individuels et les droits collectifs. Nous comptons

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1 certainement sur l'expérience d'un organisme comme le  
2 vôtre pour essayer de tirer le meilleur équilibre entre,  
3 au fond, ces deux données qui -- on l'a démontré dans le  
4 contexte canadien -- peuvent très bien s'arrimer l'une  
5 à l'autre à la satisfaction des collectivités en même temps  
6 que des personnes humaines au Canada.

7                               Again, thank you very much for being with  
8 us this morning.

9                               **MAXWELL YALDEN:** Thank you, Mr.  
10 Chairman.

11                              If I may be permitted one word before  
12 I rise. I think I want to re-emphasize what I think  
13 Professor, Commissioner Chartrand said something earlier  
14 about rights and equality and dignity and to remind you  
15 that the universal declaration of human rights to the  
16 United Nations begins with those words, that "All human  
17 beings are born equal in their rights and their dignity."

18                              And I believe that that is, after all,  
19 what much of the work of this Commission will be about.

20                              I thank you again for receiving me this  
21 morning and allowing me to speak on my own behalf and that  
22 of my colleagues, and I assure you that if there is any  
23 way that our Commission can be useful in the future, you



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1 have only to give me a call and we will respond.

2 Thank you. Bon Courage.

3 **CO-CHAIR GEORGES ERASMUS:** Could we  
4 have the Aboriginal Council of Winnipeg, Eric Robinson.  
5 We apologize for being a little behind in our schedule,  
6 but we'll try and catch up.

7 Thank you for coming today. Please  
8 proceed.

9 **ERIC ROBINSON, PRESIDENT, ABORIGINAL**  
10 **COUNCIL OF WINNIPEG:** Thank you, Mr. Chairman. With me  
11 today is Mrs. Mary Guilbeault, who is our Vice-Chairperson  
12 with the Winnipeg First Nations Tribal Council, and she'll  
13 be speaking after I'm done.

14

15 (Native language)

16

17 I'd like to extend traditional greetings  
18 to you Commissioners and also your staff members and we'd  
19 like to say on behalf of the Aboriginal Council of Winnipeg  
20 and the Winnipeg First Nations Tribal Council, that we'd  
21 like to welcome you to the city that is often referred  
22 to as the Aboriginal Capital of Canada.

23 We are here today with the utmost respect

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1 for the work that you are about to undertake. We know  
2 that you will be listening to the frustrations and the  
3 hopeless efforts of our people, the efforts that our people  
4 have endured, and continue to endure, to become equal  
5 citizens of this wealthy land. We are fully aware that  
6 First Nations people have been studied to death in the  
7 past, as the term goes, but I think that we are comfortable  
8 and confident that this Commission and its findings will  
9 result in a positive and a meaningful change for the  
10 Aboriginal People of this land.

11                   The Aboriginal Council of Winnipeg was  
12 formed in June of 1990 to speak and advocate on behalf  
13 of all Aboriginal people in the City of Winnipeg. While  
14 we believe there are many common concerns and issues that  
15 face the Indians, the Metis and the Inuit, I am here today  
16 to speak on one important element in our struggle as  
17 Aboriginal people. The term "Aboriginal People" of  
18 course, according to the government's term in how they  
19 regard us and how they've lumped us together successfully  
20 as Indians, Inuits, and Metis. We would like to convey  
21 to you the plight of First Nations people living  
22 off-reserve and the whole issue of the portability of  
23 Treaty rights. The Aboriginal Council of Winnipeg has

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1 identified the concerns and the struggles of Treaty and  
2 Status people living in the City of Winnipeg. Late last  
3 year on December 5th, 1991, the Aboriginal Council of  
4 Winnipeg facilitated the founding conference of the  
5 Winnipeg First Nations Tribal Council, which gave the  
6 Tribal chairperson and its council the mandate to develop,  
7 design and implement all required services to Treaty and  
8 Status First Nations members living in the City of  
9 Winnipeg.

10 At the present time, there is no other  
11 organization with the mandate to represent and service  
12 the Treaty and Status people in this, in this city that  
13 we're now in. The opportunity to politically amalgamate  
14 and align this Tribal Council with the Assembly of Manitoba  
15 Chiefs is increasingly favourable and this would give the  
16 chiefs the opportunity to service their own people that  
17 live in Winnipeg, which currently prohibits them from doing  
18 so due to federal legislative policies. We feel that they  
19 can do this through the Winnipeg First Nations Tribal  
20 Council. However, this will require the support and  
21 recognition by both the parties.

22 In the past, our own leadership has not  
23 actively included the off-reserve First Nations people

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1 as an integral part of their political structures.  
2 Notably, there is an absence of off-reserve leadership  
3 in discussions towards self-government. When it comes  
4 down to constitutional reform, our provincial and national  
5 leadership must include off-reserve constituents as equal  
6 and full participants because they too, are affected by  
7 the impending changes.

8                   The off-reserve people must be  
9 recognized fully as a distinct and autonomous political  
10 counterpart of the existing political structures.

11                   At the present time, a vast majority of  
12 our people reside in the City of Winnipeg and our population  
13 is increasing rapidly. The estimated Aboriginal  
14 population is approximately seventy thousand and from that  
15 figure, there are estimates that about twenty-five to  
16 thirty thousand are Treaty and Status First Nations people.

17                   These First Nations people are not only from Manitoba,  
18 but from across Canada. Increasingly and interestingly,  
19 over fifty percent of the Treaty and Status people now  
20 live off-reserves across Canada and that figure is about  
21 the same here in the Province of Manitoba.

22                   With this in mind, it seems we still do  
23 not have a viable political voice. We do not want to become

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1 the forgotten people within our own leadership. The issue  
2 at hand is to reorganize the current political structures  
3 so we can become, we can effectively enhance the rights  
4 of First Nations people no matter where we live.

5                   When we are addressing off-reserve First  
6 Nations people, it is important to reiterate why there  
7 is such a massive influx of First Nations people to urban  
8 centres from the reserves. It is not hard to visualize  
9 that many First Nations reserves live in fourth world  
10 conditions (in spite of what the United Nations report  
11 says about viewing Canada as a most pleasant and humane  
12 place to live, with a high standard of living). There  
13 is inadequate employment due to lack of economic  
14 development, inadequate social services, health care,  
15 housing, and generally, the living conditions are  
16 deplorable and beyond description. There are no  
17 recreation facilities in most communities; there is no  
18 running water or indoor washroom facilities in many of  
19 our reserves and communities; there is widespread  
20 hopelessness when it comes down to equal participation  
21 in our own rich lands.

22                   So, the question arises, why is this  
23 happening? It has been said that the Department of Indian

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1 Affairs has directly and indirectly promoted migration  
2 of Native people to urban centres. They rejected economic  
3 development and see reserves as non-viable economic bases.  
4 They, in turn, see migration as an option to further  
5 diminish their fiduciary responsibilities to First Nations  
6 people. In fact, migration requires minimal effort on  
7 the part of the federal government. As soon as First  
8 Nations people leave the reserves, then our people become  
9 ordinary citizens with no special rights. This is because  
10 the Department of Indian Affairs has said repeatedly that  
11 they do not service any Treaty Indians outside the  
12 boundaries of the reserves.

13                   We are going to be leaving with you our  
14 presentation today, Honourable Commissioners, and we are  
15 going to be attaching letters from the Department of Indian  
16 Affairs reiterating their position. I'd like to read to  
17 you one line from a letter we received earlier this year  
18 from the Federal Indian Affairs Department. "Canada's  
19 current policy and its interpretation of existing Treaties  
20 is that, federal responsibility with a few exceptions,  
21 example, economic development programming, post-secondary  
22 education, et cetera, and jurisdiction, extends only to  
23 Indian people resident on reserve." We will leave that

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1 with you.

2 We'd like to say that this is wrong and  
3 we continue to say that our Treaty Rights are portable  
4 and services should be provided, even in urban centres  
5 like Winnipeg. Our people in urban centres have not  
6 achieved full and equitable self-sufficiency; instead,  
7 they have become disillusioned often being treated as  
8 fourth class or third class citizens.

9 There is widespread poverty, plagued by  
10 suicides, alcohol, drug and solvent addictions, and other  
11 socio-economic problems that prevail in our community.  
12 We represent seven percent of Manitoba's entire population  
13 according to the figures that our researchers have found,  
14 yet our jails are filled with more than sixty percent of  
15 our First Nations people. And you will see that when you  
16 go to the Stony Mountain Penitentiary, as I understand  
17 you will be on Friday, the federal prison here where  
18 sixty-five percent of our people provide jobs and economy  
19 for that institution. It is tragic to see our eleven and  
20 twelve year old children, our youth, in this city selling  
21 their bodies in downtown Winnipeg to support their chemical  
22 dependency habits.

23 There is chronic unemployment amongst

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1 the seventy thousand Aboriginal People in Winnipeg with  
2 only about ten percent working at permanent jobs. Our  
3 people face racism and discrimination as a daily  
4 interaction with the mainstream society. All this may  
5 sound bleak, but this is an every day reality for First  
6 Nations people that live here in Winnipeg.

7                   We are the largest employers in the  
8 industry of First Nations administration. We are a  
9 commodity across the country for non-Aboriginal People.  
10 A good example of this, of course, is the Department of  
11 Indian Affairs, and I'm confident that I'm not telling  
12 you anything new. We are the largest employers of  
13 non-Aboriginal People in the welfare systems, federal and  
14 provincial jails, child welfare, parole and probation  
15 services. We see very influential and affluent  
16 non-Aboriginal workers with their nice houses, driving  
17 nice cars - out of the misery of our people. Taking control  
18 of our own affairs will be met with resistance from the  
19 governments because it will take away those jobs from the  
20 non-Aboriginal people. Despite our continuing struggles  
21 we hope that times will change for the First Nations People  
22 who are regarded as the poorest of the poor in our own  
23 homeland.

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1                   It is time to correct the wrongs that  
2 have plagued our people in urban centres. It is time to  
3 have the federal government honour the Treaty Agreements  
4 that were signed in good faith.

5                   It is essential that we do not bow to  
6 pressure to surrender what is rightfully ours - our rights.  
7 We must be strong, clear-headed and as committed as our  
8 ancestors were when they signed the Treaties. And I don't  
9 think I have to remind you that they signed the Treaties  
10 to ensure the well-being of their children and that being  
11 us and theirs, and the ones that are going to come after  
12 us.

13                   We cannot continue to be forced to go  
14 to the social agencies who discriminate against us, where  
15 we often succumb to racism. We want to advocate that the  
16 federal government start fulfilling their fiduciary  
17 responsibilities by providing services to off-reserve  
18 First Nations people as part of their moral and legal  
19 obligations. This we see can be controlled and  
20 administered by our own people.

21                   For your Commission, I know that you have  
22 a very, a very broad mandate. We believe that further  
23 attention and discussion is required in the following

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1 areas: first of all, the reality that over fifty percent  
2 of Treaty and Status Indians now live off-reserves across  
3 Canada; secondly, the current situation,  
4 employment/health/service delivery/and poverty of First  
5 Nations people in off-reserve environments; thirdly, the  
6 development of a strategy for effective and efficient  
7 implementation of off-reserve issues; fourthly, the Treaty  
8 obligations, by the Crown, to First Nations citizens living  
9 off-reserves; and fifth, the restructuring of political  
10 representation for off-reserve First Nations people.

11                   Lastly, the government of Canada should  
12 not use this Commission as a smoke-screen in dealing with  
13 us and the issues that concern us. We are of the opinion  
14 that issues can be addressed between the Government of  
15 Canada and the Winnipeg First Nations Tribal Council  
16 immediately and not wait for your final report and the  
17 recommendations that you will be making on how we should  
18 be dealt with. And I believe that the Grand Chief of the  
19 Assembly of Manitoba Chiefs, Mr. Fontaine, made reference  
20 to this this morning in his presentation to you.

21                   Brothers and sisters, ladies and  
22 gentlemen of this Commission, your work is going to be  
23 long and very difficult. We know that. We appreciate

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1 that. You will hear many frustrations and real life  
2 problems of our people across this land, but one thing  
3 we would ask you is, not to overlook our situation as  
4 off-reserve First Nations people. With that, on behalf  
5 of the people who elected me and the people that I  
6 represent, I'd like to wish our Creator's blessings for  
7 each and every one of you, so that you may be strong and  
8 you will be given the guidance and strength to pursue the  
9 work that you have set out to do.

10 At this time, one of our Elders in the  
11 community and a woman that gives us younger people the  
12 proper guidance and an honour to be sitting here with her,  
13 has been at this for over forty years in the City of Winnipeg  
14 in bringing about social changes for our people in the  
15 City of Winnipeg, and recently elected to the Winnipeg  
16 First Nations Tribal Council.

17 I would like to turn it over to her at  
18 this time, Mrs. Mary Guilbeault.

19 **MS. MARY GUILBEAULT, VICE-CHAIRPERSON,**  
20 **ABORIGINAL COUNCIL OF WINNIPEG:** Welcome Commissioners.

21 First of all, I would like to thank our  
22 Tribal Chairperson, Eric Robinson, for sharing his time  
23 with me to make my presentation. I know I have a very

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1 limited time, but that's okay because my presentation is  
2 very brief.

3 My name is Mary Guilbeault, my Indian  
4 name is (Native language). I am a Council Member of the  
5 First Nations Tribal Council. I am the eldest of my group.

6 Let me first say this, I am proud to be a member of the  
7 Tribal Council which represents First Nations People off  
8 the reserve in the City of Winnipeg. Furthermore, I would  
9 like to say that I am glad to be part of the Council because  
10 it has fifty percent representation of men and women on  
11 the Council.

12 I bring you Commissioners my experience  
13 as a Native woman living in the City of Winnipeg. I have  
14 lived in Winnipeg most of my life. I raised my children  
15 in the city and I regret to say that they were deprived  
16 of their language due to my residency, but they have  
17 retained and learned the culture and follow the teachings  
18 of the Elders.

19 I have devoted most of my life in helping  
20 people and my husband has helped me as much as I have helped  
21 him. He has worked with the homeless and their problems  
22 with alcoholism. We have opened our home to many, even  
23 to the extent of having various meetings at our home.

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1 I encouraged my husband to form an AA group which would  
2 be more favourable to the Native people when he note that  
3 the AA groups were not meeting the needs and the  
4 understanding of our people.

5                   Since I can remember, I have always been  
6 in the helping profession. As a social worker for  
7 twenty-four and a half years with the Province of Manitoba  
8 and as an active member of the native organizations, under,  
9 at that time, it was under the leadership of Dave Courchesne  
10 and Angus Spence, way back in the sixties. I saw many  
11 things that would anger a normal person. The injustices  
12 our people had to go through. This makes me believe I  
13 belong to a group of people who are very strong and continue  
14 to strive. I saw my people hungry and living in the worst  
15 possible living conditions and they hardly ever  
16 complained. I saw the children cry with pain... Thank  
17 you. I saw my people hungry and living in the worst  
18 possible living conditions and they hardly ever  
19 complained. I saw the children cry with pain because of  
20 the family breakdown due to the pressures of this foreign  
21 society.

22                   I saw my people live in what used to be  
23 called shanty-town in the north end of Winnipeg. I saw

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1 two and three families living in one-room shacks. There  
2 were rats as big as house cats. I felt the agony and the  
3 pain for the people that I have tried to help. I have  
4 tried to keep the faith that someday someone will listen  
5 and life will turn for the better for the less fortunate.

6 It hurts me to think of the less fortunate who have passed  
7 on without any hope that their families would be more  
8 fortunate.

9 It is time that we talk with sincerity  
10 instead of intellectualizing our every move. Maybe, in  
11 this way, we can understand how others feel. When we talk,  
12 let's talk from the heart because that is the way of the  
13 human race. Let us ask guidance because that is the way  
14 of the people. Maybe we will begin to do things right.

15 We all know that spirituality is the  
16 foundation of strength and harmony. Let us share and live  
17 in harmony with one another and use respect as the common  
18 denominator in the social interactions so we can eliminate  
19 some of the struggles that we face on a daily basis.

20 I want to say this, about 500 years ago  
21 the two cultures collided, two cultures that were very  
22 different from one another. One was very giving and  
23 willing to share. One had the concept that land cannot

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1 be owned and that they were only caretakers of this land.

2                   We did not separate our medicines from  
3 our spiritual beliefs. In fact, our spiritual beliefs  
4 were very much a part of the health care. We believed  
5 in sharing rather than self gain and our very existence  
6 was based on this concept. We believed in communal living  
7 - living in family units. Today, I hardly know my next  
8 door neighbour.

9                   We looked at our way of life in a very  
10 holistic way and I am happy our non-Aboriginal friends  
11 are starting to utilize this method in their medicines.  
12 We value mother earth because she sustains all living  
13 things for the creator.

14                   There is a balance in all living things.  
15 It is up to the individual, it is up to us individually  
16 to ensure that balance is maintained. If we kill our  
17 waterways or our trees, we will suffer.

18                   This is our belief.

19                   Commissioners, I am a product of a  
20 residential school system. There, too, we were subjected  
21 to ridicule for practicing our language and culture. Our  
22 people were punished for praying the Ahnishnabe way. We  
23 were taught our ways were evil and often, we were

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1 conditioned and brainwashed to reject our spiritual  
2 beliefs. As a result, we became ill, spiritually,  
3 mentally and physically.

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

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

14                   Commissioners, you will be hearing from  
15 many people. I want to reiterate this in closing. First  
16 Nations people need a new hope. There are many in urban  
17 centres who continue to suffer the injustices of the  
18 dominant society. They face great odds in bettering their  
19 lives because of discrimination and often resorting to  
20 alcoholism and crime.

21                   I urge your Commission to recognize our  
22 Treaty rights off-the reserve and let us start managing  
23 our own affairs.

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1 I thank you for listening and God Bless  
2 you.

3 **CO-CHAIR GEORGES ERASMUS:** Thank you  
4 very much for that excellent presentation.

5 I'd like to thank the Elder's daughter  
6 for assisting the presenter. The two of you have presented  
7 a, one of our first very major presentations of people  
8 living in an urban situation. We will be, in June, holding  
9 a round table on urban issues, but we certainly hope that  
10 your organization and others will be at that.

11 We expect that this will be an important  
12 part of our work. We know that a lot of Aboriginal People  
13 are living in the larger cities and we know they have  
14 aspirations, but it's not clear to us yet, what they all  
15 are. So, your presentation is the beginning of that.

16 Over time, we would like to get a very  
17 clear picture as to the kind of ideas that people living  
18 in an urban situation of, from the First Nations and the  
19 other Aboriginal people, what desires they have in the  
20 way of solutions. What kind of institutions do they have  
21 in mind?

22 We hear you say you want to have more  
23 control. Over time we'd like to get some detail on that,

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1 what, what are your ideas?

2                   And also, we've created an intervention,  
3 participation fund, which organizations can apply to to  
4 assist them with any necessary work that they might have  
5 to undertake to come up with ideas if they have not  
6 completely flushed them all out yet.

7                   So, it's a very good beginning. Thank  
8 you very much for your presentation.

9                   Do the Commissioners have any comments  
10 or questions. Commissioner Chartrand.

11                   **COMMISSIONER PAUL CHARTRAND:** I want  
12 to, pardon me - thank you for your very valuable  
13 presentations to us this morning, both of you.

14                   Mary, you said a number of very valuable  
15 things to us this morning. One in particular that I would  
16 like to comment upon is this one.

17                   You said it is time we talked with  
18 sincerity instead of intellectualizing our every move.  
19 I appreciate the wisdom and the value of that comment.  
20 I, personally, I grew up in a Metis community and moved  
21 to an urban area at the age of 22 and since then I've been  
22 making a career of intellectualizing things.

23                   I want to assure you that, from my

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1 perspective, and I do believe that the other Commissioners  
2 take the same view, that we are committed to ensuring a  
3 balance between the intellectual perspective, if I may  
4 use that expression, with the practical experience and  
5 with the kinds of values that you have urged upon us here  
6 this morning.

7                   This reminds me of some words of wisdom  
8 that were expressed by a wise jurist many years ago, that  
9 people will not be reasoned out of them. And I think you  
10 are saying a similar thing to us. So, I'm emphasizing  
11 our commitment to the, the perspective that you have  
12 brought to us today.

13                   And I thank you for it. Miigwech.

14                   **CO-CHAIR GEORGES ERASMUS:**

15 Commissioner Dussault.

16                   **CO-CHAIR RENE DUSSAULT:** Well, I would  
17 like just in closing this session to thank you very much  
18 for your testimony and as my Co-Chair, Georges Erasmus  
19 mentioned, we are looking forward to seeing you in June  
20 in Edmonton and we hope that we'll be able to discuss how  
21 to get out of this situation, ways and means to achieve  
22 that, and that's the reason why we want to bring together  
23 the providers of the services, various social services

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1 and the recipients, the beneficiaries.

2                   So, if you could give thought to that  
3 and in your terms, in order to enlighten us on what could  
4 be done and should be done and how. The urban situation  
5 for Native people is certainly one of the highest  
6 priorities of this Commission, as we realize that this  
7 reality is not only there, but is going to get bigger and  
8 bigger as the years go by. So we count on your contribution  
9 and participation.

10                   Thank you very much for being with us  
11 this morning.

12                   **ERIC ROBINSON:** Thank you, Honourable  
13 Commissioners, for allowing us the opportunity and hearing  
14 us.

15                   We do look forward to working with you  
16 in a time to come and we will certainly - we've already  
17 addressed several issues, but we plan to address more in  
18 respect to exactly what kind of institutions and how  
19 self-government can be achieved in urban areas like  
20 Winnipeg.

21                   Certainly I think that we don't need a  
22 land base to achieve such things, but I'd like to thank  
23 each and every one of you and I know it's going to be very

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1 difficult on your families and the ones close to you in  
2 the work that you're going to have to do, so I think that  
3 it's also nice to see our Elders and the ones that are,  
4 you know, more senior than we are and certainly more  
5 knowledgeable in a lot of ways, to give you that guidance  
6 and I hope that will carry on. That makes me feel proud  
7 in the work that you're doing.

8                   So, I thank both of your Chairpeople,  
9 Chairpersons and also the other Commissioners and we wish  
10 you God's blessings.

11                   Thanks.

12                   **CO-CHAIR GEORGES ERASMUS:** Thank you  
13 for coming.

14                   **MS. MARY GUILBEAULT:** Thank you.

15                   **CO-CHAIR GEORGES ERASMUS:** We're going  
16 to go for another half an hour or so and ask for our next  
17 presentors to present now, if they're still here. The  
18 Indigenous Women's Collective, Winnie Giesbrecht.

19                   I'd like to apologize for keeping you  
20 waiting. We've slipped behind a little bit. Please  
21 proceed whenever you're ready.

22                   **EVELYN WEBSTER, VICE-PRESIDENT,**

23 **INDIGENOUS WOMEN'S COLLECTIVE:** Welcome members of the

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1 Royal Commissioners on Aboriginal Peoples.

2 My name is Evelyn Webster. I'm  
3 Vice-President of the Indigenous Women's Collective. On  
4 my right is Doris Young. She's the founding President  
5 and on my left is Eileen Courchesne and she's a member  
6 of the Collective.

7 I am here today representing on behalf  
8 of our President of the Indigenous Women's Collective of  
9 Manitoba, Winnie Giesbrecht.

10 The Collective is presenting a very  
11 short version today. A more comprehensive presentation  
12 will be presented later in August.

13 The Indigenous Women's Collective of  
14 Manitoba was established in March, 1985 and was  
15 incorporated in 1986. The Collective's membership  
16 consists of, the Metis, the non-Status, Treaty and Treaty  
17 Status women and children from Manitoba. The Collective  
18 was formed mainly to be a voice for those people who wanted  
19 input in policies and programs that affect them. The  
20 Aboriginal women realized that it needed a unified  
21 provincial body to address the inequalities facing  
22 Aboriginal women and children in the existing  
23 socio-economic and political systems. Historically,

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1 Aboriginal organizations have not put forth women's issues  
2 on their agenda. The Manitoba Aboriginal women organized  
3 to ensure that they would be no longer ignored.

4 As Aboriginal women, we face  
5 discrimination and racism because we are Aboriginal and  
6 because we are women. We lack access to jobs, to support,  
7 to training programs, and to positions of influence and  
8 authority.

9 The Indigenous Women's Collective is a  
10 duly elected body and has the mandate to address the social,  
11 economic and political issues confronting Aboriginal women  
12 throughout the province. It is the intent of the  
13 Collective to carry through with this mandate at all levels  
14 of government and with other Aboriginal organizations.

15 Historical role of Aboriginal Women -  
16 All across Canada, Aboriginal women are involved in the  
17 struggle for equal rights. Historically, Aboriginal  
18 women in Aboriginal societies did not have to fight for  
19 their rights. Aboriginal women had a strong role in the  
20 family, in tribal governments and in spiritual functions.

21 One of the misconceptions held by Europeans and men,  
22 generally, was that, Aboriginal women were thought to have  
23 a lowly position in life - to be littlely respected by

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1 the men. That they were treated as slaves has been written  
2 over and over, yet nothing was further from the truth.

3                   The woman was considered and treated as  
4 an equal. She was respected and revered by all men as  
5 she was the life-giver and the caretaker of life. All  
6 women have been brought forth from the womb. She has grown  
7 and nurtured life within her, and these life-giving powers  
8 were considered very sacred and powerful.

9                   The Indigenous Women's Collective  
10 philosophy - All life is given by the Creator; all aspects  
11 of life are spiritual. All of creation is an interrelated  
12 whole. The land and all of life are intergenerational.

13 A legacy we leave to our unborn children is a clean and  
14 healthy environment. The Creator has given all peoples  
15 their own cultural identity, which we hold as sacred and  
16 which will be preserved for all time. The identity of  
17 Aboriginal women/people embraces traditional laws and  
18 institutions, languages, beliefs, values, oral and written  
19 histories, lands, special knowledge and skills, and all  
20 other aspects of our spiritual and cultural being.

21 Aboriginal Nations stand before the Creator as distinct  
22 nations equal to all other nations. Aboriginal Nations  
23 proclaim the integrity of our distinct identity and world



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1 view will be passed on to future generations.

2 We are governed by four universal  
3 principles: trust, sharing, strength and kindness, which  
4 nurtures and enrich the organization.

5 Strength is our collectivity of voice.  
6 Trust, supporting the unity of all Aboriginal women  
7 without regard to the legal distinctions which may be drawn  
8 between us, for example, the labels like Status,  
9 non-Status, Metis, Indian or Inuit peoples. Sharing,  
10 endeavour to work in a cooperative manner with other  
11 groups, organizations and individuals in order to restore  
12 a humane society of equal opportunity for all peoples and  
13 respect for all living things. Kindness, to be tolerant  
14 of diversity, honest with opinions and feelings and above  
15 all, respect opinions and feelings of all people and to  
16 bring our grievances, compliment or criticism to the  
17 appropriate level.

18 Aboriginal Women's Issues - Today  
19 Aboriginal people are the most socially, economically,  
20 culturally and politically oppressed people in this  
21 country. Aboriginal women are even more so. The boarding  
22 school system of education implemented across Canada for  
23 Aboriginal children, separated families. Male children

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1 were taught to be the "heads" and masters of their  
2 household. The female children were encouraged to be  
3 submissive and subservient to the male. The concept of  
4 balance between men and women were considered unchristian  
5 and therefore unacceptable. Historians of that period  
6 observed that Aboriginal women exercised far too much  
7 liberty and freedom in their community.

8                   Aboriginal children were taught by  
9 example and indoctrination that power could be attained  
10 through victimization.

11                   Aboriginal women who occupied positions  
12 of authority as Elders and council members had little  
13 credibility among government officials. Their voice was  
14 ignored and rarely heard or heeded. Treaties were  
15 negotiated without their full participation.

16                   All this and the lack of any real  
17 recognition of our rights are the major concerns of  
18 Aboriginal women. Today we struggle with issues.

19                   Family violence - There is a vast  
20 philosophical difference between what kind of services  
21 are provided by the existing non-Aboriginal service  
22 providers. This is creating problems. The Aboriginal  
23 approach to violence is holistic healing as opposed to

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1 the non-Aboriginal approach to which is individualistic  
2 utilizing the feminist approach where abuse is an  
3 expression of power and dominance by men over women. They  
4 usually suggest choices to the women such as leaving her  
5 husband, which usually excludes the abuser in the treatment  
6 process.

7 This is viewed as a negative factor by  
8 Aboriginal women, as they want to involve their husbands  
9 and children in a long term holistic approach to the  
10 problems of family violence. Aboriginal family bonds are  
11 very strong and we feel that we must help one another so  
12 that we can be stronger. Our philosophy is that strong  
13 healthy families make strong healthy communities.

14 I'll pass this to Doris.

15 **DORIS YOUNG, FOUNDING PRESIDENT,**  
16 **INDIGENOUS WOMEN'S COLLECTIVE:** Legal and court service  
17 - The legal system is failing our people in that, our people  
18 do not understand the legal system and more often do not  
19 understand the English language in which that court system  
20 operates. The end result is that many of our people are  
21 imprisoned unjustly. For instance, at the Portage Jail,  
22 the majority of the women that are in that jail are  
23 Aboriginal women and sometimes the population of

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1 Aboriginal women in that Portage Jail is up to eighty-five  
2 percent, but generally it's about sixty-five percent  
3 Aboriginal women.

4                   The child welfare system - There is  
5 abduction of our children because non-Aboriginal social  
6 workers have no understanding of the values and traditions  
7 of our people. They do not understand that most of our  
8 people are victims themselves and need support,  
9 understanding, and cross-cultural awareness and training.

10 We want our own Child and Family services that will focus  
11 on prevention and will work from the holistic perspective.

12 And under the full control of Aboriginal women, with full  
13 jurisdiction of their people regardless of where they live.

14                   Today, in the City of Winnipeg, the  
15 Aboriginal Child Welfare is still controlled by  
16 non-Aboriginal agencies and there's a real problem about  
17 that. I think Eric did mention of that in his presentation  
18 this morning in a small way, but that system that operates  
19 in Winnipeg, is a, is still very white orientated and our  
20 children are still being put in white foster homes, even  
21 though there are Native foster homes available. And I  
22 believe the Metis people themselves do not have a Metis  
23 Child Welfare child care system, which they have been

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1 expressing a real need for, as well.

2 Education - We want our own schools, we  
3 want curriculum that will incorporate Aboriginal history  
4 and promote Aboriginal pride. And promote the rightful  
5 place of Aboriginal women in our history, in our current  
6 position and in the future.

7 Our schools need to educate the parents  
8 as well as the children. Many of our parents have had  
9 bad experiences in the school that they attended. They,  
10 in turn, do not want to take part in school activities.

11 These parents are afraid of educators who are usually  
12 non-Aboriginal. In those schools, where you have  
13 Aboriginal teachers, the parents are more receptive to  
14 participating in school activities mainly because the  
15 teachers speak the language, understand the cultural  
16 values of the parents they work with.

17 The Indian Act - Bill C31 is one issue  
18 we are still struggling with although the government has  
19 given back our Treaty right to the women who were, whose  
20 rights were taken away when they married non-Indian men.

21 We still have a lot to overcome especially since many  
22 Aboriginal people have lost most of their traditional  
23 values and therefore choose to deny the rights of their

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1 children to be able to teach the children their traditional  
2 values and their language.

3                   Training and employment - Our people  
4 need training especially cross-cultural training because  
5 many of our women have been raised in communities that  
6 have not exposed them to modern society. Thus, they do  
7 not understand the systems that govern them. These women  
8 need to be trained in order to provide the services that  
9 will meet the needs of their people. These training  
10 programs have to be designed, delivered and controlled  
11 by Aboriginal women in our communities.

12                   The political systems that govern us -  
13 The Indigenous Women's Collective is the political voice  
14 for its members which consists of the Metis, non-Status,  
15 and Treaty/Status women from this province. We also are  
16 members of the Native Women's Association of Canada.  
17 Within our organization we comprise five regions, the  
18 Winnipeg Region, Thompson which is the northern part of  
19 Manitoba, The Pas Region which is north and more west,  
20 the Interlake Region is the Interlake and the South East  
21 Region of Manitoba. Presently, we have input in all  
22 Aboriginal and non-Aboriginal systems that govern us.  
23 However, it is at a very low level.

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1                   We also have participation at the  
2 National level through our, as a member organization of  
3 the, of that Native Women's Association as I stated  
4 earlier.

5                   As Aboriginal women we want to  
6 participate in the Constitutional process. We've been  
7 excluded from that process. Up to today, we still are  
8 fighting for that recognition to be, to be able to  
9 participate. We want to voice our opinions and ensure  
10 that our rights will be protected, especially in the area  
11 of Aboriginal self-government. We believe that we have  
12 the inherent right to self-government, but we also  
13 recognize that since European contact, our leaders have  
14 mainly been men. Men who are the by-products of  
15 colonialization and we believe that our traditional values  
16 of Aboriginal women is not practiced in a total sense by  
17 our leaders. We, therefore, want the Charter of Rights  
18 and Freedoms enforced in Aboriginal self-government until  
19 such time as when our own Bill of Rights is developed that  
20 will protect women and children. And in the development  
21 of this Bill of Rights, we, we want to be involved in that  
22 process. I believe that there was some talk about that,  
23 our Charter, this morning with the Human Rights, Canadian

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1 Human Rights Commission.

2 But, if there is to be a Charter of Rights  
3 for Aboriginal People, women must have part in that  
4 Charter, but until then, we have been asking that the  
5 Charter of Rights and Freedoms be enforced for our safety.

6 That is the end of our presentation.

7 Thank you. We're open for questions.

8 **CO-CHAIR GEORGES ERASMUS:** Thank you  
9 for an excellent presentation. Perhaps before I let the  
10 other Commissioners begin, I might just ask you to comment  
11 in relation to your final presentation there about the  
12 Charter and whether it would apply.

13 What difference is it that you see an  
14 Aboriginal Charter would play as opposed to what's in the  
15 Canadian Constitution now?

16 **DORIS YOUNG:** Perhaps I can answer that.

17 The difference is that Aboriginal  
18 Nations are communal in their outlook, and our rights are  
19 collective in nature, and the present Canadian Charter  
20 is an individual approach to preserving rights and those  
21 don't always address the communal rights of the Aboriginal  
22 People.

23 **CO-CHAIR GEORGES ERASMUS:** I was also



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1 very interested in you saying that the presentation of  
2 the role of Aboriginal women traditionally is incorrect.

3 And that the residential school system taught Aboriginal  
4 women to be submissive, subservient to men, non-equals.

5                   Could you just say a little bit more  
6 about what historically it was like? And the reason I'm  
7 asking is because every time I've given examples to people  
8 in the past, they've always suggested that it was us men  
9 romanticizing what used to be, and so...

10                   **EILEEN COURCHESNE, MEMBER, INDIGENOUS**  
11 **WOMEN'S COLLECTIVE:** Okay. Historically before European  
12 contact, of course, traditionally Aboriginal women and  
13 men had equal participation in everything, in government,  
14 in the spiritual and the whole live-giving process of  
15 living.

16                   But, with the coming of Europeans and  
17 christianization, Christian belief has been that the woman  
18 is subservient to the man, and the man is, was traditionally  
19 the leader or the head of the household, and that was taught  
20 to our children in the residential schools. And also for  
21 the individualistic aspect of life that we look after  
22 ourselves and that was taught in the residential school,  
23 too.

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1                   I never attended a residential school  
2 myself personally, but that, my experience is, in a  
3 non-residential school were the same. My father taught  
4 us the traditional way of life of all working together  
5 and working for the benefit of everybody else, for the  
6 whole community where all of us were to take care of each  
7 other and support each other.

8                   And that was not taught in the schools  
9 and that was not really, the concept is there in the church,  
10 but it's not practiced in the church and so what we have  
11 to do now is, going back to our traditions, we have to  
12 understand that those things, those concepts were there  
13 before Europeans and they are, even today, in the religion  
14 sector, they are supposed to be taught, but they're not  
15 really being put into action.

16                   So, I, if you go back and you study about  
17 the Indian Act, the women were not even allowed to attend  
18 band meetings. They were excluded from the band meetings,  
19 because women had far too much influence in the  
20 communities. Because women were the Wisdom Keepers.  
21 They were the ones that keep peace in the community. They  
22 were the ones that came and brought stability to the  
23 community. They were the ones that supported their

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1 leaders, and there weren't only male leaders, there were  
2 a lot of women leaders.

3                   So, these are the things that we want  
4 to be brought back in our history text books. They're  
5 excluded. You can't go study history without having any  
6 of that brought out in the forefront. You know, it's not  
7 there and it's got to be, history has to be taught properly  
8 from now on. Those books have to be rewritten.

9                   **CO-CHAIR GEORGES ERASMUS:** Any of the  
10 Commissioners interested in making a comment or asking  
11 a question.

12                   **COMMISSIONER BERTHA WILSON:** Yes.  
13 I'd just like to comment that, of course, this problem  
14 that you're describing is not unique to Aboriginal society.  
15 We've got the same problem in the white society and as  
16 you know, in the last number of years, there's been  
17 developed quite a strong feminist movement in white society  
18 to try to advance the struggle for equality.

19                   I was wondering though, what is the role  
20 of the Elders in all of this, because we've, we've heard  
21 so much about the spirituality and about the influence  
22 of the Elders, and you've told us that traditionally the  
23 women were valued very highly as life-givers? What

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1 position, could I ask or are you not able to respond to  
2 this, have the Elders taken in relation to the devalued  
3 position of women in Aboriginal society?

4 **EILEEN COURCHESNE:** Okay. The Elders  
5 are actually the teachers in our community. They are the  
6 keepers of all our history, our culture, our traditions.  
7 And they are the ones that are respected members of our  
8 community.

9 They are actually our historians. But  
10 basically, the most important part is that they are  
11 teachers.

12 **DORIS YOUNG:** At the risk of being  
13 controversial here, we, part of the issue in the role of  
14 Elders and the role of women is the, the fact that many  
15 of our Elders also have been boarding school products and  
16 so, a lot of the indoctrination of, of the wrong, the wrongs  
17 that were perpetuated in those schools against our culture,  
18 many of our Elders were taught those things, and so, I  
19 believe that, and I'm not speaking for the Elders when  
20 I'm saying this, but I believe that a person cannot go  
21 through those schools and not have some kind of, a different  
22 outlook when they came in, when they went in as when they  
23 came out, about our culture, about women.

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1                   And so, we're all struggling with that,  
2 with that issue of the value of women in our societies,  
3 and we, we know that it's, we say that we're valued in  
4 our, in our communities and that the role of the Elders  
5 is that we, we look to them for guidance, but it's an issue  
6 that we're struggling with and it must be dealt with that  
7 we, we don't - it's an issue. I don't know what else to  
8 say about it, okay.

9                   **CO-CHAIR GEORGES ERASMUS:** One of the  
10 Elders from the Metis, Thelma. Please go ahead.

11                   **THELMA CHALIFOUX:** Yes. I would like  
12 to make a couple of little comments here on the role of  
13 women.

14                   I was not a product of the Mission  
15 school. I was a product of a very strong Metis extended  
16 family that lived between the City of Calgary and the Sarcee  
17 Reserve.

18                   I went to a public school and was  
19 discriminated against there because we were dirty  
20 halfbreeds. But the role of women, it was my role as I  
21 mentioned yesterday, to take care of the Elderly people  
22 in our community. We each had a role.

23                   My mother's role was equal to my father.

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1 My mother's role, my aunt's role and my grandmother's  
2 roles were that they looked after the whole family, the  
3 children, the garden, the berry picking, the food, because  
4 the men were away but working most of the time. So, they  
5 had total control and roles.

6 The man's role in the family was to make  
7 the living and bring home the money. When times were hard,  
8 everybody stuck together. When my grandmother or my aunts  
9 or when we were out of food, everybody joined together  
10 and helped them out. We were a very, very proud extended  
11 family. There was relief in those days, but we never took  
12 them, because that was just gifts and we weren't about  
13 to take it.

14 The role of the woman, that was one of  
15 the roles. It was an equal role. The role of the Elders.  
16 The women's role within the Elders, my grandmother's role  
17 and my aunt's roles, we were almost like hidden leaders,  
18 as we used to learn in community development days.

19 Everybody that needed advice went to my  
20 mother, went to my aunts, went to my grandmother. Even  
21 the men, when they went to the meetings and organizing,  
22 they never went before we always had a meeting and a  
23 gathering of the total family unit, the total community

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1 unit, and the women told the men what to say. It was a  
2 consensus of the total family unit.

3                   When I went into community development  
4 and went into Northern Alberta, I was amazed. It was like  
5 another total world, where the women were treated, it was  
6 normal to be beaten every Saturday night. It was normal  
7 to have sexual abuse from young children to older children.

8       And when we looked at it and we studied it, it was the  
9 demise of the Native culture that caused that. That never  
10 happened before.

11                   There was no alcoholism in our  
12 community. There was no sexual abuse. I can remember  
13 old George Hamilton hit his wife and it was my dad and  
14 my uncles and the men in the community that went after  
15 him, and he never touched his wife again. It was a justice  
16 system that was fair and hard, but it was a good justice  
17 system in those days.

18                   And when I went up North and I saw women,  
19 for survival, had to dress like men, it was a sad, sad  
20 state of affairs, and I totally agree with these ladies  
21 in what they're saying. The demise of the Metis and the  
22 Indian cultures, a lot of it are the result. Alcoholism  
23 and sexual abuse and physical abuse are only symptoms of

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1 a much larger problem.

2 **CO-CHAIR GEORGES ERASMUS:** Thank you  
3 for your contribution. Are there any other Commissioners  
4 that want to ask any - Commissioner Chartrand.

5 **COMMISSIONER PAUL CHARTRAND:** I just  
6 want to take the opportunity to thank you personally for  
7 your comments and to say, (Native language) to Doris Young,  
8 who I've known personally for a long time.

9 Thank you.

10 **CO-CHAIR RENE DUSSAULT:** Again, I would  
11 like to thank you very much for being with us.

12 We've started discussing a very, very  
13 important issues that was brought to the floor more  
14 strongly with the discussion on the Constitution and the  
15 Charter of Rights, but we hope that we will be able to  
16 discuss it at a general level of the daily life conditions  
17 with organizations like yours, and we'll be in touch with  
18 you again.

19 Thank you.

20 **DORIS YOUNG:** We'll be expecting it.

21 **CO-CHAIR GEORGES ERASMUS:** Thank you  
22 very much for coming today.

23 We're going to take a short break for



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1 lunch to about a quarter after one.

2

3 --- Short Recess at 12:40 p.m.

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

5

6 **CO-CHAIR RENE DUSSAULT:** Can everybody  
7 take a seat. We're going to start and we will start with  
8 the Metis Women of Manitoba instead of the Manitoba Metis  
9 Federation. They've asked to come afterward.

10 So, I would like, on behalf of the  
11 Commission to welcome you this afternoon, and thank you  
12 for being with us and available on the spot.

13 I would like maybe that you could make  
14 your presentation right away and we will enter into the  
15 discussion afterward. So...

16 **SENATOR ELSIE BEAR:** I'd like to open  
17 with our Metis Women's prayer.

18 Lord, grant us the women of the Metis  
19 Nation, your grace, your love, your understanding. Give  
20 us your gift of wisdom and kindness, compassion and  
21 gentleness. Help us to be strong. Help us to come to  
22 you with hearts full of goodness and humility. Lead us  
23 in your ways as we follow the paths that you have set before

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1 us. Guide us as leaders, mothers, wives, and sisters.  
2 Help us to live in peace with all peoples of all nations  
3 and keep us strong for the times to come. We ask these  
4 things. Amen.

5 **PAT HARPER, REPRESENTATIVE, METIS WOMEN**  
6 **OF MANITOBA:** Good afternoon.

7 My name is Pat Harper and I'm here as  
8 a representative of the Metis Women of Manitoba.

9 I would like to thank you for this, for  
10 this privilege to come before you and share our concerns  
11 and hope for the future.

12 I have before me a presentation made up  
13 by several ladies of the Metis Women of Manitoba, and I'd  
14 like to read it to you and have a discussion afterwards.

15 Metis Women of Manitoba were given a  
16 mandate at last year's annual general assembly of the  
17 Manitoba Metis Federation Incorporated to form and address  
18 issues pertaining to Metis women.

19 The Metis Women of Manitoba was  
20 incorporated on December the 5th, 1991 in response to this  
21 need for special representation.

22 In this presentation, we hope to  
23 enlighten the Commission on some of the problems facing

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1 Metis women in Manitoba today. The topics were are  
2 covering are representation, housing, education and  
3 training, economic development, family services and  
4 culture.

5 Issue of representation - the Metis  
6 Women of Manitoba speak on behalf of the women who are  
7 affiliated with the Manitoba Metis Federation  
8 Incorporated, which is the recognized political  
9 representative of Metis in Manitoba.

10 Although there are Metis women involved  
11 in other Aboriginal groups, those groups do not politically  
12 represent Metis women.

13 Today the term "Aboriginal" is too  
14 readily used and accepted as Indian, Status or non-Status.  
15 And in the past has led to the exclusion of the Metis.

16 Metis women are members of governing  
17 boards for women's shelters, friendship centres. Metis  
18 women hold executive positions in political party caucuses  
19 and serve on school boards.

20 That does not mean that the  
21 organizations they serve as volunteers are necessarily  
22 representatives of the Metis, just as they are not  
23 representatives of any other ethnic group who has a

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1 volunteer member serving on a board or a caucus.

2                   Housing - Often the lack of adequate and  
3 affordable housing is not readily available. Although  
4 there are government subsidized programs, the budgets are  
5 being cut and allocations continually reduced. Both urban  
6 and rural Native housing program budgets have been cut  
7 very deeply over the past few years.

8                   The waiting lists have become  
9 horrendous. Although not every one needs access to  
10 subsidy, those that need it to get a start in life are  
11 going to suffer.

12                   Education and training - Metis women  
13 have many barriers to accessing education and training  
14 opportunities. There are a number of fine examples of  
15 Metis women who have done very well in the conventional  
16 system and have graduated as doctors, lawyers, teachers,  
17 and other professions, often raising young children during  
18 their studies.

19                   We commend them for their determination  
20 and strength. However, we must speak on behalf of those  
21 who are unable to pursue advanced education. Some Metis  
22 women are penalized because they do not fall into special  
23 need categories or criteria.

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1                   If they are single without children, if  
2 they are able to complete high school, they usually fall  
3 into the cracks and are left with no alternative but to  
4 find funding on their own with the alternative - oh, pardon  
5 me - prospect of being in debt.

6                   On the other side of the coin, some Metis  
7 women face problems of isolation in rural and remote  
8 communities. They are often the primary care-givers if  
9 there are children involved and too often they must leave  
10 their home community to access education and training  
11 institutions.

12                   Economic development - Education and  
13 training go hand-in-hand with economic development. Lack  
14 of education means economic apartheid. Metis women are  
15 too often represented as numbers on welfare rolls. They  
16 are too often left to care for their own children when  
17 a marriage or a relationship breaks down.

18                   If they have jobs they are often entry  
19 level and low paying. Struggling to make ends meet, does  
20 not leave money for training or business ventures.

21                   It's all very well to speak of innovative  
22 ideas, but without the training or marketing  
23 opportunities, these ideas will not go very far.

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1                   Metis women are moving towards more  
2 involvement in the public sector. They are looking for  
3 career and training opportunities to be made available.

4       Metis women are gaining strength from each other to  
5 venture forth and fulfill their dreams.

6                   In order to accomplish these goals,  
7 Metis women need national and provincial government  
8 support along with access to program and business dollars.

9                   Family services - Metis women have a wide  
10 range of needs for family oriented services, including  
11 parenting skills and respite from the duties of single  
12 parent families to enhance intervention and support  
13 services for those wishing to escape a violent situation.

14                   We have begun a series of consultations  
15 on the issue of family violence, partly in preparation  
16 for the Blue Ribbon Panel on Family Violence which was  
17 here most recently, but more importantly, to begin to  
18 formulate an action plan, to deal with family violence  
19 in our Metis communities.

20                   We are hearing that many of the current  
21 facilities are seen as foreign and elitist. Metis women  
22 are often intimidated to the point of not reaching out  
23 for help, because of the cultural differences between Metis

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1 and non-Metis.

2                   We are hearing that there is not even  
3 an outreach. Metis women who are living with an abuser  
4 are victimized by having their children apprehended. They  
5 are victimized because the community does not speak out  
6 or intervene.

7                   The police do not understand the cycle  
8 of abuse and are often non-Aboriginal. The comfort level  
9 is nil. Metis families watch as their children are  
10 apprehended by government run Child and Family Service  
11 agencies and it has become too easy to relinquish  
12 responsibility for the raising of one's children.

13                   There is no Metis specific prevention  
14 or intervention support programs in place. Metis families  
15 should be encouraged to raise their children with some  
16 outside support as needed. It is often difficult to access  
17 homemaker's services, an inexpensive and viable method  
18 of keeping the children in the home and out of the foster  
19 care system.

20                   Metis people may be reluctant to  
21 intervene in family crisis situations in their community  
22 because it often means that the children will be removed  
23 from their families and from the community.

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1                   Our province's Child and Family Service  
2 mandate is in the best interest of the child, but by whose  
3 standards? Certainly the standards are not those of the  
4 Metis people.

5                   Culture - We, as Metis people, have our  
6 own history, languages and culture. Too often outside  
7 society label and categorize us, expecting us to fit in  
8 convenient boxes.

9                   For example, if our colouring is dark,  
10 we must be Native. And if our colouring is light, we must  
11 be white. So therefore, we must fit in their boxes.

12                   We have no choice and want none for we  
13 are proud to be Metis. We want our children to understand  
14 and appreciate their heritage. The school systems must  
15 take an active part in acknowledging the Metis. We, as  
16 parents and role models in our communities convey the pride  
17 of our Metis nation to our young. Our youth must be  
18 reinforced with this belief from other institutions.  
19 Schools, cultural centres, libraries, et cetera.

20                   Some of us have chosen to fight towards  
21 self-determination. And others have chosen to stay out  
22 of the limelight. They are our grassroots, the ones who  
23 keep us going. They are the foundation from which we



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1 thrive.

2 Thank you. That's the end of my written  
3 presentation.

4 **CO-CHAIR RENE DUSSAULT:** Your good  
5 presentation as, you might know, we are, as a Commission,  
6 looking for, working for solutions to the problems and  
7 we know that women and women group and women in particular,  
8 are working in a way where the practical solutions could  
9 be maybe better seen by groups like you are, and well,  
10 I would like to, to ask, what are you, what you see in  
11 terms of a process to help us to attain the solutions that  
12 are needed.

13 For example, we mentioned this morning  
14 that we are going to have a Round Table on urban issues  
15 and it will, I hope, certainly cover some of the aspect  
16 that you've mentioned in your presentation.

17 But we are also looking for the  
18 possibility of other Round Tables on different subjects  
19 and again, we would be very interested in knowing from  
20 you, the form of dialogue that we can establish in order  
21 to, to put our fingers on the right approaches and that  
22 those will really make some real change in the daily life  
23 conditions of women, in particular.

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1                   **PAT HARPER:** I'd like to start off by  
2 saying that when I was growing up - my mother's Metis and  
3 my father is Icelandic, and all the time it was - I have  
4 very fair skin and my father wanted me to just, you know,  
5 act like I was Icelandic and of course, I'm part that,  
6 but, you know, that's not what I am.

7                   I'm a Metis and it took me a long time.  
8 It took years of struggle to, to come to identify with  
9 that, and I think that's what we have to do as a people,  
10 is to, identify ourselves, because we can't just go any  
11 old way that we want.

12                   It was very confusing. I don't want my  
13 children to be confused as to who they are. I married  
14 a man that, that attained Bill C31 and first of all, I  
15 told my children they were Metis and all of a sudden, they  
16 can be Treaty and I decided to leave that up to them, what  
17 they want to do. It was very confusing and I don't, I  
18 want them to know who they are.

19                   I haven't a choice as to who I am. I'm  
20 Metis. And the sooner that people recognize that fact,  
21 the better off we'll be.

22                   I feel as Metis people that we want, we  
23 want to live our way of life and we don't want to live

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1 up to other people's traditions and morals and values,  
2 because those aren't mine. We have our own way and it's  
3 not wrong.

4 We have our own way of our humour and  
5 the way we love each other. It's very special and it's  
6 very unique, and some people are put off by it.

7 The only way that I can accept people,  
8 or after I accepted people as they are and respected their  
9 cultures, then I could respect myself. And I think that  
10 any work that anybody does has to come from the individual  
11 and taking care of our children.

12 I don't know if that answers your  
13 question, but that's what I felt I needed to say.

14 **CO-CHAIR RENE DUSSAULT:** It's certainly  
15 a good start. Mr. Blakeney.

16 **COMMISSIONER ALLAN BLAKENEY:** I was  
17 interested in your presentation and I'll just focus on  
18 one thing. I could focus on several, but let's say family  
19 services.

20 If you could organize Family Services  
21 in Winnipeg the way you wanted to organize them in order  
22 to serve Metis families; how would you do it? Who would  
23 do what, if things worked the way you wanted them to work.

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1                   **PAT HARPER:** I'd be interested in  
2 keeping the family together as much as possible.

3                   **COMMISSIONER ALLAN BLAKENEY:** No, I'm  
4 not saying what should happen, but who should do it? Do  
5 you see a sort of a family service council elected by Metis  
6 people or do you see the City of Winnipeg setting something  
7 up, or do you see the Government of Canada or Manitoba  
8 setting something up? I'm just sort of thinking, what  
9 sort of an organization and structure would you see?

10                  **PAT HARPER:** I'm not sure what kind of  
11 organizational structure. All I know is that Metis  
12 people have to deal with Metis people. I feel that would  
13 be the best. I'm not sure in what way. They'd have to  
14 develop that.

15                  **COMMISSIONER ALLAN BLAKENEY:** Okay.  
16 Fair enough. There's lots of unsolved problems  
17 everywhere.

18                  **COMMISSIONER MARY SILLET:** Thank you  
19 very much, Mr. Dussault. I'd also like to thank you for  
20 your excellent presentation.

21                               In response to Mr. Blakeney's question,  
22 I'm sure that there'll be other opportunities for other  
23 groups like yourself to have an opportunity to research

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1 those kinds of questions and to consider the kinds of  
2 answers with your membership and I'm sure we'll see you  
3 again in the future.

4                   One of the questions that I had, I guess  
5 you focused more on social issues, and I'm just wondering  
6 if the Metis Women of Manitoba Association has worked on  
7 the Constitution, have you talked about the Charter? Have  
8 you considered what position your association would take  
9 on the Charter itself?

10                   **PAT HARPER:** Yes. We had a conference  
11 in December, and it was a Constitutional Conference and  
12 we have a report on our - for two days we talked about  
13 the Constitution and of course, some people didn't know  
14 what it was and we helped everybody to understand and we  
15 came up with some ideas and I can give that to the  
16 Commission, if they'd like.

17                   **COMMISSIONER PAUL CHARTRAND:** I just  
18 briefly want to add my expression of gratitude for your  
19 presentation here this afternoon.

20                   You touched upon a number of issues that  
21 are fundamentally important that falls within our mandate  
22 and it's interesting that you focused on the issue of  
23 identity, which is very important.

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1                   You've pointed out the fact that the  
2 personal and the group identity of Metis people has been  
3 significantly affected by outside forces. You've  
4 mentioned government policy as having had such an  
5 influence.

6                   You've referred to the Indian Act  
7 Amendments called the Bill C31 Amendments and how that  
8 has affected Metis individual and collective identity and  
9 you've talked about how the educational system, through  
10 it's deficiencies, it's inability to portray the true  
11 history as a Metis people has contributed to the same thing.

12                   I wonder if I might impose on everyone  
13 in recalling for you an example of that. When I was in  
14 Grade 8, when I was a little boy, I was a little boy once.

15                   I recall reading in a book about the Metis people and  
16 this book stated, as a fact, that the Metis had all but  
17 disappeared. The few that remained lived in St. Vital  
18 and they were all truck drivers and they drove their trucks  
19 with the same gay abandon with which they formerly hunted  
20 the buffalo.

21                   So, that was my Grade 8 introduction to  
22 scholarship toward the Metis which left me quite perplexed,  
23 of course.

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1                   Anyway, I want to thank you again for  
2 your presentation.

3                   **PAT HARPER:** Thank you.

4                   **CO-CHAIR RENE DUSSAULT:** Any other  
5 Commissioners who want to ask questions. Bertha Wilson.

6                   **COMMISSIONER BERTHA WILSON:** Yes. It  
7 seems to me that only the Metis can decide what is the  
8 best interests of a Metis child, and I'm wondering if you  
9 could tell us a bit about what happens when a Metis child  
10 is apprehended and what can a mother do about it?

11                   **PAT HARPER:** What can a mother do about  
12 it?

13                   **COMMISSIONER BERTHA WILSON:** Yes.

14                   **PAT HARPER:** Well, right now, if, let's  
15 just say if my daughter was apprehended - this is only  
16 as far as I know. I'm not an expert on it or anything.

17                   If my daughter was apprehended, she'd probably be taken  
18 through Child and Family Services and maybe the Metis Child  
19 and Family Services will be contacted in Winnipeg, I'm  
20 not sure.

21                   And then I'd probably have to maybe,  
22 depends on what was wrong in the home, I'd have to get  
23 counselling and straighten my act out supposedly as to

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1 whatever they wanted me to do to suit their standards to  
2 get my daughter back.

3 **COMMISSIONER BERTHA WILSON:** You  
4 mentioned that sometimes Metis children were put into  
5 non-Metis foster homes. Are there Metis foster homes  
6 available that these children could have been put into?

7 **PAT HARPER:** Yes, there's many Metis  
8 foster homes in Manitoba. They are available.

9 **CO-CHAIR RENE DUSSAULT:** Yes?

10 **SENATOR EDWARD HEAD:** I would like to  
11 clarify some of the questions that you asked.

12 First of all, that there are definitely  
13 Metis homes, foster homes that are available, but it's  
14 extremely hard for Metis people to come under the criteria  
15 to become a foster home.

16 You have to fight with government to be  
17 able to accept you as a foster home. That is the main  
18 stumbling block right now with us.

19 And with respect to our own people, we  
20 are a distinctly, uniquely, a race of people that is  
21 separate from every other Aboriginal group in this country.

22 We are Metis people. We look, some of us look Indian  
23 and some of us look white. You know, but anything in



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1 between that is Metis in our term.

2                   And I get the, I really get uptight when  
3 somebody tells me that I have to continuously, continuously  
4 tell people who I am. In my heart I know who I am. That's  
5 why I was born that way. No card that you could give me,  
6 no card that the government could give me can change the  
7 attitude and change me to become an Indian or whatever  
8 the case may be.

9                   I was born. I came into this earth with  
10 no clothes and I came in here with no attitude. I came  
11 here with no prejudice, and no nothing. And I don't think  
12 another race of people has a right to decide for us how  
13 the heck we should live and why should we always be  
14 accountable to society at large for who we are.

15                   We are a race of people that is unique  
16 and we are unique. We have a tradition of our own, you  
17 know. But in terms of government and its attitude, that  
18 is the problem. It's the attitude of the people of the  
19 day.

20                   The insensitive government who cannot  
21 deal with issues. Rather than deal with them, suppression  
22 is the easiest way to deal with a group of people. And  
23 that's what we have felt over the years.

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1 Thank you.

2 **CO-CHAIR RENE DUSSAULT:** Any other  
3 questions.

4 **PAT HARPER:** I'd like to make one more  
5 comment in that, when we strive, when we have problems  
6 and heartaches and all these hard things, you know, they  
7 only make us stronger.

8 And we've had a rough trip, but it's made  
9 us stronger and I'm happy for that. I'm happy to maintain  
10 who I am.

11 Thank you.

12 **COMMISSIONER VIOLA ROBINSON:** I want to  
13 also commend you on your presentation.

14 From looking at the information that was  
15 provided to us on your organization, you've been in  
16 existence for a number of years organized as Metis Women's  
17 Association?

18 **PAT HARPER:** Yes. We have been.  
19 There's been spaces in between where we haven't been  
20 organized.

21  
22 **COMMISSIONER VIOLA ROBINSON:** During  
23 this time, have you made any progress at all in any area

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1 of concern in Manitoba or have you just been at a standstill  
2 or are you having difficulty?

3 For instance, I guess the Manitoba Metis  
4 Federation would be strong supporters of your positions  
5 and I suppose you're relying a lot on them for a lot of  
6 political representation or are you sort of on your own,  
7 or are you dealing with just social, social concerns?

8 **PAT HARPER:** No. We're, the President  
9 of the MMF is very supportive of us as are all the Metis  
10 men and everybody in the Metis Federation.

11 We, we have a lot more issues than social  
12 issues. We started to, we just started our group in  
13 December, I believe, in, and it's going to take a while,  
14 but we're going in that direction, you know, to be more  
15 politically involved.

16 As far as progress goes through the years  
17 for the Metis women, it's made us all individually  
18 stronger. Women along the way helped us to progress as  
19 people and to promote ourselves more.

20 **COMMISSIONER VIOLA ROBINSON:** Okay.

21 Thank you.

22 **PAT HARPER:** Thank you.

23 **CO-CHAIR GEORGES ERASMUS:** I don't have

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1 any questions, but I would like to thank you very much  
2 for coming today and sharing what you had to share with  
3 us.

4                   You're probably aware that we've started  
5 an intervener participation program for organizations  
6 across the country, that might want to seek some funding  
7 to come up with ideas and solutions for us over the next  
8 couple of years.

9                   So, for now, this is fine, but we will  
10 probably be back in Winnipeg again, also, if you wish to  
11 make a further presentation to us.

12                   Otherwise, feel free to send your views,  
13 you know, in a written form. We have a very large mandate  
14 and we're seeking everyone's opinions on each one of those  
15 issues, so, when you have the time to get to them, we would  
16 love to hear your opinions on them.

17                   Thanks for coming.

18                   **PAT HARPER:** Thank you again all of you,  
19 very much.

20                   **CO-CHAIR RENE DUSSAULT:** I would like  
21 to ask the Manitoba Metis Federation to come to make its  
22 presentation.

23                   **YVON DUMONT, PRESIDENT, MANITOBA METIS**

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1 **FEDERATION:** I thank the Commission and at the same time  
2 welcome them to Winnipeg. We appreciate your visit here  
3 as your first official visit in your public consultations.  
4 We think that Winnipeg is a very appropriate place to  
5 start, especially from the Metis Nation perspective.

6 We have some remarks that we want to  
7 make. We have a report that we want to make to you right  
8 now, but it's not in any way to be interpreted as a final  
9 report. We would like to, at this time, when you're just  
10 starting your consultation, to give you an overview of  
11 the issues that concern us as Metis people. Issues that  
12 we would like you to address as you consult with other  
13 Metis people across Western Canada, and with other  
14 Aboriginal Peoples as well. And we will be making  
15 presentations through the Metis National Council and the  
16 Metis Nation of Alberta and the Metis Society of  
17 Saskatchewan, the Ontario Metis and Aboriginal  
18 Association, the Metis Nation of the Northwest Territories  
19 and the Pacific Metis Federation and as we participate  
20 in your process, we would like the opportunity to appear  
21 before you again to provide more detail and better research  
22 material and recommendations that come from the Metis  
23 Nation.

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1                   The Royal Commission has an enormous  
2 task ahead of it, to investigate the evolution of the  
3 relationship between the Aboriginal People and, in  
4 particular, the Metis people, the Canadian Government and  
5 the Canadian society as a whole. Particularly in  
6 proposing specific solutions to the problems which have  
7 plagued our relationships and confront Metis people.

8                   This is not going to be an easy task.  
9 We know you've been mandated to do all of this in 18 months,  
10 to address the specific issues and concerns of all kinds  
11 of Aboriginal Nations across Canada, and this is a big  
12 task and quite frankly, I don't know if you can do it in  
13 18 months, but we wish you good luck anyway.

14                   It is our hope that the report of this  
15 Royal Commission will raise the consciousness of Canadians  
16 about the situation of Metis people in this country.

17                   For the Metis people of Canada this  
18 Commission provides an opportunity for Canadians and all  
19 levels of government to learn of the concerns and issues  
20 raised by the Metis people over the last hundred years  
21 as well as their problems and dissatisfaction with the  
22 governmental, judicial and educational systems imposed  
23 upon on our people.

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1                   This process comes shortly after a major  
2 inquiry in Manitoba to the justice system. The Aboriginal  
3 Justice Inquiry process and our recommendations to it,  
4 transcended the narrow bounds of the criminal justice as  
5 had been originally contemplated. We were pleased that  
6 the Commissioners accepted, virtually unaltered, our  
7 recommendations on a wide range of topics.

8                   In our presentation to that Inquiry, we  
9 addressed the fundamental issues of constitution, land  
10 base, natural resources, control and development, and the  
11 inherent difficulties of Metis people in dealing with  
12 dominant systems.

13                   It is fundamental to our position that  
14 the control of institutions affecting our lives be  
15 controlled by and accountable to ourselves. Without the  
16 inherent right to control our future being respected, the  
17 problems of the past are doomed to be perpetuated.

18                   We believe that the real thrust of the  
19 jurisdictional issue revolves around the recognition of  
20 Metis self-government institutions and the need to enhance  
21 and improve fiscal relations between the Metis and other  
22 levels of government. This recognition, coupled with more  
23 rational and certain fiscal relations, is required to

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1 enable Metis self-government institutions to improve the  
2 level of services available to Metis both on and off a  
3 land base.

4                   We say to critics of this proposal that  
5 such an amendment would confirm the obligation to respond  
6 to the Metis Nation in a manner consistent with, but not  
7 necessarily identical to, other Aboriginal Peoples. This  
8 is reflected, of course, in the Charter itself.

9                   It is not possible, nor appropriate, to  
10 undertake negotiations of specific rights in this forum.

11       But, we reflect to you our belief in the fairness of the  
12 fundamental principle that groups of similar people must  
13 be treated by government similarly. We also note that  
14 the constitutional capacity by the senior level of  
15 government does not preclude entry into an area by the  
16 junior level unless inconsistency in the positions exists.

17                   We recommend that the Commission deal  
18 with Metis access to a land and resource base.

19                   The Metis believe that the right to a  
20 land and resource base naturally flows from the rights  
21 of the Metis Nation as set out in Section 31 of the Manitoba  
22 Act and in Section 35 of the Constitution Act, 1982 where  
23 it recognizes the Aboriginal Rights of Metis people. We



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1 hold the view that the quantum of land must recognize and  
2 promote the social, cultural and economic development of  
3 the Metis Nation.

4                   It is self evident that, since the land  
5 transfer agreements, the land necessary to satisfy land  
6 claims comes from the provincial stocks. We say that the  
7 fiduciary duty of the federal government runs with the  
8 land both by its failure to deliver on its promise in our  
9 Treaty (the Manitoba Act) and its other obligations in  
10 law.

11                   Whether rooted in the Constitution Act,  
12 the Treaty between Canada and the Metis, which is the  
13 foundation behind the Manitoba Act, or in Aboriginal or  
14 Metis title, the Metis people are entitled to a land base.

15       There is presently no process available for the  
16 consideration and determination of a land base for the  
17 Metis people who have been forced to go to the courts to  
18 establish their claim to a land base. The Metis have been  
19 excluded from negotiations with governments regarding  
20 their land claims and have no process by which they can  
21 hope to negotiate with government.

22                   The Metis people are hopeful that this  
23 process will provide a forum for many years of frustration

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1 to be made public and that the Commissioners' Report will  
2 represent their views. We are also hopeful that your  
3 report will provide an improved understanding of the  
4 special position of the Metis peoples of Canada and will  
5 form the basis for redress and compensation through the  
6 implementation of your recommendations.

7                   The reluctance of the federal and  
8 provincial governments to deal on an equal basis with the  
9 Metis Nation of Canada indicates an obvious need for the  
10 Commissioners to give consideration to a process for  
11 implementing recommendations.

12                   It has been our experience that even if  
13 you recommended a method for implementation of  
14 recommendations it is all too easy for governments to  
15 ignore such a recommended process. One need only observe  
16 the lack of consideration by the federal government and  
17 the refusal of the Province of Manitoba to give  
18 consideration to the recommendations of the Commissioners  
19 of the Aboriginal Justice Inquiry of Manitoba.

20                   We feel that it's necessary that your  
21 recommendations be specific and strong and that the  
22 governments would have no excuse for putting them on the  
23 shelf to gather dust.

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1                   We therefore recommend that you consider  
2   issuing preliminary reports with regard to pressing  
3   issues, but not in a manner which predetermines ongoing  
4   constitutional negotiations.

5                   We would like to be able to use the  
6   material that is produced by the Royal Commission in our,  
7   in our Constitutional negotiations. We feel that you have  
8   the opportunity and the ability to raise public awareness  
9   on, on Metis issues and we think that the material that  
10  is developed by this Commission can be used effectively  
11  in our negotiations.

12                  For example, a finding by the  
13  Commissioners that the Metis are or should be a federal  
14  responsibility under Section 91(24), would be appropriate,  
15  but to suggest constitutional solutions, would not be.

16                  Because this Commission is so near in  
17  time to the Aboriginal Justice Inquiry Report, we have  
18  used the findings of that Inquiry, when based upon our  
19  recommendations, to demonstrate our position.  
20  Nonetheless, where quoted, the Aboriginal Justice Inquiry  
21  recommendations reflect our position.

22                  The first item is the history of  
23  relations between aboriginal peoples, the Canadian

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1 government and Canadian society as a whole - The history  
2 of the Metis differs from that of other Aboriginal Peoples  
3 as a result of Treaties and government legislation such  
4 as the Indian Act. The many injustices suffered by the  
5 Metis at the hands of government and its officials need  
6 to be told in an effort to arrive at an understanding of  
7 the present day situation of the Metis Nation.

8                   Although the Metis have begun some  
9 studies of historical patterns of Metis settlements and  
10 governance, much more work needs to be done. We have only  
11 begun to scratch the surface and would like to tale a  
12 recently published book The Struggle for Recognition:  
13 Canadian Justice and the Metis Nation, that came about  
14 as a result of research done for a presentation to the  
15 Commissioners of the Aboriginal Justice Inquiry of  
16 Manitoba.

17                   Although the history of relations  
18 between the Metis, Canadian government and Canadian  
19 society as a whole, has been a troubled one, the Metis  
20 people and the federal government have recently expressed  
21 their willingness to enter into a renewed and more positive  
22 relationship.

23                   The history of the Metis Nation is

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1 replete with bad relations. One example is the Inquiry  
2 into the Administration of Justice in Manitoba in  
3 1881, which found substantial land fraud, and the  
4 government response was to enact legislation validating  
5 the fraudulent acts.

6                   There was a Royal Commission that was  
7 set up in Manitoba in 1881 in answer to the Metis claims  
8 that the Metis were being, were being cheated  
9 systematically out of their land. And so the federal  
10 government said okay, we'll, we'll set up this Royal  
11 Commission and we'll invite all of the big lawyers and  
12 judges and politicians from Manitoba and we'll ask them  
13 these questions very pointedly. And so they did. And  
14 they said, "Is it true? Are the allegations that the Metis  
15 are making, are they true?" And they said, "Well, yeah,  
16 they were true but, they're true but see, we had to do  
17 that because we couldn't let all that good land stay in  
18 the hands of the Metis." So the provincial government  
19 decided to redress that and make sure that this illegal  
20 action was redressed and what they did is, they passed  
21 legislation saying, "Well, all of these activities were  
22 legal retroactively." That was their way of redressing.

23 I hope that the response to your recommendations are dealt

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1 with in a more sensitive way than that by the federal  
2 government and the provincial government.

3                   The historic stands of Louis Riel  
4 against Canadian aggression reflect the value placed by  
5 Canadian governments on reasonable discourse and fair  
6 settlement of our claims. Laws passed prohibiting more  
7 than three Metis from meeting or "to protect the rights  
8 of the estates of infants except Metis" demonstrate this  
9 further.

10                   In recent years, the fact that we had  
11 to commence court action to get an independent seat in  
12 the 1980-81 Constitutional talks, the refusal of  
13 governments to refer the issue of Metis status under  
14 Section 91(24) to the Courts and other like actions have  
15 not boded well for fairness. This Commission has the  
16 opportunity to comment on these actions, and we invite  
17 you to do so.

18                   We are optimistic that the Royal  
19 Commission's investigation and recommendations regarding  
20 the historical relationships with the Metis people will  
21 result in increased understanding of the position and the  
22 role of Metis in Canadian society today and an improved  
23 dialogue and discussion with the federal and provincial

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1 governments.

2                   To assist the Commission further in its  
3 investigation we ask the Honourable Commissioners to call  
4 on the federal and provincial governments to disclose their  
5 data, research and legal opinions regarding the Metis  
6 people of Canada to both ourselves and to the Commission.

7                   A lot of that research has been done and  
8 it's available to, it's available to the Department of  
9 Justice. It wouldn't take much for the federal government  
10 to share that with you and with us, so that we don't have  
11 to start by reinventing the wheel. A lot of that work  
12 has been done and can be made available.

13                   The historical interpretation and  
14 application and potential future scope, of Section 91(24)  
15 of the Constitution Act, 1867, and the responsibilities  
16 of the Canadian Crown - With regard to the interpretation  
17 and application of Section 91(24) of the Constitution Act,  
18 it is our position that the Metis people of Canada fall  
19 under Section 91 or under federal jurisdiction of the  
20 Constitution Act. We submit for the Honourable  
21 Commissioner's consideration the recommendation of  
22 Commissioners Sinclair and Hamilton of the Aboriginal  
23 Justice Inquiry of Manitoba, who recommended that:

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1

2 "The federal and provincial governments, by resolution  
3 of their respective legislative assemblies,  
4 specifically acknowledge and recognize the Metis  
5 people as coming within the meaning of Section  
6 91(24) of the Constitution Act, 1867, and that the  
7 Government of Canada accept that it has primary  
8 constitutional responsibility to seek to fulfill  
9 this mandate through devising appropriate  
10 initiatives in conjunction with the Metis people  
11 in Canada."

12

13 Although the federal and provincial governments recognize  
14 the principle of self-government for Aboriginal Peoples,  
15 they have been reluctant to translate this recognition  
16 in any concrete ways. The federal and provincial  
17 governments continue to deny that they have any  
18 responsibility for the Metis peoples with the exception  
19 of Alberta. Commissioners Sinclair and Hamilton state  
20 that,

21

22 "These jurisdictional squabbles and efforts to deny  
23 responsibility should stop immediately. In our



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1 view, Metis people and non-Status Indians fall  
2 within the constitutional definition of "Indians"  
3 for the purposes of Section 91(24) of the  
4 Constitution Act, 1867 and fall within primary  
5 federal jurisdiction."

6  
7 As a result of the federal government's position there  
8 has been a lack of recognition and protection of Metis  
9 or Aboriginal rights by governments and the courts in  
10 Canada. This, in turn, has had a negative effect on  
11 individual Metis and the Metis people as a whole.

12 It is our position that this issue should  
13 receive prompt attention by the Commissioners in an interim  
14 report to the government.

15 The constitutional and legal position  
16 of the Metis and off-reserve Indians - Related to the issue  
17 as to whether Metis fall under federal jurisdiction is  
18 the question as to whether the Metis are "Indians" within  
19 the meaning of paragraph 13 of the Manitoba Natural  
20 Resources Transfer Agreement, as scheduled to the  
21 Constitution Act, 1930.

22 It is the position of the Metis that such  
23 a provision applies to the Metis people and protects their

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1 hunting, fishing and trapping for food from restriction  
2 by provincial law.

3                   Further to this issue, it is the position  
4 of the Metis that we have always had Aboriginal rights  
5 and that such rights have not been extinguished. But  
6 again, the provincial and federal governments have  
7 continued to assert that the Metis do not possess  
8 Aboriginal rights that could be recognized or affirmed  
9 in the Constitution Act, thereby interpreting the  
10 inclusion of the Metis within Section 35 as meaningless.

11                   The rights of the Metis have an  
12 historical and legal basis under applicable Constitutional  
13 and statutory provisions as well as in international law.  
14 Recognition of Metis rights occurs in Section 31 of the  
15 Manitoba Act of 1870, which now forms part of the  
16 Constitution of Canada. Metis people and their rights  
17 are specifically recognized in the Constitution Act, 1982  
18 and the Metis have special rights under a Treaty between  
19 our 1870 provisional government and the federal government  
20 of Canada. The Metis have been recognized as a distinct  
21 people both historically and today. The Metis are a people  
22 with a right of self-determination by virtue of the above  
23 as well as in international law.

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1                   The Manitoba Act and the Dominion Lands  
2 Act made special provision for land grants or scrip for  
3 Metis people towards the extinguishment of their  
4 Aboriginal or "Indian" title.

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

18                   In terms of natural law, the Metis are  
19 an organized distinct people with established governmental  
20 institutions and distinct cultural identity. We are a  
21 people who once had a clear economic base and defined  
22 uncontested land base for our people - and definite  
23 uncontested land base for your people. Although the lands

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1 granted to the Metis were granted to individuals the fact  
2 that they are in recognition of "Indian title" only serves  
3 to demonstrate that such grants were made in response to  
4 the rights of the Metis as a recognized nation of people.

5 Even as is interpreted by the Courts of Canada, we assert  
6 that we possess Aboriginal title.

7                   The Commissioners of the Aboriginal  
8 Justice Inquiry of Manitoba pointed out that, although  
9 the legal system in Manitoba has not yet recognized Metis  
10 or Aboriginal rights, governmental practice has. The  
11 Metis and non-Status Indians have been included only  
12 peripherally in compensation arrangements and were not  
13 included as a party to negotiations until recently when  
14 the Manitoba Metis Federation began insisting on its  
15 participation. Government has yet to confirm its position  
16 on this.

17                   The Metis people want to dispel the myth  
18 that they are "piggy-backing" on the rights of Status  
19 Indians and their communities. Our people have been  
20 ignored long enough. The contradictory and inconsistent  
21 attitude of governments towards Metis people must be  
22 addressed. But they are our rights, independent of any  
23 rights of other Aboriginal Peoples.

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1                   The federal government having  
2 recognized the Metis people as one of the Aboriginal  
3 Peoples of Canada are now bound by their fiduciary duty  
4 to deal with the Metis in good faith. The federal  
5 government has yet to live up to this legal, political  
6 and moral obligation. This rightful place of the Metis  
7 in the Constitution has yet to be negotiated in good faith  
8 between governments.

9                   The recognition and affirmation of  
10 Aboriginal self-government; its origins, content and a  
11 strategy for progressive implementation - Self-government  
12 to the Metis people means quite simply the right of Metis  
13 people and communities to run their own affairs within  
14 their own communities.

15                  In 1987, following the conclusion of the  
16 First Ministers Conference on constitutional Reform  
17 related to Aboriginal self-government, the Manitoba Metis  
18 Federation entered into a trilateral process of  
19 negotiations, research, design and development of  
20 institutions of Metis self-government.

21                  This non-constitutional initiative,  
22 involving the Government of Canada, the Province of  
23 Manitoba and the Manitoba Metis Federation, was formalized

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1 in 1989 by a Process Agreement on Metis Self-Government  
2 Tripartite negotiations. This Process Agreement was  
3 formally ratified by the Federal Minister of Justice, the  
4 Provincial Minister of Northern Affairs, the Minister  
5 Responsible for Native Affairs, and the General Assembly  
6 of the Manitoba Metis Federation.

7                   We recommend that the current Manitoba  
8 Tripartite Negotiations and associated Process Agreement  
9 be reviewed by the Commission as one possible process that  
10 with further enhancements, might serve to define and  
11 implement trilateral agreements to establish effective  
12 institutions of Metis self-government. It is important  
13 to note that amendments would be required to the Process  
14 Agreement to include specific time lines for reaching  
15 agreements, as well as the inclusion of third party  
16 arbitration. This would effectively create a framework  
17 agreement for negotiations related to Metis  
18 Self-Government.

19                   The Commission should make  
20 recommendations on this issue, either in concert with  
21 Constitutional proposals for Aboriginal self-government,  
22 or in the absence of a constitutional amendment, to make  
23 the process of negotiations more effective.

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1                   The Governments of Canada and the  
2 provinces have recognized only the principle of Aboriginal  
3 self-government. Official recognition is needed to  
4 ensure the inherent right of the Metis, as Aboriginal  
5 People, to self-government, is no longer brought into  
6 question. It must be made clear that it is not up to the  
7 federal government to unilaterally define and determine  
8 the limits of Metis self-government.

9                   To this end, we are in support of the  
10 recommendations of the Aboriginal Justice Inquiry which  
11 states:

12  
13 "Action to be taken by the Federal Government: recognize  
14 the reality of Aboriginal self-government through  
15 a parliamentary resolution. Amend the Indian Act  
16 to remove restrictions on Aboriginal  
17 self-determination and recognize specifically the  
18 right of Aboriginal governments to establish their  
19 own constitutions, civil and criminal laws, and  
20 institutions of government.

21  
22 Action to be taken by the Provincial Government:

23 Recognize the reality of Aboriginal

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1 self-government through a legislative resolution  
2 and work with the federal and other provincial  
3 governments toward a constitutional amendment  
4 recognizing it. Recognize the right of Aboriginal  
5 communities to establish an Aboriginal justice  
6 system and work toward its implementation."  
7

8 The legal status, implementation and  
9 future evolution of Aboriginal Treaties, including modern  
10 day agreements - The Metis have special rights as a result  
11 of a Treaty between their 1870 provisional government and  
12 the federal government of Canada. The recognition of the  
13 contributions of the Metis throughout Canada's history  
14 has been ignored until recently. For example, the leader  
15 of the Metis people has only recently received recognition  
16 by the federal government for bringing Manitoba into  
17 Confederation.

18 The rights of the Metis have an  
19 historical and legal basis under applicable constitutional  
20 and statutory provisions as well as in international law.

21 Recognition of Metis rights under  
22 Section 31 of the Manitoba Act, 1870, which now forms part  
23 of the Constitution Act of Canada. Louis Riel referred



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1 to the Manitoba Act as a Treaty and called upon Canada  
2 to respect the Treaty and this has yet to occur.

3                   Although the Metis people of Canada have  
4 been recognized as one of the Aboriginal Peoples of Canada  
5 by virtue of Section 35 of the Constitution Act, such  
6 constitutional recognition has not been translated into  
7 respect for our Aboriginal or Treaty rights in any way  
8 whatsoever.

9                   We have been recognized as a distinct  
10 people with a right of self-determination by virtue of  
11 the laws of Canada and international law, but the  
12 provincial and federal governments continue to deny that  
13 the Metis people have any concrete Aboriginal or Treaty  
14 rights.

15                   We are in agreement with Commissioners  
16 Sinclair and Hamilton recommendations as follows:

17

18 "The government of Manitoba invite the Assembly of Manitoba

19                   Chiefs and the Manitoba Metis Federation to  
20                   designate representatives to work with senior  
21                   provincial officials to review all relevant  
22                   legislation that may conflict with Aboriginal and  
23                   Treaty rights. This review should identify

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1 specific areas of conflict and propose concrete  
2 solutions and statutory amendments. The Manitoba  
3 Aboriginal Justice Commission that we propose  
4 should be utilized to assist in this process if  
5 any of the parties wish.

6  
7 The federal and provincial governments establish a process  
8 to review all proposed legislation for its  
9 potential effect on the rights of Aboriginal  
10 Peoples.

11  
12 The Interpretation Acts of Manitoba and Canada be amended  
13 to provide that all legislation be interpreted  
14 subject to Aboriginal and Treaty rights."

15  
16 Despite the recommendations of any Inquiry and the  
17 recognition by many of the unique position of the Metis  
18 people we continue to be treated as second class and  
19 sometimes third class Aboriginal people and our rights  
20 continue to be denied. We sincerely hope this Honourable  
21 Commission includes recommendations to redress this  
22 situation.

23 The land base for Aboriginal People,

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1 including the process for resolving comprehensive and  
2 specific claims, whether rooted in Canadian constitutional  
3 instruments, Treaties, or in Aboriginal title - Whether  
4 rooted in the Constitution Act, the Treaty between Canada  
5 and the Metis which forms the foundation of the Manitoba  
6 Act or the Manitoba Act itself or in Aboriginal or Metis  
7 title, the Metis people are entitled to a land base. There  
8 is presently no process available for the consideration  
9 and determination of a land base for the Metis people who  
10 have been forced to go to the courts to establish their  
11 rightful claim to a land base. The Metis have been  
12 excluded from negotiations with governments regarding  
13 their land claims and have no process by which they can  
14 hope to negotiate with government.

15                   Although the Commissioners of the  
16 Aboriginal Justice Inquiry declined to comment on the  
17 present court case, they did suggest that, "There may well  
18 be outstanding obligations under the early provisions or  
19 claims to damages, but, unlike Alberta and Saskatchewan,  
20 there are no lands in Manitoba today which are set aside  
21 as Metis lands in any special legal sense."

22                   This lawsuit was brought in the name of  
23 descendants of the Metis who were to receive land under

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1 the provisions of Sections 31 and 32 of the Manitoba Act,  
2 1870. The Metis brought suit against the Manitoba and  
3 Canadian governments to obtain a declaration that the  
4 statutes and orders-in-council passed throughout the  
5 1870's and 1880's were unconstitutional and designed to  
6 undermine the rights of the Metis to land under the Manitoba  
7 Act. In other words, they were in breach of the Manitoba  
8 Act, 1870, and that certain of the measures passed by  
9 Manitoba trench on Section 92(24) of the Constitution Act  
10 of 1867. The Manitoba Act is a statute which has the force  
11 of a constitutional enactment. The result is that the  
12 Metis are an Aboriginal People without land.

13                   Because the governments of Manitoba and  
14 Canada have been attempting to frustrate our ability to  
15 sue we have been caused considerable expense. In March  
16 of 1990 the Supreme Court of Canada unanimously upheld  
17 the right of the Metis to bring this lawsuit to trial after  
18 being challenged by the Attorney General of Canada.  
19 Notwithstanding the spirit of that decision the  
20 governments of Canada and Manitoba continue to waste our  
21 time and resources in seemingly endless procedural  
22 wrangles. They seem intent on preventing resolution, not  
23 encouraging it. So, not only are they providing it,

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1 depriving us of the right to negotiate with them and with  
2 governments on, to settle this land claim, but they're  
3 trying to deprive us of the right to have our day in court.

4                   The Commissioners of the Aboriginal  
5 Justice Inquiry pointed out the government's obligation  
6 to negotiate and settle Metis claims. If the government  
7 would give an indication that there is a likelihood of  
8 settlement, the Metis could then establish what an  
9 appropriate settlement would look like.

10                   Related to the issue of a land base is  
11 the clear need for our people to geographically define  
12 which communities are largely made up of Metis people and  
13 to determine the wishes of the people in these communities  
14 as to the status and treatment of these lands.

15                   It is important to distinguish between  
16 de facto control of land and an actual land base. It is  
17 true that some communities have a majority of Metis  
18 residents. These are largely Northern communities by  
19 virtue of the constrictions of the Northern Affairs Act  
20 and the policies of the Provincial government there remains  
21 no effective land control by these communities. A recent  
22 case, in Crane River, demonstrates that the Province has  
23 no interest in devolving power. In that case, despite

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1 the provincial regulation requiring community consent to  
2 any disposition of land, a long term lease was entered  
3 into by the province over the communities' objection.

4 We agree that there needs to be a  
5 definition of these communities, in the north and in the  
6 south, for program delivery. The Commissioners of the  
7 Aboriginal Justice Inquiry recommended that:

8  
9 "The Manitoba Aboriginal Justice Commission,...be  
10 mandated by the Manitoba Metis Federation, and the  
11 provincial and federal governments to define and  
12 designate the boundaries for 'Metis communities'  
13 for program delivery, local government and  
14 administration of justice purposes."

15  
16 A method is needed for the implementation of such  
17 recommendations.

18 We feel that these items do not represent  
19 a land base. Clearly land base reflects the ability to  
20 control all aspects of land utilization. Significantly,  
21 the federal and provincial refusal to discuss a land base  
22 for the Metis in the tripartite self-government  
23 negotiation process. They have communicated that a land

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1 base may be reflected as a part of economic development.

2 This, similarly, is not a land base.

3 A land base, to us, reflects such  
4 inherent control as to exclude participation in same by  
5 the other levels of government. It is a fundamental right  
6 needed to define our nationhood. It represents an ongoing  
7 birth right, not only a part of our economic reality.

8 An attempt at this was reflected in  
9 Section 31 of the Manitoba Act. It had been, and continues  
10 to be, the position of the Metis that the 1.4 million acres  
11 represented a form of Metis reserve. By blocking some  
12 of the land together, in a separate reserve, it had been  
13 our forefathers belief that the Metis way of life would  
14 flourish and grow. By preempting the rights that were  
15 recognized in the provisions under Section 31 and by  
16 defrauding us of other lands under Section 32, the  
17 governments facilitated the removal of a Metis land base  
18 that was promised in the negotiations between the  
19 provisional government of 1869 and the government of  
20 Canada. This failure must be addressed in your  
21 deliberations.

22 The special difficulties of Aboriginal  
23 people who live in the north - We'll address this area

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1 more in-depth in a later written presentation to the Royal  
2 Commission.

3                   Given the timeframe available and  
4 availability of well researched documents, the MMF will  
5 address Number 7 to Number 15 at a later date to the  
6 Commission.

7                   In respect to the 16 points that will  
8 be addressed by the Royal Commission, the MMF will produce  
9 a more in-depth document as the Commission proceeds with  
10 its work throughout the country.

11                   In response to Item 16, I will elaborate  
12 our response with a brief statement.

13                   Justice issues of concern to Aboriginal  
14 Peoples - We may want to simply state our position with  
15 respect to the Recommendations of the Aboriginal Justice  
16 Inquiry of Manitoba, table, The Struggle for Recognition:  
17 Canadian Justice and the Metis Nation and address this  
18 area more in-depth in a written presentation to the Royal  
19 Commission at a later date.

20                   Without the children a culture cannot  
21 survive. The Metis people have been and continue to be  
22 robbed of our children by non-Metis child caring agencies.

23                   The Aboriginal Peoples with Treaty Status in the Province



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1 of Manitoba have their own child caring agencies. These  
2 agencies were officially established to protect Aboriginal  
3 Peoples registered under the Indian Act from the cultural  
4 genocide that is inherent when the children are removed  
5 from a culture. One wonders, however, if these agencies  
6 were not set up to save the Province of Manitoba the expense  
7 of providing child care for Aboriginal Peoples registered  
8 under the Indian Act. These agencies are funded  
9 exclusively by the federal government. In fact, it was  
10 the position of the Province of Manitoba, in the early  
11 eighties and before, that they had no jurisdiction to  
12 protect children on Indian reserves. The courts, however,  
13 ordered them to provide this service.

14                   The Manitoba Metis Federation has long  
15 been calling for the formation of a Metis child caring  
16 agency. The Metis people have the same concerns that the  
17 Aboriginal People registered under the Indian Act over  
18 the cultural genocide that is caused when Metis children  
19 are taken from their families. The statistics indicate  
20 that approximately fifty percent of the children of  
21 non-Aboriginal agencies are Metis. The Metis represent  
22 between five and six percent of the population of this  
23 province. All but one non-Aboriginal child caring agency

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1 has refused to release the number of Metis foster families  
2 available to care for Metis children apprehended by them.  
3 Their position is that these statistics are confidential.  
4 The Metis Federation is not asking for the names of these  
5 people, merely the numbers. Almost all Metis children  
6 in the care of non-Aboriginal agencies are in the care  
7 of non-Metis families. The children are raised without  
8 contact or access to their language and culture. They  
9 are raised in a society that devalues their identity as  
10 Metis people and learn to hide and be ashamed of their  
11 cultural distinctiveness. Most are forever lost to the  
12 Metis Nation. Yet, because there is presently no federal  
13 funding for the establishment of a Metis child caring  
14 agency, this pattern is likely to continue. The Metis  
15 culture should not continue to be eroded while the federal  
16 and provincial governments debate over who should foot  
17 the bill.

18 We are envious in some ways of the, of  
19 the Aboriginal or the Indian Child and Family Services  
20 Agencies, the mandated agencies, because we noted in the  
21 statistics in the research that is being done here in  
22 Manitoba that, at one time, there was some research done  
23 as to the number of Aboriginal children in the, in the

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1 child care system.

2                   And it was noted that there was a large  
3 amount in there, a shocking amount. And so, the Indian  
4 agencies were mandated to cover Indian children on  
5 reserves. And it was much needed and they've done a really  
6 good job on their reserves.

7                   But, unfortunately, or I should say that  
8 while we're doing this research, we now noticed that, that  
9 the number of Status Indian children being apprehended  
10 have been reduced dramatically in Manitoba.

11                   And so we had thought, well, then, the  
12 overall number of children, Aboriginal children that are  
13 being apprehended would also be reduced. But that wasn't  
14 the case. The number of Aboriginal children being  
15 apprehended stayed exactly the same.

16                   Which means that as the Indian people  
17 looked after their own in a responsible way, their numbers  
18 went down and ours went up, which suggests to us that  
19 there's a child care agency system here in Manitoba that  
20 likes to feed its own bureaucracies on the backs of Metis  
21 children and families.

22                   This is not acceptable. We will not sit  
23 back and accept this kind of treatment and we fully expect

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1 that the Aboriginal Justice or that the, this Royal  
2 Commission, will address those kinds of problems.

3                   The book that we've tabled with you, the  
4 book that we've tabled with you contains a lot of these  
5 statistics, and we hope that as you read the book - it  
6 doesn't, it doesn't provide you with all of the information  
7 that you need, but we hope that as you find or as you need  
8 more and more information, that you will be in contact  
9 with us so that we can provide you with that information.

10                   We appreciate the time that you've given  
11 us here today, and we hope that this Royal Commission will  
12 be successful beyond any others.

13                   We have a lot of confidence, we have a  
14 lot of confidence in the individuals that have been  
15 selected to do this job, but at the same time, we know  
16 that this job is, is a lot more far reaching than most  
17 people realize, and maybe even a lot more work needs to  
18 be done than you had originally thought yourselves.

19                   So, we hope that, that this will be the  
20 Royal Commissions of Royal Commissions in Canada, and the  
21 kind of Royal Commission whose report, the federal and  
22 provisional government, provincial government, won't be  
23 able to set on some shelf some place to gather dust, but

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1 that action will be taken as a result.

2 Thank you very much.

3 **CO-CHAIR RENE DUSSAULT:** Thank you, Mr.  
4 Dumont, for giving us at this early stage such a good  
5 overview of the, your thought on our mandate. We realize  
6 that there are more to come, but what struck me from your  
7 brief this afternoon, is really that, the fact that you  
8 embark upon the process quite actively in a very precise  
9 fashion.

10 I understand that probably the major  
11 priority, if I read your brief correctly is the recognition  
12 that you seek under the Constitution in order to embark  
13 upon the process of discussing programs and of course we  
14 are all aware that this question is on the Constitutional  
15 table at the moment, and discussion at least and has been  
16 raised by Metis people.

17 We hope that some progress will come out  
18 of the negotiations, but we are certainly going to have  
19 a close look at things as they will develop on this  
20 particular aspect, because we know that, as a Commission,  
21 we will have any way, to deal with it if the constitutional  
22 framework do not provide a solution.

23 The other aspect that is quite striking

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1 is the fact that the child care agency. Your link with  
2 the women in Manitoba who came just before you, is quite  
3 striking and this is an issue that I hope we should be  
4 able to address in a concrete fashion, as soon as possible,  
5 because it is certainly a very important one.

6                   And I would like, maybe, to, on this one,  
7 to ask you where should we start, because it does involve  
8 the province and it does involve - we're going, for example,  
9 to have this round table on urban issues, and it is  
10 certainly going to be one of the burning issues and we  
11 are expecting from you, as much advice as possible as to  
12 a way to tackle a question like this, maybe not only in  
13 our final report, but before, if it's possible.

14                   I don't know if you could expand on, the  
15 problem is well defined, but in terms of getting closer  
16 to a solution, what, could you tell us a bit more about  
17 what should be the first steps from the point of view of  
18 your Federation?

19                   **YVON DUMONT:** Well, as far as we're  
20 concerned, I think the question of jurisdiction is one  
21 that has to be addressed right away. That's been the  
22 problem that we've faced as Metis people.

23                   We go to the federal government and we

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1 try to access funds that are made available for child and  
2 family services, for example, and we're told that, well,  
3 yeah we have funds here, but you're not our responsibility.  
4 You're not federal responsibility. You go back to the  
5 province and you talk to them.

6                   And we go to the province and they say,  
7 well, it's an Aboriginal issue, it is not our, it is not  
8 our responsibility.

9                   You're really federal responsibility.

10                   And we end up not getting any kind of  
11 resolution or no kind of forum to which we can address  
12 our concern.

13                   So, and we're addressing this very  
14 question of jurisdiction as far as 91(24) is concerned  
15 in the constitutional process, but we want to make sure  
16 that, that even if we don't get a resolution to this issue  
17 at the Constitutional table, for example, come the end  
18 of May or next October, and there is no constitutional  
19 deal in Canada, we would still like the Royal Commission  
20 to have done enough research in this to make some  
21 recommendations that, or some declaration that the Metis  
22 are, either are or are not, I suppose, depending on what,  
23 what you feel - we know what we feel and we're asking you

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1 to address it - but, we would like to get some kind of  
2 a declaration by the Royal Commission, independent of the  
3 Constitutional process, that, that finally puts an end  
4 to this jurisdictional question for the Metis, because  
5 to this, to this date or to this point, we, it's been a  
6 real problem for us, because we're not being, our concerns  
7 are not being addressed by any, any government.

8 **CO-CHAIR RENE DUSSAULT:** We certainly  
9 understand that it might be a legal issue, but I think  
10 there's also more collective issues and, of course, the  
11 Royal Commission is going to have a close look at a question  
12 like this one, but again...

13 **YVON DUMONT:** I'm having trouble to  
14 hear.

15 **CO-CHAIR RENE DUSSAULT:** The Royal  
16 Commission is going to have a close look at the question  
17 like this one involving 91(24) and the jurisdiction of  
18 the Metis, but again, we are in no position, we're not  
19 the Supreme Court and what we can do is to develop up the  
20 context and state the facts, the legal facts, as well as  
21 the general context, but again, it seems to us that this  
22 will have to be tackled into a greater framework than a  
23 purely technical legal framework, because we are not acting



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1 as the Supreme Court of Canada.

2 We might have some peer views. Maybe  
3 others could be more difficult to reach, depending on the  
4 issues, but we're working in a surrounding that is more  
5 than purely legal.

6 **YVON DUMONT:** But at the same time, just  
7 like we don't need a constitutional change in order to  
8 force the federal government to accept responsibility for  
9 the Metis, we also don't need a decision of the Supreme  
10 Court of Canada.

11 I mean, this can be done by mere change  
12 of policy by the federal government, to accept  
13 responsibility for the Metis, and if we had a declaration  
14 from you recommending, as the Aboriginal Justice Inquiry  
15 did in Manitoba, that, that the Metis come under Section  
16 91(24) of the, of the Constitution Act of 1867, it would  
17 certainly help us in our negotiations.

18 I mean, you people got clout.

19 You may not be the Supreme Court, but,  
20 at least I'm told.

21 **CO-CHAIR RENE DUSSAULT:** Again, I just,  
22 I don't want to pressure you on that, but I just like to  
23 stress that probably what we can do at the best is to put

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1 everything into perspective and have a general picture  
2 of the situation and it will be more convincing when you,  
3 you're sure that you have the four corners of what you're  
4 dealing with, and that's one of the reasons why the  
5 Commission was given such a wide mandate.

6                   So, we're going to look at many  
7 facets with your help and the help of other groups  
8 representing Metis.

9                   **CO-CHAIR GEORGES ERASMUS:** Thank you  
10 for your excellent presentation. There's a lot here to  
11 go through.

12                   A couple that stand out really  
13 strikingly to me and I'd like to follow up on.

14                   You mention that in '87 following the  
15 First Ministers meetings dealing with the Aboriginal  
16 agenda, that you entered into a tripartite process to work  
17 out institutions of Metis self-government.

18                   Is there any chance we could get copies  
19 of whatever products came out of that? The models, the  
20 ideas, and how you would actually govern yourself?

21                   **YVON DUMONT:** Certainly. We mentioned  
22 them to you and we would make every report that we have  
23 available to you. In fact, we'll make a point of making

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1 them available to you in the near future.

2 **CO-CHAIR GEORGES ERASMUS:** Do you have  
3 them both for a land base and an urban situation or  
4 situations without a land base?

5 **YVON DUMONT:** No. The, the provincial  
6 government and the federal government have not, have not  
7 agreed to enter into negotiations on a land base, but we're  
8 dealing mostly with, with off of land base at this point,  
9 even though we're trying to get them to agree to discuss  
10 the land base.

11 **CO-CHAIR GEORGES ERASMUS:** Okay. So  
12 then, let me see if I follow this.

13 You couldn't develop institutions that  
14 would control land because the government wouldn't let  
15 you talk about a land base; is that what you're saying?

16 **YVON DUMONT:** That's right. It wasn't  
17 included in the agreement. They said that the land base,  
18 if we wanted to talk about land in the context of economic  
19 development, they were willing to do that, but they're  
20 not willing to talk about land as a settlement of Aboriginal  
21 title to land.

22 And so we're, and they're also cognizant  
23 of the fact that we are pursuing in the courts right now,

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1 a declaration from the, from the courts that the Metis  
2 were, or that certain, certain legislations and  
3 orders-in-council were unconstitutional and resulted in  
4 depriving the Metis of the land base that had been  
5 guaranteed to them through the Manitoba Act.

6 **CO-CHAIR GEORGES ERASMUS:** So, if you  
7 could just share a little bit more on that. So, the work  
8 on self-government then, the institutions, has primarily  
9 been what, looking at jurisdiction in the area of social  
10 issues or education?

11 **YVON DUMONT:** We're dealing with  
12 education, the establishment of the Louis Riel Institute  
13 or a Metis Board of Education, where the Metis would have  
14 the, an institution or a vehicle through which they could  
15 have an effective input into the development of education  
16 in the public school system. And because a lot of Metis  
17 people live in urban areas and in areas where they're not  
18 the majority, and are forced to go to school in public  
19 schools where, where the Metis are not being, or the special  
20 needs of the Metis are not being addressed.

21 We're saying that through some  
22 government or through some institution that would be owned  
23 and governed by Metis people that we can have an effective

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1 input into the development of education, generally,  
2 because we feel that it's not only, it's not important  
3 only to educate our people about ourselves, but it's  
4 important to educate other people's children about the  
5 Metis people, and where they come from, their contributions  
6 to the development of Canada and some of the reasons why  
7 they live in the conditions that they live in today.

8 We believe that a better understanding  
9 of, by the Metis and by others of who the Metis are and  
10 where they come from, their contributions to Canada, will  
11 help build a stronger Canadian society.

12 **CO-CHAIR GEORGES ERASMUS:** Okay. just  
13 one last question that, in that particular area.

14 In the urban situation, are you looking  
15 for institutions that are going to be specifically Metis  
16 or are you possibly looking at institutions that might  
17 be pan-Aboriginal? For instance, here in the Winnipeg  
18 situation, would you be looking for institutions that are  
19 divided between Aboriginal People or would you be looking  
20 for institutions that possibly might cross between those  
21 that are actually here as residents?

22 **YVON DUMONT:** At the moment, we're  
23 looking at strictly Metis institutions for Metis people.

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1 We're looking at, we feel that in the past, by getting,  
2 by agreeing to being lumped in with all other Aboriginal  
3 People, we, we run the chance of losing our identity as  
4 an Aboriginal People, and so we feel that it's important  
5 that we concentrate right now on, on developing and on  
6 protecting the Metis culture and heritage.

7 And what would come in the future, is  
8 something that would be left up to negotiation, but for  
9 the time being, we feel that it's important that we learn  
10 to stand alone before we learn to hold other people up  
11 or to, to try and promote other peoples.

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

13 In one other area in your presentation in relation to  
14 the Constitution, your presentation needs a little bit  
15 of clarification for me to understand it better.

16 I'm presuming that you have been  
17 supportive of the inherent right to self-government being  
18 specifically put into the Constitution. Where I find a  
19 little bit of confusion and perhaps it's just the way I'm  
20 reading it, is your reference to the Manitoba Justice  
21 Inquiry's recommendation that there should be a  
22 parliamentary resolution to recognize the reality of  
23 Aboriginal self-government.

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1                   And both in the federal and in the  
2 provincial actions to be followed, the first thing is  
3 legislative resolution. Then followed by Constitutional  
4 amendments, so, I'm trying to figure out if you're saying  
5 that the inherent rights should not go in right now until  
6 there is federal legislation and provincial legislation  
7 recognizing or if you're saying that it's fine to talk  
8 about it at the Constitutional level and put it there,  
9 but it doesn't stop there, we need this particular action  
10 plan too; is it the latter that you're saying or?

11                   **YVON DUMONT:** That's right. Like, we  
12 find that after the 1987 talks failed in March of 1987,  
13 we found that a lot of the efforts that we had put forward  
14 were, were kind of dropped at the end of that process and  
15 there was nothing left.

16                   We view this process here or this  
17 Commission as a non-Constitutional Commission that deals  
18 with, with the, or that tries to identify the problems  
19 that, in the situation of Aboriginal Peoples in a  
20 non-Constitutional way.

21                   So, if the Constitutional process should  
22 fail come the end of May or any time between May and October  
23 or, that, that this Commission can continue to operate

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1 and make recommendations and to, to urge the provincial  
2 and federal government to continue to recognize their,  
3 their responsibilities regardless of whether or not the,  
4 the, the amendment in the Constitution goes, because the,  
5 the provincial and federal governments are still going  
6 to have some responsibility then we wouldn't want them  
7 to say well, well, the process failed and before we can  
8 get anything done, we have to get a, we have to get an  
9 amendment and so therefore, we can't move.

10 We would like to, this Commission, to  
11 say, certainly we support the, the entrenchment of the  
12 inherent right to self-government in the Constitution,  
13 that the Metis do.

14 But besides that, the possibility, if  
15 the possibility exists that we won't get a deal in, if  
16 we don't get a deal, then we don't want anybody to say,  
17 well, sorry, we failed, therefore we can't move forward.

18 **CO-CHAIR GEORGES ERASMUS:** Okay.  
19 Well, the only part I was trying to clarify was, if the  
20 amendment does go into the Constitution the way you want  
21 it, do you still want the legislation?

22 **YVON DUMONT:** No. Then it's not  
23 required because then it's in...



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1                   **CO-CHAIR GEORGES ERASMUS:** Oh, okay.  
2 That's the point I'm trying to make.

3                   **COMMISSIONER ALLAN BLAKENEY:** Thank you  
4 very much for a very comprehensive brief covering, and  
5 covering to the point many issues which we're going to  
6 have to look at.

7                   May I ask a couple of questions with,  
8 on two issues. The first one has to do with the land base.  
9 And I'm just trying to get my head around just what we're  
10 talking about.

11                   We're not talking about land for  
12 individual Metis. We're not talking about script of the  
13 1990's or anything like that. We, that leaves two  
14 possibilities.

15                   One; a piece of land or pieces of land  
16 over which Aboriginal self-governments would, Metis  
17 self-government, in this case, would have the legal  
18 jurisdiction. That's model one.

19                   Model two would be land which would be  
20 owned by a Metis entity, like a, well I, like a band council.  
21 They don't quite own the land, but let's assume that we're  
22 not running through the, the federal trusteeship and we're  
23 going to have this land owned by a Metis organization.

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1                   We're talking, I guess, about my last  
2 one. Something that is owned by a Metis entity, a Metis  
3 Nation or, it can't quite be a band council, because we  
4 don't have quite that legal structure, but would you care  
5 to comment on just who would own the land base and if that's  
6 not the right question, who would legally control the land  
7 base?

8                   **YVON DUMONT:** Well, the Metis Nation...

9                   **COMMISSIONER ALLAN BLAKENEY:** Right.

10                  **YVON DUMONT:** Would legally own and  
11 control the land. What government structure they come  
12 up with in order to govern that land, would be, would be  
13 up to them now.

14                  We're looking for pieces of land, not  
15 just one...

16                  **COMMISSIONER ALLAN BLAKENEY:** Right.

17                  **YVON DUMONT:** In different areas of the  
18 province that the Metis can say, this is our homeland.  
19 This is our place in Canada.

20                  We can't go back and say well, we have  
21 a land base or a homeland in other parts of the world.  
22 This is our homeland, but we don't see any place in the  
23 Canadian geography where we can say this is Metis' specific

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1 homeland.

2                   Now, not all Metis would want to live  
3 on that homeland, but if they should choose to do that,  
4 then they would have the freedom to go and live on there,  
5 but there are others who have been urbanized to the point  
6 where they, they wouldn't want to go back there, but the  
7 fact that there would be land set aside as a Metis homeland,  
8 would be something that is supported by a great majority  
9 of the Metis that we represent.

10                   **COMMISSIONER ALLAN BLAKENEY:** And this,  
11 as I say, would be owned by the Metis Nation...

12                   **YVON DUMONT:** Right.

13                   **COMMISSIONER ALLAN BLAKENEY:** Which  
14 would have to be created by some statute or constitution  
15 or, in the alternative, recognized by some statute or  
16 constitution to fit it into the legal framework, but  
17 that's, that's no great problem. The lawyers can handle  
18 the mechanics.

19                   My second question is quite different.  
20 It has to do with the child care agencies. And you have  
21 suggested that the federal government has made a change  
22 with respect to Status Indians and erected a different  
23 kind of child care agency which you have suggested as had

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1 quite noticeable success in reducing the number of, of  
2 Status Indian children taken into care.

3                   And you were suggesting that, even/or  
4 you were suggesting that by some strange coincidence, the  
5 number of Metis children who came into care increased.  
6 I leave that comment aside, although it's very interesting.

7                   But, my question is, would you think that  
8 a Metis organized and operated child care agency might  
9 have some similar, not necessarily equal, some similar  
10 level of success in changing the, the really quite  
11 distressingly high number of, of Metis children taken into  
12 care, I suspect true in Manitoba, I know it's true in  
13 Saskatchewan, and your numbers suggest it's true in  
14 Manitoba; do you think that the same dynamics which allowed  
15 does considerable success with respect to Status Indians  
16 could work with Metis?

17                   **YVON DUMONT:** I think that the  
18 determination of, of Indian Child Family Services to make  
19 sure that they work with the family, and that they try  
20 and keep the family together and to help the family deal  
21 with their problems as families, has had some, some good  
22 effect on, on their people.

23                   And we're suggesting that the reason is

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1 that, is that they have a better understanding, they have  
2 the cultural background, they know, they're part of the  
3 people that are being affected, they understand in a lot  
4 clearer way what is going on.

5                   And the same thing would happen in the  
6 Metis community, we're convinced that, that first of all,  
7 they would be a lot more sensitive to the problems that  
8 are being faced by, by the people affected, because they  
9 come from the same place, they have the same cultural  
10 background, and they'd be in a better position to help  
11 the family deal with their problems rather than deal with  
12 the problems with the child by removing the child from  
13 the family.

14                   I mean, if you go to a community of five  
15 or six hundred Metis or where there's six or seven hundred  
16 Metis in a particular community, and you take away three  
17 children from the home in a community where a lot of them  
18 are interrelated and everybody knows everybody, it doesn't  
19 take very long before it starts to affect the entire  
20 community in a very negative way.

21                   But, if the community was permitted to  
22 deal with those kinds of problems within their, within,  
23 that affect their own people, I think that the situation

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1 would, would be significantly ameliorated.

2 **COMMISSIONER ALLAN BLAKENEY:** And it  
3 should involve, as you suggest, not only bare child care,  
4 but family support as well...

5 **YVON DUMONT:** That's right.

6 **COMMISSIONER ALLAN BLAKENEY:** So the  
7 whole problem could be addressed.

8 **YVON DUMONT:** That's right. You have  
9 to approach it as a family problem and rather than deal  
10 with it by taking away their children, I think that, that  
11 if Metis people were, were involved in a Metis child family  
12 services mandated agency, they would approach it from,  
13 from the, from the whole family point of view and not just  
14 from taking away children to feed their system.

15 **COMMISSIONER ALLAN BLAKENEY:** Thank  
16 you.

17 **CO-CHAIR RENE DUSSAULT:** Madam  
18 Robinson.

19 **COMMISSIONER VIOLA ROBINSON:** Thank  
20 you. And I, too, want to commend you on this excellent  
21 presentation that's been well thought out here, that you  
22 presented to us and certainly it's going to assist us a  
23 lot as we move along.

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1                   I notice you all have quoted in a number  
2 of areas here, a lot of the recommendations that were made  
3 by the Manitoba Justice Inquiry, and from what I can  
4 understand up to now, there hasn't been much evolving from  
5 that Inquiry, and I'm just wondering, there are a number  
6 of, a number of them here that you have alluded to, and  
7 looking for support, in what way would you, what do you  
8 think is blocking the progress of implementation of the  
9 recommendations in that report?

10                   **YVON DUMONT:** I think that much of it  
11 goes with, with the inherent right that government feel  
12 they have in controlling all institutions.

13                   I think a certain amount of it goes in  
14 with, with government thinking, well, this is going to  
15 be expensive. It's going to cost a lot of money. I  
16 suppose there's a number of reasons why they feel that  
17 it can't, that they can't be active on, but, it might be  
18 a question that, that you might ask them.

19                   They want to set up working groups right  
20 now where they determine the, the agenda. They determine  
21 what's discussed and they seem to feel that they have the  
22 right to, to not include things that we feel are important  
23 on the agenda.

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1                   And so, they're not, they seem to want  
2 to control the agenda, and I suppose that's because of  
3 cost and because of, of, they feel that, that first of  
4 all, we don't have the right to control those areas that  
5 we want to control.

6                   But we are meeting, we are meeting with  
7 the Premier on May the 1st, I believe, to further discuss  
8 this subject. So I might be in a better position to give  
9 you an answer next week, two weeks from now.

10                   **COMMISSIONER VIOLA ROBINSON:** In, in  
11 your Tripartite, you do have a Tripartite forum?

12                   **YVON DUMONT:** Yes, we have a Tripartite  
13 forum. Right now we're discussing the institutions of  
14 self-government. There, the jurisdiction problem raises  
15 its ugly head again.

16                   The federal government is saying well,  
17 we'll do whatever their province puts their first foot  
18 forward on. We'll, we'll, if the province takes the lead,  
19 we'll make a move and the provinces are saying, and the  
20 Province of Manitoba is saying well, if the federal  
21 government leads the way, we'll, we'll follow.

22                   And I don't want to discredit the  
23 Tripartite Negotiation, because I think they've been a



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1 very useful, it's been a very useful vehicle for us to  
2 use, but at the same time, the jurisdiction problem is  
3 hindering the progress. So I think we could do a lot more  
4 progress if, if that question was dealt with.

5 **COMMISSIONER VIOLA ROBINSON:** Okay.  
6 Again, I want to thank you and certainly we, we will be  
7 carefully, very carefully and seriously considering all  
8 presentations that are made to us, and certainly yours  
9 is one here that's been very well presented and I can assure  
10 you that we will be considering it very, very seriously,  
11 your recommendations.

12 **CO-CHAIR RENE DUSSAULT:** Ms. Sillet.

13 **COMMISSIONER MARY SILLET:** Thank you,  
14 Mr. Dussault.

15 Although I've never officially met you,  
16 I do know of you and I would share with my colleagues'  
17 congratulations on, on your presentation.

18 In your presentation, you identified a  
19 number of issues and I felt somewhat overwhelmed, knowing  
20 that the magnitude of our task is very ambitious. We have  
21 a lot of work to do.

22 And one of the issues I'd like to  
23 elaborate or to ask for your advice on is the whole issue

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1 that's been frequently asked of Aboriginal Peoples without  
2 a land base; if Aboriginal Peoples were to have  
3 self-government without a land base, what would it look  
4 like?

5 I'm going to expand on Georges' previous  
6 question to ask if the, what's the organization's name?,  
7 Manitoba Metis Federation, has done work on that particular  
8 issue, and if you haven't done, when you come to us at  
9 a later phase in our hearing with your solutions or with  
10 recommendations or solutions, would you have some of that  
11 kind of work done for the Commission's consideration?

12 **YVON DUMONT:** Yes, we've done a  
13 considerable amount of work. We've been involved in this  
14 process now since 1987. Again, the progress hasn't been  
15 as, as quick and coming as we'd like to see it.

16 The jurisdictional question is the big  
17 problem. Certainly any of the position, positions that  
18 we've taken and the development that's taken place, will  
19 be shared with the Royal Commission. We'll send it to  
20 you as soon as we can.

21 **CO-CHAIR RENE DUSSAULT:** I'd like to ask  
22 Commissioner Paul Chartrand to make a closing comment.

23 **COMMISSIONER PAUL CHARTRAND:** Well, in

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1 commenting upon your own presentation, you cast out the  
2 offhanded remark that the Commissioners might come to find  
3 that there's more to our mandate that we initially thought  
4 there was in it.

5 **YVON DUMONT:** In other words, you bit  
6 off a little more than you thought you did.

7 **COMMISSIONER PAUL CHARTRAND:** Yes.  
8 Well, I was just going to say...

9 **YVON DUMONT:** Not more than you can  
10 chew, because I think you have a collective, a great  
11 collective ability to chew.

12 **COMMISSIONER PAUL CHARTRAND:** Yes.  
13 All I wanted to say was that some of the Commissioners  
14 and particularly the Co-Chair, found out how true that  
15 was last night at the cultural events, when they were  
16 invited to participate in the singing and the dancing  
17 events.

18 But on a more serious note, we, we are  
19 prepared to meet the challenges of our mandate. I think  
20 it is appropriate for me to only thank you. I think you  
21 know that I look forward very much to receiving the other  
22 reports that will be forthcoming.

23 Thank you very much.

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1                   **CO-CHAIR RENE DUSSAULT:** Well, thank you.

2     We are certainly going to see you not far from now and  
3     we hope, in particular, to follow suit with what Mary just  
4     mentioned. We hope that you will come with as good a brief  
5     as possible on the question of self-government without  
6     a land base because it's certainly a burning issue that  
7     is before us and we will have to tackle it at the Commission  
8     level. So thank you very much, your Federation, for being  
9     with us and we will see you soon. Thank you.

10                   The next organization coming before us  
11     will be the Native Mediation Representative. The  
12     Friendship Centre could not make it this afternoon and  
13     they will probably be with us tomorrow.

14                   In fifteen minutes we resume.

15

16     --- Short Recess at 3:10 p.m.

17

18     --- Upon resuming

19

20                   We're asking Katherine Morriseau from  
21     the Ojibway Language Immersion Program to come to make  
22     the presentation.

23                   On behalf of the Commission, I would like

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1 to thank you for being with us again today in this  
2 particular capacity. We would like to enable you to make  
3 your presentations right now, and we will enter into the  
4 discussion after. Please proceed.

5 **KATHERINE MORRISSEAU, OJIBWAY LANGUAGE**  
6 **IMMERSION PROGRAM FOR PRESCHOOLERS IN WINNIPEG:**

7 Before I begin, I'd like to extend my gratitude  
8 to the Commission for having an opportunity to make this  
9 presentation here this afternoon.

10 Before we begin, I'd like to introduce  
11 the members that are here with me. To my immediate left  
12 is Wabanakwut Kineu, and Wabanakwut is a graduate of our  
13 program and was one of the first participants in the  
14 Abinochi Zhawayndakozihwin program. Sitting next to me  
15 is one of the grandmothers or Kokums who teach in the  
16 program and that's Laverne Morriseau. On my other, not  
17 on my other, but on my left is the other grandmother that  
18 works along with our children and her name is Kokum Jean,  
19 Jean Anderson. To her left is one of the other parent  
20 members, Iris Lauzon and her daughter, Sarah Jean Lauzon.  
21 Okay.

22 Boozhoo Neecheeuk. We are pleased to  
23 meet the members of the Royal Commission on Aboriginal

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1 Peoples today to discuss one of the most urgent matters  
2 that your Commission will have to grapple with - the  
3 survival of indigenous languages of this country.

4                   We began seven years ago to ensure our  
5 children had the opportunity to learn their ancestral  
6 language. We wanted our children to know the  
7 Anishinaabemowin language..

8                   **CO-CHAIR RENE DUSSAULT:** I'm sorry.  
9 Please, could you come in please and allow the people to  
10 make their presentation. Thank you.

11                   **KATHERINE MORRISEAU:** We began seven  
12 years ago to ensure our children had the opportunity to  
13 learn their ancestral language. We wanted our children  
14 to know the Anishinaabemowin language, called Saulteaux  
15 in southern Manitoba, Chippewa in southern Ontario and  
16 much of the States, and Ojibway in other major areas of  
17 Canada.

18                   A group of Aboriginal parents came  
19 together to discuss how we could enable our children to  
20 learn what we were denied in our youth - the opportunity  
21 to know who we are, to know our roots, through the language  
22 of our Elders who inhabited this land from time immemorial.

23                   **IRIS LAUZON:** There are many reasons why

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1 our generation of parents cannot speak our ancestral  
2 language. The residential schools system's abusive  
3 campaign for the elimination of our languages and identity;  
4 non-Aboriginal foster and adoptive homes who sought to  
5 "take the Indian out of us", enrolment in 'integrated'  
6 provincial schools which showed neither respect nor  
7 understanding for the importance of our languages and  
8 cultures; and, intermarriage.

9 **KATHERINE MORRISEAU:** To meet our  
10 needs, we turned to the traditional teachers in our  
11 culture, the Elders and the grandparents, to ask them to  
12 resume their role and pass on the language and culture  
13 to our children. First, we asked them to do that on a  
14 voluntary basis. Then, through fundraising activities  
15 and obtaining grants and donations, we were able to pay  
16 a small salary to the grandmothers in return for their  
17 full commitment. For seven years, Abinochi  
18 Zhawayndakozihwin, Inc. (which translates into English  
19 as meaning "The child we love and respect) has had two  
20 grandmothers leading thirty children a day in traditional  
21 and cultural activities designed to enable them to learn  
22 their ancestral language. We have reached more than two  
23 hundred children and their families in the seven years

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1 since we've been in existence.

2 **IRIS LAUZON:** Why do we think this is  
3 worthy of your attention? - Abinochi Zhawayndakozihwin,  
4 Inc. effectively reaches young children at an age that  
5 independent research has documented as being the age people  
6 are most receptive to learning languages. In Abinochi,  
7 we incorporate traditional methods and traditional  
8 teachers to pass on both our language and the cultural  
9 traditions of our people. And yet, Abinochi  
10 Zhawayndakozihwin, Inc. may be the only such program you  
11 will find in urban or rural areas across the country.

12 The reason for this is the lack of  
13 funding and resources available to young people at this  
14 most receptive age of learning. Within the Ahnishnabe  
15 tradition, there is an understanding and a teaching that  
16 the first seven years of a child's life are the most  
17 crucial. These first seven years lay the foundation for  
18 that child's life. The child's spirit must be treated  
19 gently and the child encouraged to grow -physically,  
20 mentally, emotionally and spiritually. In the Abinochi  
21 program we seek to reach the child as a whole person.

22 From the time the grandmothers meet the  
23 children at the door, till they hug them goodbye, the



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1 children live in an Ahnishnabe environment. They are  
2 treated with love and respect, and, in turn, to treat the  
3 grandmothers and each other in the same way. They are  
4 shown to do this through the sweetgrass ceremony which  
5 purifies the mind, body and spirit and through the prayer  
6 that asks the Great Spirit to guide the children and the  
7 grandmothers. This is how we begin each session. The  
8 grandmother then encourages each child to speak and share  
9 if they have anything they wish to discuss. Once each  
10 child feels comfortable, then the grandmother explains  
11 why we sit in the circle.

12 **KATHERINE MORRISSEAU:** Each grandmother  
13 will ask each child what do they learn in the circle.

14 **LAVERNE MORRISSEAU:** "Wekoken  
15 pii-naz-ka-meg oma ka-kizhibabing?" "Chi-minajidiyung".

16 **KATHERINE MORRISSEAU:** Which translate  
17 to meaning "Respect".

18 **LAVERNE MORRISSEAU:** "Pizidon".

19 **KATHERINE MORRISSEAU:** "How to Listen  
20 and Sit Patiently."

21 **LAVERNE MORRISSEAU:** "Ch-zaagidiyung".

22 **KATHERINE MORRISSEAU:** "To Love one  
23 another".

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1                   **LAVERNE MORRISEAU:**

2   "Chi-wiichidiyung".

3                   **KATHERINE MORRISEAU:** "To help one  
4 another."

5                   **LAVERNE MORRISEAU:** "Kaawin  
6 chimigadiyeg".

7                   **KATHERINE MORRISEAU:** "Not to be  
8 fighting".

9                   **LAVERNE MORRISEAU:**  
10 "Chi-anishinaabemo-wag".

11                   **KATHERINE MORRISEAU:** "To speak the  
12 Ahnishnabe lanaguage".

13                   **LAVERNE MORRISEAU:**  
14 "Chi-kichi-nendaming awenen kiinawiin Ahnishnabe".

15                   **KATHERINE MORRISEAU:** And one of the  
16 most important elements is "To be proud of who we are."

17                   **LAVERNE MORRISEAU (GRANDMOTHER):**  
18 These lessons are reinforced each day through activities  
19 of songs, crafts, traditional games, cooperative and  
20 parallel play, field trips, snack, and indoor and outdoor  
21 activities. The Abinochi program is founded upon the  
22 traditional Ahnishnabe concepts of "Chizhiwendiyung."

23                   **KATHERINE MORRISEAU:** "Love one

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1 another."

2 **LAVERNE MORRISEAU:** "Chiweeti  
3 chitiyung".

4 **KATHERINE MORRISEAU:** "Help one  
5 another."

6 **LAVERNE MORRISEAU:** "Minijitiyung".

7 **KATHERINE MORRISEAU:** "And respect."

8 **LAVERNE MORRISEAU:** For self, family,  
9 culture, the Elders and all life.

10 **IRIS LAUZON:** Family, friends, and any  
11 who support the goals of our program are members of the  
12 Parents' Council. We meet once a month to set policies  
13 and make decisions on the operation and funding of the  
14 program. Elders advise and guide us in these decisions.

15 Family members participate in seasonal  
16 feasts of thanksgiving for this program, which take place  
17 in winter and again in late spring. These feasts are held  
18 to give thanks for all the gifts we have - this program,  
19 our grandmothers, and the sacred bundles which lead the  
20 way for the healing we witness through these children.  
21 We join together in listening to the Elder, who begins  
22 with the pipe ceremony and songs from the water drum,  
23 sharing a teaching from our tradition. Then we enjoy the

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1 food that we all prepare and bring. Later, we sit in the  
2 circle, and an eagle feather is passed from one person  
3 to another to give strength to those who wish to speak.

4 **KATHERINE MORRISEAU:** This is where we  
5 have heard many testimonies from the heart about the worth  
6 and need for such a program:

7  
8 "My child has grown so much. He has learned respect for  
9 the Elders, for the pipe, for the drum, for the  
10 eagle feather and what they mean. And, my parents  
11 have started to talk to him in Ojibway."

12  
13 We had another parent talk about her daughter's experience:

14  
15 "My daughter has brought the language back to our family.  
16 Her grandparents are talking to her - and now I  
17 am learning again."

18  
19 And still another says:

20  
21 "My son now has the chance to learn for himself what the  
22 Elders say. If you speak your language, then  
23 you'll know who you are."

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1

2 Another parent has indicated:

3

4 "My mother had a hard time accepting my daughter - she  
5 looked too white. Now, my daughter's the one who  
6 gives her the greatest joy - speaking Ojibway,  
7 singing songs in our language, praying, talking  
8 about the things that matter in our culture. My  
9 mother's even speaking to her in the Ojibway  
10 language."

11

12 Another parent's testimony states:

13

14 "When we adopted our daughter, we had no idea of this  
15 wonderful and ancient culture. Now it's helped  
16 her to know this part of her heritage. And for  
17 us to encourage her to be proud. It will give her  
18 that strength the rest of her life."

19

20 **WABANAKWUT KINEW (GRADUATE) :** Yet, what  
21 do our children encounter when we reach the age when  
22 provincial law states we must attend school? Grade 1 or  
23 even kindergarten is a rude shock, in most cases. We miss

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1 the warmth and closeness of our grandmothers and the  
2 Abinochi program. We miss our own language, our songs.  
3 We miss the crafts that reinforce the teachings of our  
4 culture. We miss our families' close involvement. We  
5 miss our Ahnishnabe spirits being touched and their  
6 individual natures being respected.

7 **IRIS LAUZON:** As one mother recently  
8 said,

9  
10 "My children have no choice but to go to the school they  
11 do now. But if they could continue at Abinochi  
12 as they grew, that is what they'd want to do. My  
13 children deserve to feel accepted and loved, just  
14 as any child does. They want to be surrounded by  
15 their own people at school, just like they are in  
16 our family."

17  
18 Presently, there are not any Ahnishnabe  
19 language programs - or any indigenous language programs  
20 for children in kindergarten to Grade 6 in the whole of  
21 Winnipeg. We venture to say, none in the whole of  
22 Manitoba, with the exception of some First Nations Schools.

23 Several schools in the Winnipeg #1

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1 School Division having a student population that is  
2 predominantly Aboriginal - up to ninety percent in some  
3 schools. Only one, Aberdeen School, offers Ojibway and  
4 Cree once every six day cycle at Grade 7 and 8. The  
5 Children of the Earth Aboriginal High School that you will  
6 be visiting Friday has a policy of requiring students to  
7 take either Ojibway or Cree as a credit course every day.

8 We know, from our own experience, that it is a very  
9 difficult for people to start this late when learning their  
10 ancestral language as a second language.

11 Why not start at the age when language  
12 learning is natural? Both the Ahnishnabe traditional  
13 teachings and social science of the English speaking world  
14 would agree that this age of facility of learning languages  
15 occurs during the first seven years of a child's life.  
16 The Royal Commission on Aboriginal Peoples is seeking  
17 points of reconciliation. Here at least is one point of  
18 agreement among oral tradition and science.

19 What is missing is the political will  
20 and public policy to translate this knowledge into an  
21 effective educational program.

22 **WABANAKWUT KINEW:** Anishinaabemowin,  
23 the Ojibway language, is considered by the Secretary of

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1 State research to be one of the three indigenous languages  
2 of the remaining 53 in Canada to have a good chance of  
3 surviving this decade. Ojibway, Cree, and Inuktitut are  
4 the three of the remaining 53 languages that describe this  
5 land, these waters, these rocks, these trees, this  
6 landscape, these sacred places, our people, our  
7 relationships, our history - and that of non-Aboriginal  
8 Canadians.

9 Yes, our people have included  
10 non-Aboriginal people in our language. Far from being  
11 called "whiteman" as Hollywood films and English writers  
12 would have us believe, the Ojibway called the Euro-Canadian  
13 newcomers Wimitgoshe - "our brothers who live in wooden  
14 dwellings". They were describing the people living at  
15 the fur trading posts and forts that were built after first  
16 contact. This is still the word used today. Wimitgoshe  
17 conveys respect, not colour. Wimitgoshe conveys  
18 relationship, not difference.

19 **KATHERINE MORRISEAU:** In your  
20 deliberations as Commissioners, we ask that you endorse  
21 strongly the recognition and promotion of the Indigenous  
22 languages of this country as a very high priority and that  
23 this be reinforced by fiscal resources on and off reserve.



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1 This is why we requested to meet you during you inaugural  
2 hearings.

3 We offer this program as one solution  
4 for the many problems which we face as Aboriginal people.

5 This program which recognizes and utilizes the expertise  
6 and traditional role of the Elders as teachers, which  
7 involves the extended family, and which seeks to reach  
8 children at a young age, brings hope for the future of  
9 our people.

10 We commend you for your commitment to  
11 meet and to listen to Aboriginal Peoples. We urge you  
12 to follow retired Supreme Court Justice Brian Dickson's  
13 recommendation, which was to involve Elders as advisors  
14 to your Commission. With Elders involved, the  
15 strengthening of our Indigenous languages is sure to be  
16 a priority.

17 **IRIS LAUZON:** Finally, we wish to tell  
18 you that, despite our years of building this program,  
19 despite developing our culturally based curriculum and  
20 publishing it last fall, despite strengthening the self  
21 esteem and identity of more than two hundred children and  
22 their families - we are in a funding crisis that may force  
23 us to close.

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1                   Recently, we have been assisted by the  
2 Winnipeg School Division #1 to keep our program operational  
3 until the end of June, 1992. However, the November, 1990  
4 promise of the Manitoba Government to fund our program  
5 has not been implemented. Funding agencies do not  
6 consider either preschool or Indigenous language programs  
7 to be within their mandate. At this point, long term  
8 funding does not look promising.

9                   In your consideration of the challenges  
10 ahead for Aboriginal languages, it is important that you  
11 consider the importance of Aboriginal leadership and  
12 control of such programs. We are pleased that the Winnipeg  
13 School Division #1 is supporting our program financially  
14 on an interim basis, but we have no wish for this or any  
15 other outside agency to control and direct the program.

16       We have seen what happened to the Ojibway cultural content  
17 of another prekindergarten program begun by Aboriginal  
18 parents at the Friendship Centre over a decade ago. It  
19 was taken over and assimilated into the educational system  
20 as a preparatory program for Aboriginal children - without  
21 any Aboriginal language or focus. We have seen how such  
22 agencies look with dismay upon the lack of "credentials"  
23 of our Elders. We have seen how the expectations of the

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1 education bureaucracy supersedes the needs of our children  
2 and the teachings of our culture. We need to do this  
3 ourselves - that is self determination.

4 **KATHERINE MORRISEAU:** Our  
5 recommendations to this historic and hopeful Commission  
6 are:

7 That the indigenous languages of Canada  
8 be recognized as part of our inherent right to  
9 self-government protected by the Constitution of Canada.  
10 Aboriginal languages should be official languages of  
11 Canada.

12 Two, that funding be made available to  
13 promote language learning at all ages, in programs designed  
14 and directed by Indigenous peoples.

15 Resources and funding for such programs,  
16 both on and off reserve, must be available at levels that  
17 recognize the massive effort required to undo the damage  
18 of generations of effective campaigning to eliminate the  
19 indigenous languages of our land.

20 We are weary - but we are not finished.

21 We welcome the support of the Royal  
22 Commission on Aboriginal Peoples to ensure the languages  
23 of this land resume their status as living languages that

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1 speak for the heart and spirit of our Nations.

2 We have made a commitment to our  
3 grandmothers and our grandfathers, and the children now  
4 and in the future -

5 **LAVERNE MORRISEAU:** Maano kaygo  
6 essisek, gapimeedomin owe anishinaabemowin.

7 **KATHERINE MORRISEAU:** No matter what  
8 happens, we'll carry this language on.

9 Miigwech.

10 **CO-CHAIR RENE DUSSAULT:** Thank you very  
11 much. I'm quite sure that everybody in this room that  
12 have been listening to your presentation will agree that  
13 if you say that you are weary, you're certainly not  
14 finished.

15 Thank you very much for this  
16 enlightening presentation and also inspirational. As you  
17 say in the outset, at the outset, this is certainly one  
18 of the most urgent matters that is before our Commission,  
19 and we are very happy that you were able to make this  
20 presentation at an early stage in our public hearings.

21 I understand that, I think it does show  
22 that things can be done if the will is there and obviously  
23 we realize that some support for Aboriginal languages will

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1 have to be given, if we are to be able to be successful  
2 in the aftermath of the undertaking that we are embarking  
3 upon at the level of the Commission.

4 I would like maybe to just clarify one  
5 point. I understand that the Winnipeg School Board or  
6 Division 1, has been given some funding?

7 **KATHERINE MORRISEAU:** Since the  
8 inception of this program, the Winnipeg School Division  
9 #1 has provided services in kind like a classroom to operate  
10 the program, and very recently, within the last two weeks,  
11 we were able to access some interim dollars to keep our  
12 program open to the end of June.

13 We had been involved in a very lengthy  
14 negotiation process with the provincial government to look  
15 at a five-year funding agreement for this program, and  
16 those negotiations broke down and we were all at the point  
17 where we actually had to close the program, and begin to  
18 scramble around and try to look at other sources, because  
19 we had believed that this program was going to get the  
20 support from this provincial government.

21 So, it was a week ago Tuesday that the  
22 Winnipeg School Division granted us the interim funding  
23 and we are, we reopened just on Monday of this week.

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1                   **CO-CHAIR RENE DUSSAULT:** Is your  
2 program the only of this kind in the Province of Manitoba?

3                   **KATHERINE MORRISEAU:** It's the only  
4 program of its kind across the land. We've had people  
5 from other First Nations communities come and observe in  
6 our program and participate and spend some time there  
7 learning and hoping to transfer the model that we've  
8 developed here into their communities.

9                   **CO-CHAIR RENE DUSSAULT:** Do you,  
10 well...

11                   **KATHERINE MORRISEAU:** The problem that  
12 we've been having trying to convince funders, potential  
13 funders about the importance, I mean, everyone agrees that  
14 the retention of Aboriginal languages is an important  
15 issue. Where we come into problem is that we don't fit  
16 nicely and neatly into any funding package or the criteria,  
17 and the policies that exists, people are not willing to,  
18 to make the changes necessary to accommodate learning.

19                   Aboriginal People see learning taking  
20 place from the time of inception. Very often we come  
21 across people that say, learning doesn't take place till  
22 the age of six, this magic age appears and then suddenly  
23 education is a priority, and that's some of the barriers

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1 that we're trying to overcome and trying to help educate  
2 our, our non-Aboriginal brothers and sisters that, of our  
3 concept of education, and this is very real.

4 I mean, we've seen the success and I hope  
5 that you will have a chance to visit our program when you  
6 are at Children Of The Earth High School on Friday, but  
7 we've had children who were asked to leave child daycare  
8 programs. They were labelled "unmanageable children",  
9 behaviour problems.

10 I mean all of those negative labels were  
11 already being attached to children at the age of two years  
12 old, you know, and they came and with the miracle and the  
13 patience and the love and the kindness of these  
14 grandmothers, they're able to, to help those children begin  
15 to develop a beautiful way of looking at themselves, to  
16 begin to understand about who they are as an Ahnishnabe  
17 people and they begin to look at themselves with pride  
18 instead of having all these negative labels, which has  
19 a, you know, an impact on our children as they proceed  
20 through the public school system.

21 We believe strongly that when you give  
22 children a chance and you lay a solid foundation with  
23 children, when you give them that ability to develop

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1 personally, spiritually, mentally, physically, that they  
2 can aspire to be anybody and anything in this world.

3           You know, it's when they are labelled  
4 at such an early age that we see the difficulties of, of  
5 that kind of process.

6           **ALEX SKEAD:** Can I say a few words again?

7           About four or five years ago, I was, I  
8 had a grant to teach kids native language. I didn't have  
9 no education, but I taught them to speak in the Ojibway  
10 language. And those kids really enjoyed it.

11           But I would be very careful, you know,  
12 there were some interference. You know, it doesn't take  
13 much to, to upset the things that happened to me at that  
14 time. I used to, those kids really enjoyed teaching them  
15 and sometimes I'd take time after class and take them to  
16 the, to band office, and teach them. There's quite a few  
17 of them, and I had a van, and I used to take them home  
18 after, after the teachings.

19           And I'd keep talking to them to speak  
20 it all the time. So, what killed it right away is, after,  
21 after a while, then someone came in, a nun came in there  
22 to have Sunday school, and that was the end of my teachings.

23           So that's why I say, it is so easy to



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1 kill off the teachings, especially when you're starting  
2 to teach the children the language and it can upset the  
3 bucket so easy.

4                   That has happened to a lot of people that  
5 are drinking, also. They try to help them from, to stop  
6 drinking. It doesn't take much because nothing, that  
7 language we lost so, so bad, that it is so hard to get  
8 that thing back again.

9                   So that was the bad time I had trying  
10 to teach those young people. So, I thought I'd mention  
11 that, you know, because it's very important.

12                   Because I have a lot of people that come  
13 in and apologizing that they can't speak their language,  
14 and I think that's the main identity for every, every person  
15 to have their language, the culture, and to bring back  
16 these things to our own people.

17                   Miigwech.

18                   **CO-CHAIR RENE DUSSAULT:** Mary Sillet.

19                   **COMMISSIONER MARY SILLET:** Thank you  
20 very much, Mr. Dussault.

21                   As a Commissioner, I find myself  
22 travelling quite a lot and I'm away from my children.  
23 I have two sons, Matthew age 8 and Martin age 5, and I

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1 do miss them very, very often. And when I see a little  
2 boy making a presentation, I'm very, very encouraged  
3 because it reminds me, as a mother, why I'm doing what  
4 I'm doing.

5                                   Hopefully, all of our efforts  
6 collectively, will result in a better future for our  
7 children.

8                                   I want to commend you for the work that  
9 you're doing. I think it's very, very, very wonderful  
10 and I'd like to congratulate you for giving different  
11 peoples of different generations an opportunity to be heard  
12 in a process like this, and I also want to say that, the  
13 kinds of concerns that you've raised, are ones that many  
14 Inuit have raised, as well, with respect to Inuktitut,  
15 so I really identify with your concerns.

16                                   Congratulations for a job well done and  
17 I wish you continued success.

18                                   **KATHERINE MORRISEAU:** Thank you.

19                                   **CO-CHAIR RENE DUSSAULT:** Madam Wilson.

20                                   **COMMISSIONER BERTHA WILSON:** I would  
21 just like to say that I view this as a model submission  
22 to our Commission. We've been stressing that we are  
23 interested in hearing what the problems are, but we're

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1 also extremely interested in any suggestions for  
2 solutions, and I think the wonderful thing about this brief  
3 is that, it does do both and comes up with, what I think,  
4 is a really inspired solution, not only to attain  
5 preservation of the language, but also to involve the  
6 grandparents in the teaching of the language to the  
7 grandchildren.

8 I think this is really an inspired  
9 concept and I congratulate you for what I think is a model  
10 submission to our Commission.

11 Thank you very much.

12 **KATHERINE MORRISEAU:** Thank you.

13 **CO-CHAIR RENE DUSSAULT:** Madam  
14 Robinson.

15 **COMMISSIONER VIOLA ROBINSON:** Thank  
16 you. I, too, want to say that I'm very impressed with  
17 your submission.

18 I think language is one of the most  
19 important issues that Aboriginal People are faced with  
20 today and have been faced with for a number of years, and  
21 it seems so ironic that talk about the right to inherent  
22 self-government and to certain rights, language is so  
23 simple, you know, why can't we have the right to have our,

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1 exercise our right of our own language.

2                   And to me it seems to be very simple,  
3 but there's always something out there that prohibits us  
4 from reviving and getting the resources to be able to  
5 develop and design a language program like you have, but  
6 I, too, want to commend you for your efforts and that's  
7 self-determination.

8                   Sometimes self-determination comes  
9 through the actual exercising of what it is you want to  
10 do, and you overcome that, you've overcome it to a certain  
11 extent in a lot of ways, but I think that's a very good  
12 model of self-determination, what you're doing and I hope  
13 that the message will come across to governments, different  
14 governments.

15                   It's the same old thing, I guess. It's  
16 a question of jurisdiction. Who's going to provide the  
17 resourcing to develop your language, but clearly it's so  
18 simple I don't, it's something that we should be able to  
19 grapple with and resolve, it seems to me, without too much  
20 of a problem.

21                   Thank you.

22                   **KATHERINE MORRISEAU:** Thank you.

23                   **CO-CHAIR GEORGES ERASMUS:** I would like

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1 to add, along with the other Commissioners, I was most  
2 impressed.

3 I was impressed with the way that you  
4 worked as a group. I was very impressed with your youngest  
5 presenter there, and I would like to encourage all of you  
6 to continue on with your efforts.

7 It's disheartening when you have to work  
8 on an issue that seems so self-evident, but it really has  
9 to be done.

10 It's amazing that Indian Affairs, if we  
11 were to talk to them, would tell us that they are spending  
12 hundreds of millions of dollars on education across the  
13 country, and after all these years, they have not yet  
14 realized that one of the reasons that so few Aboriginal  
15 People make it to Grade 12, never mind university or  
16 post-secondary education, is that, their entrance into  
17 the formal education system is so foreign. They have to  
18 immediately operate in the language, not the first to their  
19 parents and their family, and the whole school system is  
20 completely alienating to them, and runs counter to many  
21 of the beliefs and values they have.

22 Just the structure of the actual class  
23 with having a teacher up front with all the authority and

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1 the majority in a room with no authority.

2                   You can add all the authority of all the  
3 students together and it doesn't amount to five percent  
4 of what the teacher has and it's so foreign to what  
5 Aboriginal People live in and to think that we still have  
6 to, when we're talking about the inherent right to  
7 self-government is going to be put into the Constitution,  
8 we still have to convince people.

9                   With all the money coming into Manitoba  
10 for education, that some of it should be spent on the  
11 Aboriginal language and they would find that they would  
12 get a far bigger bang for their dollar for all of the rest  
13 of the money that's being spent on education.

14                   And all of the other money that has to  
15 be spent for transfer payments to, to keep people in  
16 poverty, unemployed, unable to work, and to be dependent  
17 on government for the rest of their lives, you know, so,  
18 it's - we appreciate very much it's an uphill battle.

19                   And we will certainly do our part in,  
20 in convincing people that it is useful to invest in  
21 Aboriginal languages.

22                   To assist us, perhaps you could provide  
23 us with the kind of resources you were after and just one

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1 question I had was that, if you were actually reopening  
2 next Monday, how is it we're going to be able to see your  
3 program on Friday?

4 **KATHERINE MORRISEAU:** The program  
5 opened this last Monday.

6 **CO-CHAIR GEORGES ERASMUS:** This last  
7 Monday?

8 **KATHERINE MORRISEAU:** Yes. So, you'll  
9 be well accommodated on Friday.

10 The amount of money that we were looking  
11 at for support for this program was in the amount of a  
12 hundred and twenty-seven thousand dollars per year, and  
13 that included everything from the developmental work that  
14 we do as far as curriculum materials and busing of our  
15 children because the children in the families we work at,  
16 cannot access, cannot get their children to the program  
17 unless that busing is there and incorporated into the  
18 program.

19 Our parents are single parent families  
20 living in a situation that doesn't allow to take their  
21 children to school, for example, through public Transit.  
22 Many of them have more than three children in their family,  
23 family unit.

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1                   So, that's the amount of money that we  
2 were seeking from the provincial government.

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

4                   **CO-CHAIR RENE DUSSAULT:** Mr. Blakeney.

5                   **COMMISSIONER ALLAN BLAKENEY:** A very  
6 short comment.

7                   I, too, was very impressed with your  
8 presentation and I make the comment that you, I don't know  
9 whether you were feeling in any sense that you were imposing  
10 on anybody by asking for money, but I want to say that  
11 what you're doing is being recognized throughout the world  
12 as necessary to do.

13                   You simply, it's now being recognized.  
14 You simply can't have successful cross-cultural relations  
15 by suppressing the language of, of a smaller group. And  
16 as a result, we've seen a revival of the earth's language  
17 in Ireland, a revival of the Welch language, which my  
18 relatives in Wales can speak, but my mother couldn't who  
19 grew up there, although her grandmother could. You know  
20 the familiar pattern.

21                   You are seeing the revival of the  
22 Catalan language in Spain, a revival of the Basque language  
23 in Spain, a revival of Slovak in Czechoslovakia; all of



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1 them saying, enough with the questioning of our language,  
2 our culture is going, and we're not having it.

3                   And you're seeing mainstream  
4 governments, the British Government, financing the revival  
5 of Welch. The Spanish Government's financing the revival  
6 of Catalan, and there is, and this is widely being  
7 recognized. And there's many, many more examples that  
8 I don't know, and it strikes me that the same trends which  
9 are being recognized now throughout Europe and many other  
10 places are true in Canada and we ought, too, to recognize  
11 that we need to support the languages of groups in our  
12 country, particularly the Aboriginal groups, who, who wish  
13 to maintain their culture and who wish to maintain it,  
14 about the only way you can fully maintain it, by preserving  
15 your language.

16                   **KATERINE MORRISEAU:** Thank you.

17                   **ALEX SKEAD:** To me, I think the whole  
18 world itself should have its own language, practice their  
19 own language, because the Creator has provided a language  
20 to every individual nationality, and I guess, I think we  
21 should really respect that.

22                   Because there's a lot of things going  
23 on all over the world now. There's all kinds of wars and

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1 things like that. That's not the respect, that's a  
2 disrespect.

3                   And I think it's time now we have to show  
4 an example. Canada, to show them that we are respectable  
5 people and show that to have culture that's maintained  
6 to every individual nationality here in Canada.

7                   Miigwech.

8                   **COMMISSIONER PAUL CHARTRAND:** Thank  
9 you, Mr. Chairman. I do not expect that we will get better  
10 presentations than this one, but it's difficult for me  
11 to say much more about it an eloquent presentation which  
12 includes, not only friends and children of friends but  
13 also relatives and their children. I recognize there my  
14 niece, Iris and Sarah Jean.

15                   I do want to say that you have brought  
16 to public attention a fundamentally important issue, and  
17 all I should say is, Miigwech.

18                   **CO-CHAIR RENE DUSSAULT:** Thank you very  
19 much again.

20                   **KATHERINE MORRISEAU:** I'd like to say  
21 thank you to the Commissioners and we've brought along  
22 our curriculum that we'd like to leave for you to pursue  
23 at your leisure time, if you have any left, and some

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1 additional gifts. On behalf of our program we wish to  
2 extend that to you.

3 Miigwech.

4 **CO-CHAIR RENE DUSSAULT:** I'd like now  
5 to ask the Native Mediation Representatives people to come  
6 to make their presentation.

7 **GRACE MECONSE, VICE-PRESIDENT, NATIVE**  
8 **MEDIATION INC.:** Honourable Commissioners, Elders,  
9 Friends.

10 My name is Grace Meconse and I'm from  
11 the Fairford Band here in Manitoba. I am of the Soto Tribe,  
12 which is part of the Ojibway Nation.

13 I'm currently the Vice-President of the  
14 Native Mediation Representative.

15 We are a province-wide organization.  
16 We are, we have been incorporated since July, 1989. We  
17 do not receive, we have not received to date any funding  
18 from any organization or government.

19 In my presentation and in my reference  
20 to the Chiefs, these concern the Chiefs from the bands  
21 where our membership resides.

22 If there is a problem with believing our  
23 story, we are in the position and we are prepared to bring

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1 scores of people who will testify to the claims that we  
2 are making. These claims are documented. They are  
3 unresolved human rights cases. They are unresolved RCMP  
4 cases, et cetera.

5                   We are an organization that opposes and  
6 challenges Indian Self-Government, and please note,  
7 "Indian" not Inuit, not Metis, we're opposing the Indian  
8 Self-Government leadership which concerns the Treaty and  
9 registered Status Indians.

10                   Our actions are based as a result of the  
11 oppressive and differential treatment directed at us by  
12 the Indian Leadership.

13                   With regards to the Constitution, the  
14 majority of these bands to which we refer, do not recognize  
15 the Canadian Charter of Rights and Freedoms.

16                   We are strongly recommending that there  
17 is an extension of a constitution which will contain  
18 explicit provisions for band members, both regular band  
19 members and Bill C31 members. Currently, there is no  
20 recourse, no appeal process at the band level.

21                   Indian Self-Government is a singular  
22 term denoting a singular component. When you look at the  
23 dictatorship type leadership at the band level, you can

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1 only assume this is what it means. 99.9 percent of the  
2 band members do not know what "Indian Self-Government"  
3 means.

4                   We have a representation of five hundred  
5 people presently and others, a lot more, waiting to be,  
6 to be listed. In speaking to these people in meetings  
7 and in groups and as individuals, they have not been  
8 consulted with at the band level on self-government. They  
9 have never been presented with any documents we included.  
10 We have not had any workshops. There have been no  
11 seminars to tell any of us what "self-government" is all  
12 about.

13                   We, as an organization, have made  
14 several visits to the Department of Indian Affairs in an  
15 attempt to attain and obtain documents, and we have been  
16 successful in getting two, two sheets referring to James  
17 Bay and referring to British Columbia.

18                   There has been no educational process.  
19 While Canadian people have been given the opportunity  
20 to, to hold conferences and have been given the opportunity  
21 to be informed about the Constitutional process and plans,  
22 we have not had a similar process at the reserve level.

23                   There are very serious accountability

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1 issues at the band level. The Freedom of Information Act  
2 does not apply at the band level.

3 We strongly state that it is time that  
4 the taxpayers of this country know and demand to know,  
5 where a lot of this money is going to that's being  
6 mis-spent.

7 With reference to, to elections on the  
8 bands, the Canadian Government sends delegations to other  
9 nations in the Third World Countries to observe that fair  
10 elections are held. This is not the case here. There  
11 are illegal elections taking place on the reserves and  
12 when we appeal and when we present the facts, there is  
13 no action, there is no correcting of these wrongs.

14 And with reference to justice, upon  
15 studying the Indian Act, we are unable to see that the  
16 Indian Act does adequately contain provisions for a  
17 judicial system. That the people on the justice  
18 committees are chosen by the Chief and Council rather than  
19 by the majority of the people. And in most of the cases,  
20 these are young people who have no academic or legal  
21 training and neither do they have life's experiences  
22 necessary to address so serious a situation as justice.

23 With reference to jurisdictions, the

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1 Indian people, the band members, are currently under two  
2 legal jurisdictions which is the federal and provincial  
3 governments. This is a great problem when they are caught  
4 between these two systems.

5 I keep saying "them", thinking about our  
6 membership, the whole time I am part of this process.

7 Now, there will be a third jurisdiction  
8 and yet the plight of Indians worsens and continues to  
9 worsen.

10 The Indian Leadership, as we presently  
11 see, travels abroad crisscross Canada, to discuss external  
12 issues. They maintain off-reserve residences while the  
13 social problems and the poor living conditions plague the  
14 band members at the reserve level.

15 Victims of abuse and crime, there has  
16 been no recourse, but to flee to the cities, to run to  
17 the cities, and Winnipeg is a prime example of this reality,  
18 because according to the last census, Winnipeg has the  
19 largest Indian Status population in Canada.

20 When I refer to the abuse, again we have  
21 documents, and I have personally dealt with many human  
22 rights cases of women and men that have been extremely  
23 abused at the band level. I have documentation to prove

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1 it.

2 I, myself, was a victim of abuse many  
3 times and what I want to say, at this point, has taken  
4 me a great deal of thought, a great deal of pondering as  
5 to this disclosure.

6 I attempted to gain employment with a  
7 Tribal Council, and I travelled a distance for my  
8 interview. And upon arriving at my destination and upon  
9 my meeting with a Chief, who had called me for the  
10 interview, he attempted to rape me. This is two years ago.

11 I am 51 years old, and I know of cases of younger women  
12 that have been extremely abused in similar ways.

13 He promised me that if I complied, that  
14 I would receive a salary from two sources, and I was deeply  
15 hurt, and I tried to receive counselling, but nobody would  
16 believe me, that a Chief tried to rape me, so I had to  
17 receive counselling from my mother and my husband.

18 This Chief, in addition, used my name  
19 to steal money and I was humiliated when the police phoned  
20 all over my reserve to locate me, and when they did locate  
21 me, I was interrogated for over three hours, and I was  
22 made to sign my name about a hundred times.

23 And if anybody has a problem believing



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1 this, this is on police files. This is the kind of thing  
2 we're talking about. We're not creating something out of  
3 the blue. We are addressing very serious human rights  
4 violations and we need to be heard.

5                   We, as Bill C31 Indians, our  
6 organization was originally formed under the Bill C31 group  
7 however, we now have probably two-thirds of our membership  
8 is regular band members. We are being pursued and joined  
9 by regular band members.

10                   We, as Bill C31 Indians, we are not  
11 allowed to have a leadership at the band level. Even if  
12 we do run, we are not, we don't get elected. We are not  
13 allowed to work at the band or Tribal Council level. And  
14 some of us have encountered actual hostility when we try  
15 to pursue employment within these organizations. And  
16 again, we have documentation to prove this statement.

17                   Many of us have spent most of our lives  
18 with the adverse affects of discrimination, of a  
19 discrimination clause within the Indian Act. I'm  
20 referring to the Bill C31 people here. We lived under  
21 discrimination from everybody when we had lost our rights  
22 as Indian people. And we are, a lot of us, are fairly  
23 tired of the oppression that we have lived under from

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1 everybody, both the system, the governments and the Indian  
2 Leadership.

3 I was - I'm ahead of myself, I'm sorry.

4 With reference to the political process, the Indian  
5 Leadership is a one-party system. If we are going to have  
6 democracy and if the Indian leaders understand the  
7 political and democratic process, they will appreciate  
8 that all political parties have faced opposition  
9 throughout the world. Our opposition is based on very,  
10 very serious claims, and the Indian Leadership has been  
11 unchallenged.

12 If, indeed, the Indian Leadership is  
13 perfect, then all governments should adopt its ways. When  
14 I refer to the serious accountability issues, the three  
15 levels of government disclose their budgets, disclose the  
16 allotments, and finally, provide and document reports at  
17 year's end.

18 At the band level, there are no  
19 announcements, nobody has any access to any of this  
20 information, and, but, we know what is going on because  
21 when band offices close down, when people are deprived  
22 of their welfare and so forth, we know that the money has  
23 gone somewhere. And we receive this kind of information

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1 from our membership on a regular basis.

2 We are requesting that we be heard and  
3 recommend an inquiry into our claims. We are in the  
4 process of preparing a report to the Chief Commissioner,  
5 Max Yalden, and when I refer back to, refer to the Indian  
6 rights for Indian women which I belong to and which we  
7 went to the Supreme Court. The Supreme Court did not hear  
8 us when we requested to get our Indian rights back.

9 We, as an organization are prepared once  
10 again to go internationally, if we are not heard here in  
11 Canada, we are prepared to go back to the United Nations  
12 in order to be heard.

13 Our Elders also, in addition to that,  
14 recommend that if our Treaties are jeopardized, that we  
15 go to the Queen, we go to England, to patriot our Treaties  
16 and these are some of the concerns we have.

17 Because we have no funding, we're not  
18 in the position to prepare elaborate presentations and  
19 we are desperately trying to raise money so we can be better  
20 organized.

21 I'm going to say something in my language  
22 in conclusion.

23

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1 (Native language)

2

3 Honourable Commissioners, I was just  
4 mentioning that I am telling the truth and that I do not  
5 fear reprisals, because the Elders from the North and from  
6 throughout Manitoba, have promised to back us up in  
7 whatever we claim. That's why we're here.

8 Miigwech. Thank you.

9 **GABE MENTOUCK:** My name is Gabe  
10 Mentouch.

11 I oppose Indian inherent  
12 self-government. Perhaps eighty years, ninety years ago,  
13 it probably served our people in their best interests.

14 A Chief, years ago, was a respected  
15 individual by a community. A Chief was a servant of his  
16 community, like my grandfather was, forty years ago.

17 Today a Chief doesn't play that role at  
18 the community band levels. They're more, more of a  
19 dictatorship and I don't believe self-government in this  
20 time is consistent with the Treaties, because some native  
21 leaders in the past have bartered some of our rights, Treaty  
22 rights just to attain power.

23 Myself, I can't recognize the Grand

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1 Chief of Canada, because I had no part in promoting him  
2 to be at that level, nor do I respect the Chief at the  
3 provincial level, because again, it's not consistent with  
4 our rights as an Indian person.

5                   We elected one Chief and one Chief is  
6 supposed to represent us to the Minister or whoever the  
7 power-to-be. So, on those grounds, I cannot accept a Grand  
8 Chief nor another Chief from a provincial level, because  
9 that's not consistent with, with the Treaties or the Indian  
10 Act.

11                   I oppose some of the parts of the Indian  
12 Act, but any part that our leaders are using in the act,  
13 is the bad parts of the Act because there are some good  
14 parts in the Act that protects our rights, and our  
15 well-being, therefore, I don't totally oppose the Act.  
16 Governments and some Chiefs have been known to make  
17 amendments to the Acts, and I would firmly believe that  
18 the amendments they made to the Acts was to satisfy some  
19 special group of people, not the Aboriginal People at the  
20 reserve level.

21                   I had problems with self-administration  
22 when it was first spoken about in 1966. I didn't feel  
23 that self-administration, that our people were ready for

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1 it, because there may be very few Indians in the whole  
2 of Canada who have mental justice, but, as Grace said,  
3 at the reserve level, that does not exist.

4 My problem started when  
5 self-administration was introduced and implemented in  
6 1969. I was a successful farmer. I'm a Treaty Status  
7 Indian and I didn't like the, the white man's statement  
8 of that time. In that day and age, the white man used  
9 to say, and I'm pretty sure Mr. Blakeney must have heard  
10 this statement before, that, "Indians were lazy."

11 Well, Indians are not lazy, not all of  
12 us. A good percent of us like to attain a quality of  
13 living, an independent quality of living like you people.

14 So, when I done that, I became a threat  
15 to my community, because I didn't like that word "Indians  
16 are lazy", because we're not lazy. I proved to the white  
17 man that I was above average farmer, a successful farmer,  
18 and when the Department of Indian Affairs used me as an  
19 example against my own people, I became an enemy in my  
20 community, because I was a threat to their social, social  
21 way of life.

22 I don't believe in socialism. I don't  
23 believe that, it may be necessary for some people, because

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1 everybody can't be a farmer or everybody can't be a  
2 professional in any field, but the fact is, I was shot  
3 at. I tried to get the police to attend the shooting and  
4 the police told me I had to get a written consent from  
5 the Chief and Council to come and attend my complaint.

6                   And the people I had problems with was  
7 the Chief and his brothers. So, the police would not come  
8 unless they were requested by the Chief and Council. So,  
9 I told the Department, I says, "I think you have to  
10 intervene because the police can't act." A BCR was sent  
11 to Ottawa forbidding the police to come on our reserve  
12 unless requested by Chief and Council.

13                   And when I was shot at, a President of  
14 the MIB, Manitoba Indian Brotherhood, intervened with the  
15 Crown Prosecutor in the Town of Dauphin, Manitoba, told  
16 the Crown that the Chief would deal with this problem at  
17 the reserve level. Well, the Chief was the guy I had the  
18 problem with.

19                   So, how could he deal with it, because  
20 he didn't accept the mediator. I requested the mediator  
21 to enter, to come and sit and resolve this problem.

22                   Well, again, he write up another band  
23 council resolution forbidding a mediator to be present

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1 at the reserve, and if they came there, they would be  
2 prosecuted for trespassing. So, again, there's no  
3 mediator. The Chief does not recognize a mediator.

4                   There's many other things that I could  
5 put light on. My wife was shot at. My house was shot  
6 up. I was taken off the reserve by the Minister of Indian  
7 Affairs in '79, with the promise of being relocated. To  
8 this day, he hasn't spent a nickel on relocating me. As  
9 a matter of fact, I had to take them to court and I was  
10 awarded a hundred and seventy-one thousand dollars in court  
11 for a four-year business disturbance.

12                   And when the judge handed his delivery,  
13 his decision down, it was seven and a half years. I guess  
14 the judge gave me a shabby decision too, as well, and that's  
15 why us people, like myself, have no respect for a federal  
16 judge, a Supreme judge, or a provincial judge, because  
17 the fact of the matter is, they discriminate us in every  
18 way possible.

19                   Now, I was harmed by my own people of  
20 my reserve level, and I was also injured by the white man's  
21 court system. And I know one leader that told me, he says,  
22 "All the more reason to have an Indian justice system."  
23 Well, that's, that's a deplorable idea to have of what



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1 I suffered, has proven itself that there's no justice at  
2 the reserve level. There isn't any, because people are  
3 not educated to the point where they can distribute mental  
4 justice or justice to their people.

5 In, there's more to my story, a whole  
6 lot more, and I'm not, I'm not in conflict. I don't feel  
7 bitter. I'm just presenting facts as they were in my life,  
8 and there was a lady who wrote a very bad report of me,  
9 and if she's present, I think she better write her story  
10 straight next time, because if she makes a mess of this  
11 statement that I'm making, I will put her to task.

12 And that's all I have to say. I've got  
13 more to add, and with your permission, Mr. Commissioners,  
14 I would hope that we would be able to participate more  
15 fully at the next, next round you come to Winnipeg, like  
16 our group, but we will have more people present to tell  
17 you their stories of their experiences from other reserves,  
18 not only my reserve.

19 And I thank you in advance and I really  
20 appreciate having the opportunity to tell you what little  
21 bit I've told you, because there's a lot more to my story.

22 And I thank you very much.

23 **CO-CHAIR RENE DUSSAULT:** Well, I would

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1 like to thank both of you for being here this afternoon.

2 I appreciate that coming here to give this testimony was  
3 not necessarily an easy thing for both of you.

4 What I think your testimony shows is  
5 that, well, there is specific aspects involved in your  
6 particular situations, but also there is a more general  
7 tone to it and if I may say so, the main concern on the  
8 general level that you've raised was the, what you see  
9 as the failure of the Indian Act to give sufficient  
10 protection for individual rights within the system, when  
11 you're talking about appeals, no appeals, no recourse and  
12 so forth, and that's certainly a point of view that is  
13 important to us.

14 Maybe I would like to ask you some  
15 additional detail on your organization. I understand that  
16 you are incorporated since 1989. Can you tell us how many  
17 members do you have and this is a Manitoba Association  
18 in the province?

19 **GRACE MECONSE:** We presently have five  
20 hundred members and with also additional inquiries coming  
21 in, we also have had people from Ontario come to meet with  
22 us, because they have similar complaints and similar  
23 problems.

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1                   **GABE MENTOUCK:** We also have a lot more  
2 people that would join our organization but are at the  
3 level where they fear reprisals of joining our  
4 organization, are in tremendous fear of reprisals.

5                   And reprisals is saying, like there's  
6 social assistance that they receive at the reserve level,  
7 could be terminated because of joining our organization.

8                   **CO-CHAIR RENE DUSSAULT:** Again, I  
9 understand that your association is totally privately  
10 funded.

11                   **GRACE MECONSE:** Yes.

12                   **GABE MENTOUCK:** Privately funded. We  
13 have no funds. We work just on donations from our  
14 membership.

15                   **CO-CHAIR RENE DUSSAULT:** Of course on  
16 the detail of specifics, we might want to be in touch with  
17 you to know a bit more about it. I don't think this  
18 afternoon we have time to enter into this, and also this  
19 Commission, as you know, has, not as its main role to dig  
20 in specific or particular cases, so, if we can be helpful  
21 to the people, we might be of some assistance, but generally  
22 speaking, we are concerned with bigger pictures and what  
23 should be put into place in the future. Yes.

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1                   **GRACE MECONSE:** I mentioned that we're  
2 in the process of preparing a report for the Federal Human  
3 Rights. We'll be addressing the patterns that are being  
4 brought to us from many areas, and one of these patterns,  
5 I might add, is that, when our people, and I'm again talking  
6 from cases that I've personally dealt with, is that, the  
7 RCMP do not address and do not attend to acts of violence  
8 against our women. In a lot of cases with women, that's  
9 being directed by various persons in authority at the  
10 reserve level.

11                   **CO-CHAIR RENE DUSSAULT:** Well, we would  
12 certainly be interested in receiving a copy of this report  
13 that you're going to present to the Commissioners, Human  
14 Rights Commissioners. When do you expect this to be done?  
15 Is it...

16                   **GRACE MECONSE:** Again, because we have  
17 no funding, like I travel to some of these places, and  
18 also I have to meet with our membership, sometimes out  
19 of the boundaries of the reserve, because they're afraid  
20 to speak even in their houses, because a letter in  
21 particular, had been sent in one reserve where people were  
22 not supposed to hold any kind of a meeting anywhere on  
23 the reserve, so, we have to meet outside of the boundaries

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1 when we meet with our membership, and, you know, that is  
2 a problem and everything we do, any writing we do and  
3 copying and so forth, everything is at our own expense,  
4 all travel costs and everything else.

5                   And I would like to point out, we're also  
6 in the process of consulting with professionals, because  
7 sometimes we spent five hours listening to the pain and  
8 listening to the stories that our membership have of the  
9 trauma and the way they've been violated at the reserve,  
10 and sometimes we spend five hours and we're in the process  
11 of consulting with professionals to listen to deal with  
12 these people.

13                   **CO-CHAIR RENE DUSSAULT:** I had asked you  
14 this afternoon, coming back to the more general level,  
15 you mentioned that the, you had a feeling that the justice  
16 system, present justice system in Canada has failed you.

17                   **GRACE MECONSE:** Absolutely.

18                   **GABE MENTOUCK:** Absolutely.

19 Positively.

20                   **CO-CHAIR RENE DUSSAULT:** You also have  
21 a feeling that an Aboriginal system would do or could do  
22 the same?

23                   **GRACE MECONSE:** It has done the same.

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1                   **CO-CHAIR RENE DUSSAULT:** So, my  
2 question is, how do you see solutions to the problem that  
3 you've encountered?

4                   **GRACE MECONSE:** In...

5                   **CO-CHAIR RENE DUSSAULT:** What should be  
6 the...

7                   **GRACE MECONSE:** In speaking with  
8 professionals and in speaking with - I must add that the  
9 Minister of Justice in this province has been very  
10 sympathetic to these issues and to these claims. And he  
11 is the first Minister, that I know of, that has publicly  
12 stated his support for, for our cause and for our people,  
13 who are caught in this situation.

14                   Now, we are receiving very much support,  
15 moral support, from this provincial government. They are,  
16 they understand us, and however, and also professional  
17 people, and people in general, the general public, but  
18 however, they tell us, and we know this, that the solutions  
19 have to be addressed by us. The solutions have to be  
20 arrived at by ourselves with receiving support from the  
21 governments and the systems in some fashion.

22                   And this is the, the great task we have  
23 ahead of us, is to, to work somehow to arrive at these

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1 solutions and we cannot expect you or any other non-Indian  
2 person to come along and offer the solutions. We have  
3 to do it ourselves, as difficult as it is.

4 **GABE MENTOUCK:** That's why, that's why  
5 we are happy to be able, if permitted to participate in  
6 the formation of a constitution for the Aboriginal Treaty  
7 Status Indians, like was recommended by the Prime Minister  
8 of Canada of the present day, who introduced and invited  
9 the Chiefs of Canada to come up with a constitution, an  
10 entrenchment in a constitution for its people across  
11 Canada, where the Chiefs misunderstood, I guess, and  
12 thought that they were more interested in power, not in  
13 a constitution.

14 Now, if a constitution was implemented  
15 and entrenched for Canada's Aboriginal People, we would  
16 be recognized by any, any, like, we can't abandon the  
17 introduction of participating in a constitution, and any  
18 introduction of the government of the day to introduce  
19 the Chiefs of Canada, the self-government of their people,  
20 is just an evasion of their responsibility to our people.

21 But not forgetting the fact that we  
22 should participate and we accept participating in the  
23 forming of a new constitution for our people, which would

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1 recognize the Aboriginal People, because presently we  
2 don't have no constitutional rights, nor do we have any  
3 Charter of Rights, because you must understand what we're  
4 saying, the police refused to act on our complaints and  
5 if we participate and implement these resolutions in a  
6 constitution such as a Chief's accountability to the  
7 funding agencies, the two levels of funding agencies, which  
8 we would be promoting, also the accountability to his band  
9 members, who elected him to be Chief, and then, and then  
10 least and not last, for a Chief that is elected to be able  
11 to put his record on, put his record on line, so as we  
12 would eliminate a tremendous amount of public monies that's  
13 being wasted in foreign parts of the world, let alone Canada  
14 at the reserves.

15                   They would be more accountable to their  
16 people and would give their people a better standard of  
17 living and education.

18                   We would be happy to participate in that  
19 hearing of changing the present system. Because right  
20 now the present system doesn't help us much.

21                   Although the Indian Act can be amended  
22 and amended in respect to better, to give the Native people  
23 a better quality of recognition and justice, that doesn't



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1 exist there.

2 **GRACE MECONSE:** I would like to add as  
3 a follow-up to that question on how solutions are going  
4 to be arrived upon.

5 There has been the impression given that  
6 all Indian people think alike, but there's only one, one  
7 thought, that Indian Self-Government has been totally  
8 agreed upon by all of us. We have not been able to agree  
9 upon something that we have not been informed on, and  
10 secondly, as I mentioned previously, the Chiefs'  
11 government and party, has remained unchallenged and if  
12 there is a legal provision and a legal right for other  
13 groups and parties to function and be funded as opposition  
14 groups, why is there not provision for us to address issues  
15 that are not presently being addressed by the Chiefs?  
16 This is what, you know, we, we need to be recognized along  
17 these lines, and we will persist, certainly as long as  
18 I have my health, I will persist in some way pushing for  
19 this right.

20 Thank you.

21 **CO-CHAIR RENE DUSSAULT:** Madam Sillet.

22 **COMMISSIONER MARY SILLET:** You can call  
23 me Mary.

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1 Thank you very much, Mr. Dussault.

2 First of all I'd like to thank you very  
3 much for making your presentation. I'd like to share a  
4 few observations with you.

5 When Chief Justice Brian Dickson made  
6 his opening comments, he did say that this group of seven  
7 were chosen because we're positive and constructive and  
8 as you were talking, I thought to myself, you know, being  
9 positive and constructive doesn't mean pretending that  
10 things don't exist, like closing your eyes and playing  
11 dead and saying, well, it's not really happening, you know.

12 Because I think some of the things that  
13 you've talked about reminded me of, you know, the kinds  
14 of experiences that we face within our own communities,  
15 within our own organizations, you know.

16 We've had, we've experienced, as well,  
17 problems with our leadership being accountable, et cetera,  
18 et cetera, et cetera.

19 And the kinds of issues that you raised  
20 are clearly very, very complicated. And I think we have  
21 a responsibility to look at our mandate and I've heard  
22 it all over. I've heard ourselves say this throughout  
23 our consultation, that we will give our mandate the

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1 broadest possible interpretation so that people with any  
2 kind of grievances could possibly fit into that and we  
3 would look, we would look at the situation. We would  
4 review it and we would be fair and hear it and we would  
5 be fair to all parties, and I think we made those kinds  
6 of commitments.

7                                   And I think that, as Georges said  
8 yesterday, intervener funding is available in the later  
9 phases of these public hearings and we are encouraging  
10 groups, all Aboriginal groups, and all Aboriginal groups  
11 equally, to use that funding to look at, not only to look  
12 at the problems, but actually recommend solutions, because  
13 as you said, if solutions are to come, they are to come  
14 from yourselves, and to make that, but to always remember  
15 that this, I think this Commission is ready to hear all  
16 grievances equally and ready to give all grievances a fair  
17 hearing and ready to be able to give, you know, people  
18 an opportunity to look at those problems seriously.

19                                   **CO-CHAIR GEORGES ERASMUS:** I guess I'd  
20 just like to add on to what Mary was saying.

21                                   It seems to me that the issues you're  
22 bringing up, we're going to have to deal with. The  
23 evolution of institutions of government for Aboriginal

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1 People in Canada is being worked on by many peoples.

2                   The constitutional process right now,  
3 for instance, is looking at it. The federal government  
4 has been looking at self-government agreements for the  
5 Metis people and for the Chief and Council system and so  
6 forth, Tribal Councils.

7                   But, what you're bringing up is that  
8 there really needs to be a balance so that there's not  
9 abuse without an ability for an accounting.

10                   So, whatever ideas you can come up with  
11 would be very useful.

12                   We would encourage you to apply to the  
13 intervener funding and turn the pain that you've all  
14 experienced into something positive, because what we need  
15 is the ideas that's going to make the system work, so it's  
16 fair.

17                   You told us, for instance that, you told  
18 me privately over there and you told us here again that,  
19 when your grandfather was a Chief, there was a completely  
20 different system of government. It was much more humane,  
21 sensitive and the leaders were regarded as servants,  
22 therefore the betterment of the people.

23                   Well, what we need to know, because we're

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1 going to work on models of government, but what we need  
2 to know is, how we make sure that when we're working on  
3 models of government, that we're going to balance out the  
4 proper authority that is going to be given to those people  
5 that will be in government, but the balance so that the  
6 people they serve are not going to be abused without the  
7 system being able to correct itself. So, we will need  
8 your ideas on that.

9 Thank you for going through this painful  
10 disclosure for us.

11 **COMMISSIONER PAUL CHARTRAND:** I just  
12 want to take the opportunity to firstly thank both of you  
13 for your presentation.

14 I want to thank you personally for your  
15 presentation, you, Mr. Mentouck and also Grace Meconse,  
16 who is no stranger to me.

17 Thank you very much. Miigwech.

18 **CO-CHAIR RENE DUSSAULT:** As we are  
19 running late in our schedule, I will have to call the next  
20 person, Dorothy Betz, please. Could you press the button?

21 **DOROTHY BETZ, PRESIDENT, KE KI NAN**

22 **CENTRE:** Bonjour.

23 I quickly made a few, I put a few things

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1 together, because I thought I was going to be on tomorrow,  
2 so we passed the folders around.

3                   It's a shorter version of the Needs  
4 Assessment Report. Ke Ki Nan Centre is a senior citizen  
5 home for our Native elderly in the City of Winnipeg.

6                   I use the word "Native" because, as I  
7 worked throughout the years within my working, while I  
8 was working, I started out with "Indian", and then I became  
9 Native and now I'm Aboriginal, and I just haven't changed  
10 that yet. Okay?

11                   I'd like you to turn to page one.  
12 There's a little corner of your Report that's turned.

13                   Ke Ki Nan Centre's Concept, our  
14 philosophy and principles. The Native elderly have the  
15 right to be part of the decision-making process of all  
16 matters affecting their lives, affecting their lives and  
17 their community. The Native elderly have the right...

18                   **CO-CHAIR GEORGES ERASMUS:** Excuse me.  
19 Which document, which page of which document?

20                   **DOROTHY BETZ:** I'm talking about the one  
21 little corner that I flipped, I turned that little  
22 corner...

23                   **CO-CHAIR GEORGES ERASMUS:** Oh, it's the

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1 thick one.

2 **DOROTHY BETZ:** In the thick report.

3 **CO-CHAIR GEORGES ERASMUS:** Yeah.

4 **CO-CHAIR RENE DUSSAULT:** Okay, that's  
5 fine.

6 **CO-CHAIR GEORGES ERASMUS:** Oh, yeah,  
7 there it is.

8 **DOROTHY BETZ:** Okay?

9 **CO-CHAIR GEORGES ERASMUS:** Okay. Got  
10 it. Midway down through the thick document.

11 **CO-CHAIR RENE DUSSAULT:** Yes.

12 **DOROTHY BETZ:** Okay.

13 **CO-CHAIR RENE DUSSAULT:** Good.

14 **DOROTHY BETZ:** This is our concept for  
15 our Native elderly. The Ke Ki Nan Centre, the philosophy  
16 and principles.

17 The Native elderly have the right to be  
18 part of the decision-making process of all matters  
19 affecting their lives and their communities. The Native  
20 elderly have the right to live in conditions of safety,  
21 security, dignity and comfort. The Native elderly have  
22 the right to opportunities to fulfill their interests and  
23 to be productive within the community. The Native elderly

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1 have the right to access to health, social and all other  
2 services equivalent to those available to all other  
3 elderly, providing within and by persons representing,  
4 representing an atmosphere of cultural understanding and  
5 respect.

6 We use that concept at Ke Ki Nan whenever  
7 we're doing anything. Okay. I'm sorry, I didn't  
8 introduce my assistant. Claire Ross is our Property  
9 Manager for our senior complex.

10 She's going to be reading to you the part  
11 that I prepared.

12 **CLAIRE ROSS, PROPERTY MANAGER, KE KI NAN**

13 **CENTRE:** Okay.

14 On behalf of the Ke Ki Nan Centre, I  
15 appreciate the opportunity to share the concerns of our  
16 Native seniors in the Province of Manitoba, particularly  
17 in the City of Winnipeg.

18 The Ke Ki Nan Centre is a Native Seniors  
19 Complex built in the City of Winnipeg and consists of 30  
20 units of enriched housing. A multi-purpose room, games  
21 room, kitchen and office space. Construction was  
22 completed last November, 1991 and the first tenants moved  
23 in on December 1st, 1991.



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1                   Ke Ki Nan is the first senior citizens  
2 home for Native elderly in an urban setting in Canada.

3                   A Report entitled Needs Assessment of  
4 The Native Elderly in Winnipeg, Manitoba was completed  
5 in August, 1984, and provided a comprehensive survey of  
6 the Native elderly population in Winnipeg.

7                   I have included for your information the  
8 Feasibility Study and Report for the Ke Ki Nan Centre,  
9 which was completed in 1985.

10                  The two groups involved in the original  
11 proposal were the Manitoba Indian Nurses Association and  
12 the Indian and Metis Senior Citizens Group of Winnipeg.

13                  Initially, the goal was to develop a  
14 geriatric care centre for our Native Elders in Winnipeg.

15       The proposal had to be adapted to include enriched housing  
16 in addition to the geriatric personal care units.

17                  The government funded Ke Ki Nan for the  
18 enriched housing units, but not the personal care units.

19                  Our Ke Ki Nan Board of Directors have  
20 identified the enriched housing as Phase I and the personal  
21 care unit as Phase II. We are still pursuing the funding  
22 for Phase II.

23                  Numerous people have dedicated and

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1 committed their time and energy towards Ke Ki Nan. It  
2 is a continuing dream of many that the personal care units  
3 need to be constructed.

4 We are prepared to answer any questions  
5 you may have.

6 Thank you. Miigwech.

7 **DOROTHY BETZ:** I further wanted to just  
8 add that there have been many obstacles which we had to  
9 encounter before we were even able to get the land and  
10 the construction. I don't have any of the letters that  
11 were to the Minister of Health as well as to the Premier.

12 This is only a, the Report that you have  
13 is only a short, a short documentation of a thicker report.

14 We're going to be meeting privately with, I think two  
15 members for dinner tomorrow, and we're going to be  
16 outlining a few more of the things that have been happening  
17 and that is why I'm here today.

18 I don't want to elaborate on any negative  
19 issues at this time, because I don't feel it appropriate  
20 right now to do it. I don't want the media involved in  
21 what I would have to say, so I requested a private meeting.

22 Okay?

23 I do have faith in the Royal Commission

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1 to be able to reach the right government departments, so  
2 we can fulfill our dream. So we can take care of our  
3 elderly in dignity and with respect.

4                   Ke Ki Nan is, of course, dealing with  
5 the social issues and economics as well. We're all Native  
6 staff, all Native board members. I should use the word  
7 "Aboriginal". I'm going to get used to that yet.  
8 Aboriginal and so are the tenants.

9                   The 30 units are completely filled and  
10 some of the tenants were invited to come here but there  
11 was a special program on this afternoon that they didn't  
12 want to leave to come. And so, we excuse them for that.

13                   They will be told that we were here  
14 anyway to speak on their behalf. They're enjoying the  
15 senior complex. They are able to communicate in their  
16 own language. They're able to do things and we're  
17 hopefully some of the programs is going to be some of the  
18 things that you have seen today, where our Elders are going  
19 to be teaching the younger people the language and  
20 participating in story telling.

21                   So, those are some of the things that  
22 we hope to see happening. We're very new yet, so we haven't  
23 really developed our programs as yet, but it was really

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1 interesting to hear, especially the Abinochi, whatever  
2 school that was here today, to listen to them, because  
3 those are the kinds of things that we would like to see  
4 happening.

5                   The tenants' meetings are held mostly  
6 in the Native language, so that, it even helps me. Again  
7 come back to using my language again.

8                   **CLAIRE ROSS:** We had a - what do you call  
9 that program that was on? - we had a program that was on  
10 that came from CBC from Vancouver? The Best Years and  
11 Ke Ki Nan has about seven, eight minutes in there if  
12 anybody's interested. It is in BC but we might be ordering  
13 the video, because they taped Ke Ki Nan for about two days  
14 and the special programs that they have. But we're hoping  
15 to get the personal care units because we have a lot of  
16 requests, but we can't accommodate the people that need  
17 personal care, because what we have right now is just  
18 independent living, they look after themselves.

19                   But they socialize a lot. Like, they  
20 have their programs. They have bingos and they have, they  
21 go out to the schools. They get invited and they have  
22 a lot of energy. They like going out.

23                   **CO-CHAIR RENE DUSSAULT:** Well, I would

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1 like to thank you very much, both of you, for coming here  
2 and telling us about what appears to be a real success  
3 story, though painful, in the preparation.

4                   Just in terms of information, can you,  
5 am I right thinking that, is this, your centre, funded  
6 by the Province of Manitoba?

7                   **DOROTHY BETZ:** It is right now. It was  
8 sponsored by the Province of Manitoba, but we now come  
9 under the federal government, Canada Mortgage and Housing.

10                   **CO-CHAIR RENE DUSSAULT:** I see. You  
11 may know that we are going to put a lot of emphasis on  
12 people living in the cities and urban issues and, of course,  
13 the situation of Elders in the cities, is of great  
14 importance and we are going to have a round table at the  
15 end of June, this June, the 22nd and 23rd in Edmonton,  
16 and we, well, we hope that the information and how this  
17 was reached and achieved will help us to understand better  
18 what can be done in the future.

19                   **DOROTHY BETZ:** You know, when a person  
20 is younger they don't look at, at the Elders as, as aging,  
21 as somebody to, to really look at seriously, because the  
22 word "aging" to me was old, meaning old, and yet, after  
23 I began to study and prepare for this Needs Assessment,

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1 I began to read an awful lot more about what other countries  
2 are doing for their seniors.

3                   And the word "aging" does not associate  
4 with Elders at all, it associates with everyone. The day  
5 you are born, you're aging, you know, so that gave me a  
6 different kind of look at, at the word itself.

7                   I really enjoyed studying and learned  
8 an awful lot. Our personal care units is very, very  
9 important to me, because I feel that there are too many  
10 of our elderly that are being neglected, in hospitals,  
11 in homes, or not even homes, in rooming houses. We have  
12 rooming houses with some of our elderly, who need personal  
13 care, who live in a one-room with a little hot plate, and  
14 just one single bed and a wooden chair. And that's all  
15 they have and yet they can't climb stairs, and they're  
16 on a second floor.

17                   It's pathetic to see that. We need, we  
18 need the personal care and I, I will be talking a little  
19 bit more on some of the kind of issues in our, in our talk  
20 with the people that we are going to be meeting with  
21 privately.

22                   Because we are all aging, and I really  
23 would like to have our people taken care of, as well.

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1 **CO-CHAIR RENE DUSSAULT:** Madam Wilson.

2 **COMMISSIONER BERTHA WILSON:** I believe  
3 that Mr. Blakeney and I are the two people who are going  
4 to have the privilege of learning more about what you're  
5 doing tomorrow evening and we're looking forward to this  
6 very much indeed.

7 **DOROTHY BETZ:** Oh, I thank you very  
8 much. I was going to call you Your Honour, but - I worked  
9 in the court system for 22 years, so I'm pretty close to  
10 that aspect and I wanted to jump up every once in a while  
11 and say, "I've got an idea."

12 But anyway, I thank you very much and  
13 I know it's late in the hour and I appreciate you hearing  
14 us. I have some pins to offer the Commissioners.

15 You'll notice that our head sign is  
16 really an appropriate sign. One of our young artists,  
17 Native artists, drew this for us and it's really an  
18 appropriate, because it, it outlines the city, as well  
19 as the, as well as our home at one time, which was the,  
20 the teepee.

21 I'll give you a chance to read the  
22 Reports. By the time we meet up with you again, and  
23 hopefully we'll meet again.

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1 Thank you very much.

2 **CO-CHAIR RENE DUSSAULT:** If I could ask  
3 the Student Union, the University of Manitoba to come and  
4 make its presentation.

5 So, if you can introduce yourself.  
6 We're sorry for running late into our schedule, but you  
7 are most welcome.

8 **MARGARET KING, PRESIDENT, NATIVE**  
9 **STUDENT UNION, UNIVERSITY OF MANITOBA:** Hello, my name  
10 is Margaret King.

11 I'm a student at the University of  
12 Manitoba. I originally come from Pikangikum, Ontario.

13 I'm here today to speak to the Royal  
14 Commission on behalf of Native students that have brought  
15 their concerns to me regarding difficulties they have  
16 experienced while attending university.

17 Some of these difficulties arise from  
18 the university itself, but others are a direct result of  
19 education policies that hamper us in our efforts to  
20 succeed.

21 Some of these concerns were as follows:  
22 that for Status students, the cutbacks and capping of  
23 post-secondary funding has caused problems for many



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1 students. The funding criteria restricts many students  
2 to an eighth month funding support. The result of this  
3 is students to take a heavier course load for going the  
4 option to achieve a high grade point average, which is  
5 necessary in order for the students to enter into a  
6 specialized program such as medical school, law school,  
7 et cetera.

8                   That for many Status students the lack  
9 of communication between the education council back home  
10 and themselves forces us to the exact rules and regulations  
11 of the policy versus many students to reevaluate their  
12 future and seek alternate funding.

13                   For example, some bands are forced to  
14 dip into education, of the educational funding to offset  
15 deficits in other areas. Some students are forced to get  
16 Canada Student Loans, but we're not allowed to get rebates,  
17 the loan rebates. It says on the application that we are  
18 the responsibility of the federal government.

19                   That as Aboriginal students out of  
20 university, we are a visible minority. We encounter  
21 obstacles such as racism, which is inherent within the  
22 university system.

23                   This has been pointed out by those

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1 involved in rights issues as systematic racism. For  
2 example, many non-Aboriginal students believe that Status  
3 students are getting a free education, that we pay no taxes,  
4 and that we get paid for going to school. This view  
5 reinforces racism against us.

6 My recommendations for those three areas  
7 of concerns which these two persons beside me will talk  
8 about, Bill C31 and their problems, are the recommendations  
9 that I have to those three that I talked about is, that  
10 the Royal Commission support our inherent right to an  
11 education. This must include post-secondary education  
12 and all the support services that goes with it, such as  
13 financial, academic, personal, support service, proactive  
14 educational programs.

15 We recommend that, that an educational  
16 policy be developed for all bands to follow. That the  
17 Canada Student Loans be reexamined to provide for funding  
18 where Aboriginal students cannot get funding from their  
19 bands. That university, universities develop a  
20 cross-cultural awareness programs and policy. Also for  
21 Aboriginal People to become full participants in  
22 developing these programs and policies to ensure equality  
23 and retain our dignity.

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1                   On my left is Dave Mowat. He's a student  
2 also at the U of M.

3                   **DAVE MOWAT, STUDENT, UNIVERSITY OF**  
4 **MANITOBA:** Thank you. It's my pleasure to be here.

5                   My name is Dave Mowat. I've been a  
6 resident of Winnipeg for the last 10 years. I'm a member  
7 of the Alderville First Nation, Bill C31, and I've been  
8 attending the University of Manitoba since January, 1989.  
9 This year I'll be graduating with my Advanced BA in  
10 History.

11                   And it was my plan, and it still is my  
12 plan to attend law school. I've applied to the Faculty  
13 of Law at the University of Manitoba, but was advised in  
14 early February, by my band over a telephone call, that  
15 I would no longer be eligible for band funding under the  
16 Post-Secondary Education Assistance Program.

17                   Now, I'm not using this forum here today  
18 to grieve about my, my bad luck with funding. I think  
19 it's more appropriate for me to, to take a look at my  
20 situation and apply it to a larger problem and that is,  
21 decisions on reserve and the manner in which the decision,  
22 affecting my education was taken. The unilateral decision  
23 with no prior discussion, no prior forewarning at all.

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1 It was just simply dumped on me, which alters my plans  
2 for acquiring an education outside of the Province of  
3 Ontario.

4                   The decision by my band was to stop  
5 funding students who desire to study outside of the  
6 Province of Ontario, because my band is in Ontario.

7                   And I see this as ridiculous, because  
8 for all the bickering and all the rhetoric in regard to  
9 accessibility to mainstream society, accessibility to  
10 higher education, my band has turned around and restricted  
11 that accessibility by placing a condition on me, that I'm  
12 sure reflects a lot of the conditions that have been placed  
13 on, on our people over the decades.

14                   And I just think that, while a lot of  
15 our people enter self-government negotiations and  
16 discussions that they, the government and our people  
17 consider what's happening to students like ourselves who  
18 want to get out, want to get into the law faculties, who  
19 want to earn law degrees and Master Degrees, Ph.D's, and  
20 because we want to apply this to our communities and acquire  
21 this knowledge as we enter the 21st Century, because  
22 there's going to be a lot of changes, as we all know.  
23 And now we're being restricted by decisions on reserve

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1 that are undemocratic and that, in the long run, are only  
2 going to hurt us.

3                   And, I believe the system, the Chief,  
4 the Chiefs under the system now, it's archaic, it doesn't  
5 work. I, as a Bill C31 off-reserve band member, I'm on  
6 the bottom of the list. I'm on the bottom of the priority  
7 list.

8                   My knowledge that I'm acquiring, the  
9 knowledge that I have gained and the knowledge that I have,  
10 that's being discarded, I believe, and I think it's a crime.  
11 I think it's going to hurt our people in the long run.

12                   And I just would like to say that, that  
13 it's the responsibility of the government to look at what  
14 the Indian Act and what band governments, what it creates,  
15 what it does on reserve, and it's also a responsibility  
16 of our people, of the Chiefs, and the Councils, to also  
17 take a look at what they're doing that is affecting us.

18                   The decision, they brought into a system that, that is,  
19 has to be discarded and I just would hope that there'd  
20 be more foresight in dealing with, with students like  
21 myself. Bill C31 or not, we're the ones that are going  
22 to take a lot of our people into the 21st Century.

23                   And I would just like you people to carry

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1 that to your other communities.

2 Thank you very much.

3 And I would like to present, on my right,  
4 Sharon Pelletier, another Bill C31 member of Norway House  
5 and a student at the U of M.

6 **SHARON PELLETIER, STUDENT, UNIVERSITY**  
7 **OF MANITOBA:** Hi. I'm not talking about academic policies

8 that have hindered me becoming a success at the university.

9 I'm talking more about the personal  
10 issues that I've encountered. I'm a mature student. I'm  
11 also a single parent and I have had tremendous personal  
12 problems since I've started attending at the university.

13 And because I'm Bill C31, and, and the  
14 governmental policies came in after I started at the  
15 University, I was given the option to stay an attached  
16 student with the Access Program, and on that program, they  
17 had a lot of personal supports, that I didn't really realize  
18 until this past year that I needed.

19 This past year, anything that could go  
20 wrong in somebody's life, went wrong. And without that  
21 support system there, I never would have made it through.

22 I just finished my last final exam on Monday and by  
23 February, I figured that there was no way I was going to

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1 succeed in university.

2                   There were too many problems getting me  
3 down, and I think that a lot of Aboriginal students go  
4 through that, and they need to know that there is some  
5 kind of support in place, so that they can go and feel  
6 that they're not alone. That there are other people there  
7 that, that know what they're going through.

8                   And, I saw a psychologist through the  
9 Access Program. I really, at first, did not think that  
10 he could help me as much as I needed to be helped, because  
11 I was going through an identity crisis, as well as  
12 everything else. And the psychologist was white, and I  
13 really did not think that he could understand where I was  
14 coming from.

15                   So, I think that the support system  
16 should have in place an Elder or else an Aboriginal personal  
17 support that could identify with where we're coming from,  
18 and the, and the supports that we need just being  
19 Aboriginals.

20                   That's all I have to say.

21                   **MARGARET KING:** I'd like to thank you  
22 for allowing us this time to speak here with you. I'm  
23 sorry that you don't have the written paper in front of

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1 you, but that's because we're all having exams right now  
2 and nobody had the time to sit down and do it.

3 But, thank you.

4 **CO-CHAIR RENE DUSSAULT:** We're going to  
5 have the transcript.

6 **MARGARET KING:** Pardon?

7 **CO-CHAIR RENE DUSSAULT:** We're going to  
8 have the transcript of what you said. Don't worry about  
9 that.

10 Maybe I would like to start asking Mr.  
11 Mowat a question about - in fact, if I understand what  
12 you said correctly, your major qualms was about the actions  
13 of criteria or, at least, you know the criteria under which  
14 the decision was taken. You know the fact that the  
15 decision was given to you with no explanation. Could you  
16 extrapolate on that?

17 **DAVE MOWAT:** As I said, I was informed  
18 early February that - my band is in Ontario, and they,  
19 just through a phone call by my education counsellor, who  
20 told me that she called me prior, so that I wouldn't find  
21 out about it in the band newsletter, that they are going  
22 to stop funding students who study outside of the Province  
23 of Ontario, and that altered my plans - it's not that I



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1 can't acquire funding from somewhere else. It's, my  
2 biggest problem is the way the decision was made. There  
3 was no prior consultation in regard to the ramifications  
4 of that decision on students in my situation.

5                   And as I found out, I am the only band  
6 member studying in a Canadian university outside of the  
7 Province of Ontario. There are about four or five others  
8 who are studying in the States. So, I can kind of, in  
9 my own mind, I'm the lone duck, and the excuse, lack of  
10 funding.

11                   But they turn around on the reserve and  
12 hand out lucrative positions to people who don't have even  
13 near the qualifications that I have. And we're in the  
14 cities studying with very little funding, very little money  
15 in our pockets, like every other student. I don't want  
16 to put me in the corner, but we are here studying with  
17 very minimal funding and I think it's a disgrace what's  
18 happening on the reserve, insofar as decisions are made.

19                   And I just, there is an appeal process  
20 in place, but as my education counsellor told me, I don't  
21 stand much of a chance in fighting such a decision as was  
22 made as a Bill C31 off-reserve member. She told me  
23 basically I don't have a leg to stand on.

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1                   What confidence do I have in an appeal  
2 process when I'm told and when I know ahead of time that,  
3 I stand very little chance? I think it's a terrible,  
4 terrible situation and I think it's, in the long run it'll  
5 affect communities and bands who are going to have rely  
6 on people with good education to pull them through, you  
7 know, to get them through the 21st Century and all the  
8 changes that are taking place.

9                   Education is paramount.

10                  **CO-CHAIR RENE DUSSAULT:** Tell us, what  
11 is the appeal process, because again, is it because it's  
12 not the proper process, from your point of view or is it  
13 because the budgetary constraint means that - is it the  
14 matter of being given the information in due course in  
15 order to organize your life accordingly or that's...

16                  **DAVE MOWAT:** I've been careful not to  
17 put my situation, make it a monetary kind of a problem.

18 I've been careful to express my concern over the way the  
19 decision was made, the process in place. There was no  
20 consultation with me. All it takes is a phone call, a  
21 letter. You know, it was just dumped on me and I just  
22 think that the decision, the manner in which the decision  
23 was made, is wrong, and it alters your whole plans about

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1 your education.

2 In applying to the University of  
3 Manitoba Law Faculty, I'm told that I have to go to  
4 Saskatoon to the program at the University of Saskatchewan,  
5 which is a pre-law course from May till July.

6 Well, as it stands now, I have no funding  
7 for that, because my band won't fund that, because - they're  
8 not going to fund me after I get my BA, they're going to  
9 stop funding me should I study here in Manitoba.

10 So that creates, that's created a lot  
11 of psychological, just a lot of stress and a lot of anger,  
12 resentment, because the way the decision was made.

13 **CO-CHAIR GEORGES ERASMUS:** Could I ask  
14 a supplementary. I still don't know who made the decision.

15 **DAVE MOWAT:** Chief and Council.

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

17 **DAVE MOWAT:** A new Chief and Council  
18 elected in the Fall and they made the decision by January.

19 **CO-CHAIR RENE DUSSAULT:** And the appeal  
20 goes to, what is the appeal process.

21 **DAVE MOWAT:** Pardon me?

22 **CO-CHAIR RENE DUSSAULT:** The Chief and  
23 Council made the decision itself, but if you appeal, where

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1 do you go? What is the process?

2 **DAVE MOWAT:** A letter, a letter to Chief  
3 and Council. That's about as far as the appeal process  
4 goes.

5 **CO-CHAIR RENE DUSSAULT:** So it's a  
6 revision of the first decision?

7 **DAVE MOWAT:** Yeah. And I've, I felt in  
8 discussing, in talking to my education counsellor about  
9 that, who has given me no real hope in this whole thing,  
10 I felt reluctant to appeal because should I show too much  
11 anger, then it gets down to a personal thing. The Chief  
12 doesn't really like me, and I don't really like him. And  
13 it's just, it's a pathetic system. It's terrible.

14 Because I've been, I'm kind of scared  
15 that I'll get cut off my funding, because I might be too  
16 vocal about the decision. No, it's a, it's not democracy  
17 the way the majority of Canadians know it.

18 **CO-CHAIR RENE DUSSAULT:** Are there  
19 other questions. Paul.

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

22 It's good to see you people. I've known  
23 some of you for a longer time than I have some others.

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1 You brought some very important issues before us here.

2                   Issues that we're all keenly interested  
3 in, that I am particularly interested in. This is just  
4 a start. And under the present circumstances and I will  
5 be guided here by the exercise of the Chair's discretion,  
6 there probably is not very much time available for you  
7 to elaborate on the many facts that I think we have to  
8 become aware of that this Commission needs to become aware  
9 of in order to be in any kind of position to make some  
10 reasonable policy recommendations on these educational  
11 issues.

12                   So, you made a really good start. We  
13 have to, we have a long way to go. There's much more that  
14 needs to be said. We have to find a way of systematically  
15 getting this information into the, to us, so that we can  
16 sort them out.

17                   This issue is fundamentally important.  
18 We know that the Aboriginal population is very young and  
19 growing and that it seems to me everyone is acknowledging  
20 the value of better education towards people.

21                   There are a lot of myths about the  
22 circumstance of Aboriginal People and the education system  
23 that have to be combated. You have to fight them. Let

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1 me just state one as an illustration.

2                   The notion amongst some people, which  
3 has been rather well publicized that Aboriginal Peoples'  
4 educational issues ought to be treated just like everybody  
5 else. It was a matter of hard work and saving money.  
6 But if you look at the circumstances of an Aboriginal  
7 individual living in a very remote community, where the  
8 unemployment rate is up to ninety, ninety-five percent,  
9 then the myth, I think, becomes very, very questionable.

10                   But, in any case, you need to tell us  
11 the facts. I think that we can only develop realistic  
12 policies if we have input from people like yourselves who  
13 are the, who must bear the burdens and benefits of these  
14 educational policies.

15                   And I want to, what I want to say is,  
16 I want to encourage you to, to come again. To continue  
17 to tell us these facts and to do this as forcefully and  
18 courageously as you can.

19                   Thank you very much.

20                   **CO-CHAIR RENE DUSSAULT:** I also would  
21 like to remind you that you can always put it on paper,  
22 additional information, and send that documentation to  
23 us. It's just a start as what we can do here.

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1                   If there are no other questions, I think  
2 we are, as we're running late, we will thank the three  
3 of you for taking the care of coming to tell us those  
4 concerns of you and that are very important, and we hope  
5 that we will be able to do something about the system.  
6 It's a very important aspect of the educational system.

7                   Thank you very much.

8                   **DAVE MOWAT:** Thank you.

9                   **MARGARET KING:** Thank you.

10                  **CO-PRÉSIDENT RENÉ DUSSAULT:** Les  
11 représentants de l'Union nationale métisse St-Joseph du  
12 Manitoba peuvent-ils venir nous rencontrer, s'il vous  
13 plaît.

14                  Madame Abraham, bienvenue.

15                  **AUGUSTINE ABRAHAM, PRÉSIDENTE, L'UNION**  
16 **NATIONALE MÉTISSE ST-JOSEPH DU MANITOBA:** Bonjour,  
17 messieurs dames, les membres de la Commission royale  
18 d'enquête et chers délégués. Je m'appelle Augustine  
19 Abraham et je suis la nièce de Louis Riel. Je suis  
20 actuellement la présidente de l'Union nationale métisse  
21 St-Joseph du Manitoba.

22                  L'Union nationale métisse St-Joseph du  
23 Manitoba est une organisation active qui existe depuis

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1 1887. L'Union nationale métisse St-Joseph du Manitoba  
2 a pour but l'union des Métis catholiques de langue  
3 française afin de protéger leurs intérêts communs et  
4 conserver leurs traditions nationales par tous les moyens  
5 légitimes. Fondée en 1887, après la pendaison de leur  
6 chef Louis Riel, les Métis avaient pour but de combattre  
7 l'oppression et garder leur culture. Par la suite,  
8 d'autres locaux se sont formés dans les régions où vivaient  
9 les Métis.

10 L'Union nationale métisse représente  
11 tous les Métis d'expression française. Nous sommes  
12 autonomes financièrement et n'avons jamais accepté une  
13 aide financière d'aucun gouvernement afin de demeurer  
14 indépendants.

15 L'Union nationale métisse St-Joseph du  
16 Manitoba ne veut pas faire partie du gouvernement autonome  
17 des Indiens. Nos ancêtres n'ont jamais accepté d'être  
18 soumis et mis à part des autres. Un gouvernement autonome  
19 est tout à fait contraire à la philosophie de Louis Riel  
20 et de nos ancêtres. Ceux-ci voulaient l'unité du pays.

21 L'Union nationale métisse croit fermement qu'avec  
22 l'autodétermination les Métis seraient perdants. Si  
23 cette Commission recherche un sentier de réconciliation,



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1 comment peut-elle permettre l'idée de  
2 l'autodétermination, qui ferait de nous un peuple vivant  
3 la ségrégation.

4 L'union nationale métisse est  
5 extrêmement frustrée de voir que les Métis sont identifiés  
6 comme un peuple pauvre, démuné et sans ressources  
7 intellectuelles ou économiques. Au contraire, plusieurs  
8 des nôtres vivent bien et font honneur au peuple métis,  
9 soit au Parlement, dans les cours, dans le monde des  
10 affaires et dans la fierté de leur travail.

11 Nous voulons les droits qui reviennent  
12 à tous les Canadiens. L'Union nationale métisse St-Joseph  
13 du Manitoba veut être identifiée dans la clause canadienne.  
14 Nous voulons que la contribution des Métis soit reconnue  
15 dans la formation de la confédération canadienne.

16 Les Métis de l'Union nationale métisse  
17 du Manitoba veulent que leurs droits individuels et ceux  
18 de leurs héritiers soient reconnus en ce qui concerne les  
19 revendications territoriales. Nous voudrions qu'une  
20 recherche soit faite afin que les familles métisses  
21 fondatrices soient retrouvées et reconnues. Il est  
22 important qu'une forme de compensation soit faite en ce  
23 qui concerne ces droits territoriaux.

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1 Malgré la requête formelle de notre  
2 député fédéral que l'Union nationale métisse St-Joseph  
3 du Manitoba puisse faire une présentation au débat  
4 constitutionnel des 13, 14 et 15 mars derniers, et malgré  
5 le fait que nous sommes une organisation qui existe depuis  
6 au-delà d'un siècle, c'est-à-dire 105 ans, nous aimerions  
7 savoir pourquoi nous n'avons pas été reçus à ces  
8 pourparlers. Nous tenons à répéter que nous avons  
9 travaillé activement depuis 1887, sans trêve ni relâche.  
10 Nous croyons que nous avons les premiers droits à y  
11 participer.

12 "C'est la ronde du Canada", de dire Joe  
13 Clark, le ministre des Affaires constitutionnelles. Au  
14 nom de l'Union nationale métisse St-Joseph du Manitoba,  
15 j'aimerais que vous teniez compte de nos besoins et de  
16 nos inquiétudes face à l'autodétermination et les  
17 revendications territoriales.

18 Merci de m'avoir écoutée. Merci  
19 beaucoup.

20 **CO-PRÉSIDENT RENÉ DUSSAULT:** Merci,  
21 Madame Abraham.

22 J'aurais une première question. Est-ce  
23 que vous pouvez nous dire quel est le nombre de vos membres

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1 à l'Association?

2 **AUGUSTINE ABRAHAM:** Nous sommes à peu  
3 près 90 membres actifs.

4 **CO-PRÉSIDENT RENÉ DUSSAULT:**  
5 Quatre-vingt-dix membres.

6 **AUGUSTINE ABRAHAM:** Actifs. Ça, ça ne  
7 veut pas dire qu'il n'y en a pas qui, quand même, paient  
8 leurs cotisations mais qui ne peuvent pas, pour une raison  
9 ou pour une autre, assister à nos réunions et participer.

10 **CO-PRÉSIDENT RENÉ DUSSAULT:** Est-ce que  
11 l'Union nationale est ouverte à tous les Métis de langue  
12 française du Manitoba qui veulent y adhérer?

13 **AUGUSTINE ABRAHAM:** À tous les Métis du  
14 Manitoba, parce que nous tenons nos réunions toujours en  
15 français; à tous les Métis du Manitoba, certainement, et  
16 à leurs amis. Je voudrais vous dire que nous avons, parmi  
17 nos membres, des personnes anglophones qui ont toujours  
18 été très, très proches des Métis, qui ont été beaucoup  
19 aidés par ces gens au début de la colonie, et qui, de père  
20 en fils, ont gardé ce respect pour la nation métisse.

21 **CO-PRÉSIDENT RENÉ DUSSAULT:** Les  
22 relations que vous entretenez avec les autres  
23 représentants des groupes métis au Manitoba, est-ce que

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1 vous avez des relations un peu structurées? Est-ce que  
2 vous avez des rencontres communes ou si, au fond, vous  
3 suivez votre propre cheminement? J'essaie de comprendre  
4 un peu la raison pour laquelle, au fond, vous vous sentez  
5 mis de côté par la position de base prise par d'autres  
6 associations métisses au Manitoba.

7 **AUGUSTINE ABRAHAM:** Nous avons toujours  
8 gardé contact avec les différentes autres organisations  
9 métisses, soit anglophones ou autres; seulement, nous,  
10 nous demeurons culturels plutôt que très politiques. Nous  
11 avons à l'occasion une soirée, une réunion annuelle avec  
12 un banquet, une fois par année, à laquelle tous les Métis  
13 sont invités; qu'ils parlent français ou non, ça n'a pas  
14 d'importance. Et, à la commémoration au tombeau de Louis  
15 Riel à chaque année, nous nous rencontrons tous, les Métis  
16 du Manitoba. Nous sommes tous là. Nous avons été là  
17 depuis 1885-1886, l'année qui suivait. Par la suite il  
18 y a d'autres organisations qui se sont fondées, qui se  
19 sont jointes à nous, et ça va très bien.

20 **CO-PRÉSIDENT RENÉ DUSSAULT:** Sur la  
21 question de l'autonomie gouvernementale, au fond, vous  
22 nous dites que ce n'est pas ce que vous recherchez.

23 **AUGUSTINE ABRAHAM:** L'Union nationale

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1 métisse St-Joseph du Manitoba ne cherche pas l'autonomie  
2 gouvernementale pour les Métis que nous représentons.  
3 Au cours des années on s'est intégré dans la société; on  
4 continue de parler et le français et l'anglais, et on  
5 s'arrange comme ça. On ne voit pas pourquoi la  
6 distinction. On est tous Canadiens, et c'est pour garder  
7 l'esprit de notre chef, qui était un conciliateur, quand  
8 même, et qui voulait que tout le monde s'arrange, qu'ils  
9 soient Métis, Anglais, Français, Écossais, n'importe; ça  
10 ne faisait pas de différence.

11 **CO-PRÉSIDENT RENÉ DUSSAULT:** Par  
12 ailleurs, est-ce que vous estimez avoir des revendications  
13 territoriales particulières?

14 **AUGUSTINE ABRAHAM:** On en a, bien sûr,  
15 autant que les autres. Nous aussi, il y a eu des déboires  
16 de faits par les autres qui sont venus avant, les  
17 gouvernements, des déboires qui sont peut-être  
18 irréparables, on ne sait pas. Bien sûr qu'on a certaines  
19 revendications.

20 **CO-PRÉSIDENT RENÉ DUSSAULT:** Est-ce que  
21 vous avez entrepris des démarches?

22 **AUGUSTINE ABRAHAM:** Pas encore.

23 **CO-PRÉSIDENT RENÉ DUSSAULT:** Pas

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1 encore. Très bien.

2 Are there any questions?

3 --- (No verbal answer)

4 Alors on vous remercie beaucoup, Madame  
5 Abraham, d'être venue nous rencontrer, et vous pouvez être  
6 assurée que nous allons prendre en considération la  
7 situation particulière qui est la vôtre.

8 Merci.

9 **AUGUSTINE ABRAHAM:** Merci.

10 **CO-PRÉSIDENT RENÉ DUSSAULT:** Ça nous a  
11 fait plaisir.

12 The last of the Aboriginal Staff of the  
13 University of Manitoba, Staff and Student Network.  
14 Introduce yourself and make a presentation.

15 **FRED SHORE, PRESIDENT, ABORIGINAL  
16 STAFF, STUDENT NETWORK, UNIVERSITY OF MANITOBA:** Thank  
17 you.

18 **CO-CHAIR RENE DUSSAULT:** Welcome.

19 **FRED SHORE:** Welcome.

20 Commissioners and Elders, People; my  
21 name is Fred Shore. I'm with the University of Manitoba,  
22 Native Studies Department. I'm a sessional lecturer  
23 there.

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1                   Today I'm here as a spokesperson for the  
2 University of Manitoba Aboriginal Staff, Student Network.

3       And this group has collectively prepared a statement which  
4 we'd like to read to you.

5                   There's a small number of individuals  
6 at the University of Manitoba who identify themselves as  
7 members of an Aboriginal community.

8                   They include people who are either  
9 Status or non-Status Indians, a term invented by  
10 government. Metis or Inuit. They also form the  
11 membership at the University of Manitoba Aboriginal Staff,  
12 Student Network.

13                   The Network is an informal body that came  
14 into existence after a recent conference with the  
15 Vice-President Academic of the university, Vice-President  
16 Gardner (ph).

17                   Gardner's purpose at that time was to  
18 meet with the Aboriginal staff and students in order to  
19 discuss their concerns. Not surprisingly, it was the  
20 first time that the Aboriginal community at the university  
21 have been gathered together by the administration.

22                   Most of us who participated subsequently  
23 realized that some form of permanent arrangement was

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1   advisable in order that pertinent Aboriginal concerns and  
2   issues could be addressed on an ongoing basis.

3                   As a result, we decided to form ourselves  
4   into a network, which would allow us to have input into  
5   any and all issues which impact the Aboriginal community  
6   on campus.

7                   It is our intention to be a positive  
8   factor in the development and maintenance of university  
9   programs and systems for Aboriginal staff and students.

10                  Towards this end, we would like to raise  
11   several concerns with the Royal Commission, which we feel  
12   need to be addressed.

13                  Since the late 1950's Aboriginal People  
14   have come to realize that the control of education,  
15   curricula, teacher training and school boards are some  
16   of the most important areas in the process of changing  
17   their current situation.

18                  Government resistance to these desires  
19   is a clear indication of the colonial position that many  
20   Canadians still see Aboriginal People as retaining in  
21   Canadian society.

22                  At the present time, we do not entirely  
23   trust the Canadian Government to deal with us honestly.

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1 Given our recent experiences, we have also developed a  
2 wide political expertise, which we are using to force  
3 beneficial changes in our relationship with mainstream  
4 Canada.

5 The legacy of mistrust in the years of  
6 wardship and tutelage have left us with a determination  
7 to do things for ourselves. Any attempt by the  
8 institutions of Canada to incorporate change involving  
9 Aboriginal People therefore, must include us at all stages  
10 of policy development, implementation and evaluation.  
11 Any other plan is doomed to failure.

12 Since education plays such an important  
13 role in the devolution of power, Aboriginal People on  
14 campus are particularly sensitive to any policy which  
15 involves themselves.

16 Given such a reality, it seems  
17 appropriate to take Aboriginal sensitivities into account  
18 when policies are being developed, implemented or  
19 evaluated in such institutions.

20 A major role of universities is to serve  
21 the public good by promoting learning. When the  
22 University of Manitoba was first founded, the public good  
23 was to find that the ideas and actions of a select group

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1 of individuals chosen from the elite of the day. The  
2 perception of what constitutes the public has changed  
3 however, and in the process, new definitions have been  
4 proposed and accepted.

5                   The relationship of the Aboriginal  
6 People to government in the 19th Century, for much of the  
7 20th Century, excluded a definable role for them in the  
8 university community.

9                   By the 1990's however, we had developed  
10 a distinct voice with a clear mandate to manage our own  
11 affairs and to represent ourselves without interference  
12 from the community-at-large.

13                   One result of the new reality in the  
14 Aboriginal world is that, we no longer want to be treated  
15 in a paternalistic and condescending manner.

16                   The current situation is evolving  
17 rapidly. It is by no means clear what form the new  
18 relationship between Aboriginal People and the Canadian  
19 community will take. However, given the desire for  
20 Aboriginal self-determination, the university must  
21 reevaluate it's position and reexamine its relationships  
22 with the Aboriginal community in its midst.

23                   The situation poses several important

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1 questions. Number 1. What does the university want to  
2 do about the new reality in the Aboriginal community?  
3 What form - Number 2, sorry - What form will the new  
4 relationship assume? Number 3. How will the new  
5 relationship operate? Number 4. Last and most  
6 importantly, how can the relationship be introduced in  
7 a non-adversarial and dignified manner?

8                   The answer to these questions are not  
9 readily apparent. But a start in developing possible  
10 answers must be made somewhere.

11                   The university has a current senate  
12 resolution that supports the aspirations of Aboriginal  
13 People. There are also other policies in employment  
14 equity, human rights and race relations, that the  
15 university acknowledges, but does not always practice in  
16 an open and direct manner.

17                   The Report of the Manitoba Aboriginal  
18 Justice Inquiry has recommended a wider and more involved  
19 role for Aboriginal Peoples at all levels in Manitoba's  
20 society.

21                   The current constitutional debate is  
22 coming to grips with the principle of the inherent right  
23 of Aboriginal People to self-government.

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1                   All the evidence seems to point in the  
2 direction of a rapidly changing relationship, the need  
3 to define this relationship and to make it acceptable and  
4 understandable by all concerned, is one of the major  
5 objectives of the U of M's Aboriginal Staff, Student  
6 Network.

7                   There are some pertinent issues that we  
8 have and which we'd like to place before you. In general,  
9 there are approximately eight hundred Aboriginal students,  
10 again, Indian, Inuit and Metis, at the university of  
11 Manitoba in all areas. These areas include, among others,  
12 the regular student body, all the Access programs,  
13 Continuing Education Certificate programs, Northern  
14 programs, the Winnipeg Education Centre and  
15 Inter-Universities North.

16                   There is also a .3 percent total of all  
17 academic staff who are Aboriginal. Of the latter, .2  
18 percent are full-time continuing appointments and .1  
19 percent are term appointments. In addition, there is a  
20 similar split amongst the support staff. 1.1 percent  
21 overall with .7 percent full-time continuing and .4 percent  
22 temporary appointments. These figures are valid as of  
23 the end of January, 1992.

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1                   Furthermore, Indian Northern Affairs  
2 Canada informs us that there are approximately five hundred  
3 and ninety full and part-time Status Indians attending  
4 the University of Manitoba as of 1992, the end of January.

5                   More exact figures are hard to determine  
6 given the human rights problems associated with requesting  
7 Aboriginal Status on applications and other university  
8 forms.

9                   The manner in which - second point - the  
10 manner in which Aboriginal students fund their way in  
11 post-secondary institutions varies. Some of them, 1 -  
12 pay their own way from their own or family funds; 2 - Some  
13 are paid by Indian Northern Affairs Canada Education funds  
14 through their bands - we've heard some comments about that.

15                  Number 3 - Some are funded through the various Access  
16 Support programs and number four, some cannot get funding,  
17 because no such funds are available from family or others.

18                  No funds are available due to Bill C31 problems. They  
19 are Metis and no funds are available to them as members  
20 of this particular Aboriginal community. Or finally, they  
21 come from communities where economic conditions exclude  
22 funding for such adventures.

23                  The lack of open access to a university

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1 education is discriminatory and damaging to the individual  
2 and their community.

3                   Point Number 3 - The overall lack of  
4 Aboriginal advisors on campus is a problem, in that  
5 cross-cultural difficulties may arise and the  
6 preponderately non-Native staff may not know how to handle  
7 them. Aboriginal advisors would go a long way towards  
8 making the system more accessible to Aboriginal students.

9                   Number 4 - Aboriginal People are not  
10 always involved in the planning of, the implementation  
11 of and the staffing and evaluation of programs which  
12 involve them, especially where they form a large part of  
13 the individuals who'll make up the membership of such  
14 programs. This should change.

15                   There are many, there are - sorry - there  
16 are a few programs in departments on campus which have  
17 Aboriginal components.

18                   As examples of some of our concerns, we  
19 would like to present two of them to you today for  
20 consideration. They are: the Native Studies Department  
21 and the Native Student Advisors Office. We'll start with  
22 the Native Studies Department.

23                   Number 1 - The academic staff of the

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1 Native Studies Department is composed of part-time and  
2 full-time personnel for the current session 1991/92. The  
3 academic staff consists of a two and one-third full-time  
4 personnel based on a usual teaching load of eighteen credit  
5 hours per person. Two of these are faculty positions and  
6 one person is an Instructor, Level II. Part-time, the  
7 total here is three and one-half part-time personnel based  
8 on the usual teaching load of eighteen credit hours per  
9 person. Support staff, the department has one full-time  
10 secretary to provide secretarial and other office duties.

11 As you can see, there's a larger balance for the  
12 part-timers.

13 In addition to teaching and research,  
14 the department has other duties and responsibilities which  
15 it must perform on an ongoing basis and with the personnel  
16 just listed. Some of these are:

17 1- Providing counselling, academic  
18 assistance for students whose numbers have dramatically  
19 increased over the past few years. For example, in some  
20 of our introductory courses, the 120 Course, this year  
21 we've had two classes in excess of a 190 students each.

22 They're all handled by one teacher.

23 Number 2 - We also are required to

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1 provide speakers for Native and non-Native organizations  
2 in the wider community.

3                   Number 3 - We have to attend with the  
4 staff that we have, all necessary university committee  
5 meetings.

6                   Number 4 - We have to deal with requests  
7 for information regarding Aboriginal Peoples and issues  
8 from both public and private agencies.

9                   Number 5 - We have to deal with numerous  
10 inquiries and requests for interviews from the local,  
11 provincial, and national media.

12                   Number 6 - We have to contribute  
13 regularly to research requests from government and others.

14                   It should be pointed out when we're  
15 looking at the fact that in our full-time staff, that the  
16 lack of, of equality amongst the members is a fact that  
17 leads to a professional ranking and that contributes to  
18 the marginalization of the department.

19                   As can be seen from the information  
20 provided, the Native Studies Department at the University  
21 of Manitoba has a wide role to play in both the academic  
22 and non-academic communities.

23                   Given the increased awareness of Native



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1 issues in Canada, especially within the last year, the  
2 substantially increased enrolment, over twenty percent  
3 in the past year alone, Native students studies should  
4 be concerning itself with the development of its  
5 university, municipal, provincial, national and  
6 international roles.

7                   The lack of full-time personnel makes  
8 all the above very difficult to achieve.

9                   Finally, it should be kept in mind that  
10 the Native Studies Department has been in existence since  
11 1974, and in that time, full-time staff has not increased.

12       The lack of full-time academic staff severely hampers  
13 the department's ability to plan for the long term and  
14 makes the offering of advanced BA's, Honours and Graduate  
15 Studies completely out of the question. In fact, the  
16 delivery of the basic requirements for Native studies,  
17 majors and minors, is already difficult enough to achieve.

18                   The second group we'd like to look at  
19 is the Native Student Advisor. The second area to be  
20 examined is the one I've just mentioned. Some of the  
21 concerns here are as follows:

22                   Number 1 - The position is one which is  
23 extremely stressful. The advisor is accessed by students,

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1 staff and the community regarding general and traditional  
2 information.

3                   Number 2 - The advisor must not only help  
4 Aboriginal students in their interaction with the  
5 university, but must also be available to all others who  
6 require her services.

7                   Number 3 - The result of the above is  
8 that the advisor tends to work long hours. The fact that  
9 there is enough work involved for more than one person  
10 appears to be lost on those who plan for such services  
11 in the university community in general.

12                   Number 4 - Space allocations are in the  
13 international student's area and are not amenable for  
14 Aboriginal cultural expressions. Additionally, funding  
15 to pay or to hire or bring in Elders to teach and to perform  
16 ceremonies, is lacking.

17                   Fifth and last, the advisor is currently  
18 assigned at the non-faculty level. The position should  
19 be at the University of Manitoba Faculty Association level  
20 and more importantly, should be funded appropriately.

21                   There are some other areas on campus  
22 where Aboriginal staff and students are involved such as  
23 the Access Programs and Continuing Education Certificate

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1 Programs. In these, as with the two dealt with here,  
2 contingency funding, lack of permanence, an overall lack  
3 of sufficient Aboriginal staff and a never increasing  
4 workload are the norms.

5 We would like to be constructive and  
6 positive and therefore we have some recommendations to  
7 offer for consideration. The Network has these  
8 recommendations and we'd like to share them with you in  
9 the hope the conditions will change.

10 Number 1 - Regarding the Native Studies  
11 Department.

12 (a) There is a need to examine various  
13 alternative methods of funding in order to increase the  
14 Native Studies Department's ability to offer more courses  
15 and to foster more research on Native issues, especially  
16 funds for teaching assistance, speakers, films, and  
17 especially to deal with the larger classes which are  
18 becoming our norm.

19 (b) It would be of great benefit to the  
20 university if a study could be developed to examine the  
21 possibility of providing Native Studies courses off  
22 campus. The benefit for the University is that many  
23 Northern students will eventually come to university to

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1 complete the degrees which they have begun in the North.

2 To date, over two hundred students have attended Native  
3 Studies courses taught off campus in the last four years.

4 (c) Sufficient funds for more  
5 full-time staff should be available, should be made  
6 available in order that Honours and Graduate programs could  
7 be considered. As things now stand, we cannot fulfill  
8 our current mandate without depending on numerous  
9 part-time staff.

10 (d) The Native Studies Department  
11 needs a special academic fund to aid it in development  
12 an ongoing research program which can be of great benefit  
13 in the current Aboriginal surge for viable means of  
14 implementing self-government.

15 (e) The method of contingency and soft  
16 money funding for the department, must be changed now,  
17 so that they may begin the process of long term planning  
18 based on a dependable funding formula.

19 (f) The implementation of employment  
20 equity policies within the staffing of the department  
21 should be commenced immediately.

22 Part two. Native Student Advisor.

23 (a) The position should be raised to

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1 faculty level as soon as possible to provide for the  
2 necessary authority, respect and security which the job  
3 entails.

4 (b) The staff needs to be added to since  
5 current levels of staffing one are drastically  
6 insufficient.

7 (c) A readily identifiable and  
8 culturally appropriate space needs to be provided so that  
9 Aboriginal persons on campus may have their own space in  
10 which to congregate.

11 (d) Permanent or base line funds need  
12 to be made available to bring in Elders and to provide  
13 for cultural ceremonies so necessary to the Aboriginal  
14 population on campus.

15 We also have some general concerns.

16 (a) Educational programs designed to  
17 prevent racist attitudes from forming should become a major  
18 policy on campus. All staff and students need to be  
19 educated about each other's culture, so that all may be  
20 able to communicate effectively.

21 (b) Support for existing programs  
22 designed to include Aboriginal students in the university  
23 community should be a major priority of the university

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1 administration.

2 (c) Outreach programs designed to  
3 bring Aboriginal students into the university should be  
4 implemented and maintained, proof that the university is  
5 a racism free zone should become a major part of such  
6 programs.

7 (d) The university should develop a  
8 policy of effective consultation with the entire  
9 university Aboriginal community. And this policy should  
10 become the norm at the University of Manitoba wherever  
11 an Aboriginal issue exists.

12 (e) Off campus areas for Aboriginal  
13 people are involved in university related issues, should  
14 be included in any and all consultation processes. For  
15 example, the Winnipeg Education Centre Faculty of Social  
16 Work, Thompson and others.

17 (f) Consultation should be real and not  
18 just a facade. For example, asking one Aboriginal person  
19 if there are any problems with a certain program and calling  
20 the result consultation, is what usually happens.

21 (g) Employment equity policies should  
22 be implemented immediately. At the moment, there are too  
23 few Aboriginal staff at all levels and in all positions,

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1 especially in administration.

2 (h) Marginalization on campus should  
3 cease at once. There are too many of the .3 overall  
4 Aboriginal staff, .3 percent of all Aboriginal staff who  
5 are in contract, part-time or assistanceship positions.  
6 Very few Aboriginal employees. We know of only two that  
7 proceeded to management level or decision-making  
8 positions.

9 (i) Any program which plans to draw  
10 funds because of an Aboriginal factor, should involve  
11 Aboriginal People in the planning, implementation,  
12 staffing and evaluation stages of such a program.

13 (j) There should be effective  
14 representation of Aboriginal People at all levels of the  
15 university community. For example, the Board of  
16 Governors, the Senate, et cetera.

17 (k) Aboriginal personnel should be  
18 included in all ethics committees referring to Aboriginal  
19 Peoples or issues.

20 (l) Funds should be made available  
21 immediately to enable Aboriginal People on campus to  
22 coordinate all Aboriginal groups, issues and concerns  
23 which affect them on campus.

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1 (m) The last - long term non-soft money  
2 funds are needed to allow the Native Studies Department,  
3 the Native Student Advisor, the Access programs and others  
4 to catch up to the many years of neglect which have been  
5 the case up to now.

6 In conclusion, the Network would like  
7 to thank the Commissioners for their attention. It is  
8 our hope that from such meetings as today's, a better world  
9 will come to exist for our children and dare we hope, even  
10 for those of us who are currently and personally involved  
11 in post-secondary institutions.

12 Thank you.

13 **CO-CHAIR RENE DUSSAULT:** I would like  
14 to thank you for preparing such a clear and detailed brief.

15 I hope that you will make a copy of available to us in  
16 a written form, because we haven't received a copy yet.

17 **FRED SHORE:** Yes.

18 **CO-CHAIR RENE DUSSAULT:** It would be  
19 very important for us.

20 **FRED SHORE:** Excuse me. Just on that  
21 point, we will be preparing a final edition of this.

22 There's a few changes the group would like to make and  
23 it will be submitting that to you very shortly.



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1                   **CO-CHAIR RENE DUSSAULT:** On the other  
2 hand, you realize that many of the issues that you have  
3 discussed involve education and in more particular, the  
4 universities and the role of Native programs.

5                   And the room that should be made and the  
6 funding available is certainly a question that we would  
7 want to look at in our process if it's part of our mandate.

8                   And that's the reason why we feel that we have a good  
9 start with the kind of brief that you prepared for us.

10                   I'm not sure at this point that - we're  
11 running late in our schedule, and it's the best time for  
12 the most constructive discussion, but certainly that we  
13 will be able to pursue from the written material that you  
14 will provide us.

15                   Maybe you'd like to see if - yes, Paul  
16 Chartrand.

17                   **COMMISSIONER PAUL CHARTRAND:** I  
18 appreciate the fact that time is running late and I'm not  
19 going to take very much time at all, and when I'm sitting  
20 on this side of the table, I am restricted to doing not  
21 much more than saying, hello, but I do want to do that,  
22 hello and you have other people that I suspect snuck in  
23 with you, and even without my glasses, I was able to see

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1 Muriel Innes (ph) back there, and also I think my esteemed  
2 colleague, the pride of the Dakota Nation from the Law  
3 School at the University of Manitoba, Wendy Whitecloud.  
4 Hello. She is hiding.

5                   And I want to say hello and thank you  
6 for making your presentation and you, too, Florence  
7 Bruyere, the Aboriginal Student Advisor at the University.  
8 Your personal commitment, your courage, and your  
9 dedication to the job at hand in the relatively short time  
10 you have been there is well known and should be properly  
11 acknowledged. I say "relatively short time", but that's  
12 because of my age and the length of time I've been there,  
13 not yours.

14                   Thank you.

15                   **CO-CHAIR RENE DUSSAULT:** Well, I don't  
16 think there is another question to be asked at this point  
17 in time. It doesn't mean that we won't come back for  
18 additional information, so we thank you very much again  
19 for coming to present this brief to us and we will be looking  
20 forward to receiving it in its final form.

21                   **FRED SHORE:** We'll have it and we're  
22 available to answer questions at any time.

23                   Thank you.

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1                   **CO-CHAIR RENE DUSSAULT:** We now have the  
2 Arctic Co-ops. Lucassie is coming to present us a paper  
3 that was forwarded to us in mid-afternoon.

4                   Please, you can introduce yourself and  
5 make your presentation.

6                   **LUCASSIE ARRAGUTAINAQ, VICE-PRESIDENT,**  
7 **ARCTIC CO-OPERATIVES LIMITED:** I would like to thank the  
8 Commissioners for the opportunity to make this address.

9                   After reviewing the Terms of Reference  
10 of the Royal Commission, it became clear that this was  
11 an ideal opportunity to talk about the economic issues  
12 of concern that are important to the people that I  
13 represent. I am here representing over 8,000 members of  
14 the Northwest Territories Co-operative Movement as the  
15 Vice-President of their Federation, Arctic Co-operatives  
16 Limited.

17                   As you know, co-operatives are a form  
18 of economic democracy that allow people in communities  
19 to control their community economic development. The  
20 members control assets in NWT communities worth over 40  
21 million dollars. In addition, they control over 22  
22 million dollars of assets in their two Central Federations  
23 Arctic Co-operatives Limited and NWT Cooperative Business

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1 Development Fund.

2                   As co-operative business develop,  
3 new services are brought to people in communities. As  
4 this happens the development of the community is taking  
5 place. But with co-operatives that is just the beginning.

6     In co-operative community economic development, southern  
7 concepts are not simply imported to northern places.  
8 Concepts are adapted and the people involved in adapting  
9 the concepts are people who will own them. The community  
10 is involved in every phase of the development - directors  
11 in planning and policy development - staff in managing  
12 the business and the members as users and owners. Through  
13 the ongoing operation of co-operatives, many of our current  
14 political leaders were developed through their  
15 participation.

16                   The future political leaders of our  
17 communities are probably involved in co-operatives today.

18     In co-operatives, it is the people that are the reason  
19 for our existence. We need to be good businesses to  
20 survive and we are. But the reason we survive is to serve  
21 and develop our people and communities.

22                   In this presentation, I will be  
23 concentrating on two main issues concerning community

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1 economic development in the NWT. The first is the  
2 provision of financial services through credit union  
3 development in NWT communities. The second issue of  
4 concern is the provision of support for community economic  
5 development under the new Canadian Aboriginal Economic  
6 Development Strategy.

7                   The NWT Co-operative Movement has  
8 supported the establishment of credit unions in the NWT  
9 communities for many years. As people who live in the  
10 communities and administer community businesses, co-op  
11 directors have always seen the effect of having limited  
12 financial services available and we have passed motions  
13 at the Co-ops' Annual General Meetings requesting action  
14 on the development of credit unions. As a follow-up to  
15 these motions, the NWT Co-operatives have promoted the  
16 establishment of credit unions. The current efforts began  
17 with the report of the NWT Legislative Assembly Special  
18 Committee on the Northern Economy in 1989.

19                   In the Nunavut communities, there are  
20 only two communities that have banking services. Nunavut  
21 is the name Inuit have given to area where we live in the  
22 NWT. There are 27 communities in Nunavut. It would be  
23 unthinkable if only one in every 14 communities in Manitoba

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1 had access to financial services or only a privileged 20  
2 percent of the population had the use of the services.  
3 In the eight Dene communities that have co-operatives,  
4 there are no banking services. The report of the Special  
5 Committee stated that: "The lack of banking services is  
6 a real problem for small businesses." It is also  
7 impossible for individuals to save money, cash cheques,  
8 or do any of the number of things that are taken for granted  
9 in most places. The report recommended that: "Given the  
10 obstacles that a lack of banking services presents in the  
11 development of the local economies, government should move  
12 immediately to improve the banking services."

13                   The benefits of credit union development  
14 include the involvement of people in the development and  
15 the allowance for people to learn about the services by  
16 participating in the development.

17                   A series of studies followed the Special  
18 Committee's Report. Briefly summarized, the studies  
19 found that a credit union system was feasible for the NWT  
20 with the proper level of initial funding by government.

21                   The studies also identified significant economic benefits  
22 that would accrue to the citizens of the NWT if the credit  
23 union system were established.

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1                   At the 1991 Annual General Meeting of  
2 the Co-operatives held in March in Winnipeg, a committee  
3 was established to direct the credit union development.

4       Since then, the following success has been achieved:

5                   1 - The NWT and Canadian Co-operative  
6 and Credit Union system have pledged one million dollars  
7 in seed capital.

8                   2 - All major regional and national  
9 Nunavut political organizations have expressed their  
10 support for credit union development.

11                   3 - Six organizing committees have begun  
12 work in preparing for the credit union development in their  
13 communities.

14                   What I have just described was possible  
15 because of the willingness and ability of a diverse group  
16 of people to work together through their organizations  
17 owned and controlled by the people in communities and  
18 committed to the economic development in the communities.

19       The process of developing a credit union is not a case  
20 of simply importing an idea from somewhere else and  
21 plunking it down in a community and calling it development.

22       There are already many people working from day to day  
23 in the communities planning of the credit union development

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1 and preparing themselves to tell other people how the  
2 credit union works and what it means to the  
3 members. There has been overwhelming community support.

4 The Inuit political leaders has endorsed the idea  
5 strongly. The Southern Canadian Co-operative Movement  
6 have put a million dollars on the table and are willing  
7 to assist in the technical development. There is surely  
8 no other project in Canada today that deserves the  
9 attention and support of the governments more than this.

10 We have been told that the criteria for the federal  
11 government funding may not allow CAEDS to participate in  
12 funding the credit union project. This is clearly a case  
13 for the bureaucrats to get beyond the policy and act in  
14 the spirit of the CAEDS principles and philosophies to  
15 achieve the goals of the CAED Strategy.

16 The philosophy of the Canadian  
17 Aboriginal Economic Development Strategy is an excellent  
18 statement of community economic development principles.

19 But as you know, the strategy pulls together programs  
20 from three different federal departments. The goals of  
21 the strategy includes greater Aboriginal participation  
22 in the design and delivery of economic development programs  
23 and services and strengthening Aboriginal financial,



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1 sectoral and local development institutions. The NWT  
2 Co-operatives live these principles and they are a part  
3 of the ways that we do business.

4                   This brings me to the second issue that  
5 I would like to raise - the provision of the support for  
6 the community economic development under the CAED  
7 strategy. In an attempt to achieve the goals for the  
8 strategy, both the Department of Indian Affairs and  
9 Employment and Immigration Canada have set up new boards  
10 across the country. In the last two years there have been  
11 30 new boards or organizations that set up under the  
12 strategy in the NWT. The creation of these boards does  
13 stimulate greater participation by people in  
14 decision-making and it is important to recognize the  
15 distinctness of the different Aboriginal cultures in the  
16 Northwest Territories. However, it is equally important  
17 to recognize the potential for solving common problems  
18 and developing economies across cultural and political  
19 boundaries that is possible. The Co-operatives are a  
20 unifying force for the various people in the Northwest  
21 Territories to funnel their energy through that is  
22 dedicated to community economic development. The  
23 Co-operatives bring together Dene, Metis and Inuit through

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1 their participation in Co-operatives in their communities  
2 from MacKenzie Delta to my home town community on Belcher  
3 Islands in Hudson Bay and everywhere in between. These  
4 people are unique by themselves and together form a  
5 powerful energy for community economic development.

6                   It seems that in the implementation of  
7 the CAED strategy, it was felt that the process of  
8 development had to be started as if nothing previously  
9 existed in the communities. The key principle of the  
10 community economic development build on existing  
11 strengths, but not put into practice. The Northwest  
12 Territories Co-operatives involve people as members, staff  
13 and directors in the day to day business in their  
14 communities. People develop their communities through  
15 their own direct actions. That is the strength in the  
16 many 41 NWT communities.

17                   I am raising this issue as a caution and  
18 a warning that when the government and policies change,  
19 approaches to development change. Development does not  
20 mean throwing out the old and creating something completely  
21 new. It means that we must look at and build on the  
22 strengths of existing economic development structures and  
23 organizations and also identify to try to fill gaps. New

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1 structures are sometimes necessary to deal with changing  
2 circumstances or new problems. One should not be  
3 sacrificed at the expense of the other.

4                   In delivering a national program of  
5 Aboriginal economic development, there have been always  
6 regional circumstances that need to be addressed. In the  
7 North we experience very high costs everywhere. It is  
8 important to remember the high costs of development in  
9 the Northwest Territories have been budget allocations  
10 for the region. In order that a harmonized economic  
11 development takes place in Canada's Aboriginal People,  
12 a means to equalizing the budgets based on the costs has  
13 to be found.

14                   The goals of the CAED Strategy is  
15 important and need to be met for the Aboriginal Economic  
16 Development to move forward. However, it is my belief  
17 that more Economic development can be accomplished when  
18 people have ways to work together when they are splintered  
19 into many separate initiatives. In Co-operatives we  
20 respect the rights of the individuals and we believe the  
21 individual develops fully by working in cooperation with  
22 other people. The co-operative in the Northwest  
23 Territories provide people with the means to participate

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1 as owners in their economy.

2 The final message that I would like to  
3 leave you with is this: that we are Aboriginal People in  
4 the Northwest Territories in the Co-operative Movement.

5 We are proud of our unique cultures and we also are proud  
6 of what we have accomplished with our co-operatives in  
7 our individual communities. But the greatest source of  
8 pride is that knowledge that in the cooperative philosophy  
9 we have found the way to look beyond our difference to  
10 build something in value, of value for ourselves and our  
11 communities. We believe that with the right support we  
12 can do the same with the provision of financial services  
13 through the development of a credit union system. This  
14 is a powerful legacy that will give to future generations.

15 We do not want it to be weakened by changing priorities  
16 and policies of the government programs.

17 Thank you. (Native language)

18 **CO-CHAIR RENE DUSSAULT:** Thank you very  
19 much for this very important issue of the economic  
20 development and control of financial institutions.

21 We are going to certainly to have a close  
22 look through your brief. I think it is getting a bit late  
23 unless my fellow-Commissioners would like to pursue the

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1 discussion, to enter into a discussion period. We have  
2 had with us, it has been a long day. We have had the Elders  
3 that made the day with us and at this point, maybe if we  
4 might pursue that at another moment, but at this point,  
5 I would like to ask for the prayer to be performed.

6

7

(Inuit Prayer)

8

9 --- Whereupon the Commission adjourned at

10 6:50 p.m.

11