

COMMISSION ROYALE SUR  
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON  
ABORIGINAL PEOPLES

LOCATION/ENDROIT: MIC MAC NATIVE FRIENDSHIP CENTRE  
HALIFAX, NOVA SCOTIA

DATE: TUESDAY, NOVEMBER 3, 1992

VOLUME: 1 (ROUND TABLE)

"for the record..."

**STENOTRAN**

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Ottawa 521-0703

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NOVEMBER 3, 1992**

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Aboriginal Peoples**

1 Halifax, Nova Scotia

2 --- Upon commencing at 1:30 p.m., Tuesday,

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4 **CO-CHAIR GEORGES ERASMUS:** We're going  
5 to start with a prayer. And I'm going to have Christine  
6 Brooks open the meeting for us. If we could all stand.

7 **(Opening Prayer)**

8 **CO-CHAIR GEORGES ERASMUS:** Okay, we're  
9 going to begin our hearings here in Halifax. The Royal  
10 Commission was created about a year ago. We have a very,  
11 very large mandate, and for those people that want to find  
12 out about our mandate is a small little pamphlet that's  
13 on the table over there. We've also published a number  
14 of documents. One of them's called "Framing the Issues."  
15 It deals with some of the analysis of the first round  
16 of hearings, which we held last spring. Some of the issues  
17 that we have to deal with include self-government, the  
18 Indian Act, Indian Affairs, economic development, treaty  
19 issues, Métis issues, land claims, language, culture,  
20 identity issues, elders' concerns, women's issues, youth  
21 and so forth. It is very, very broad. Includes urban  
22 Aboriginal concerns.

23 This Commission is unique in a number

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1 of ways. It has a very comprehensive mandate. It covers  
2 all Aboriginal people and it has a majority Aboriginal  
3 people on the Commission. In addition, we've been trying  
4 to make sure that part of the legacy that we leave behind  
5 is the fact that the actual work of the Commission is  
6 primarily done by Aboriginal people. We have been making  
7 an extra effort to make sure that we hire competent people  
8 and that many of them are Aboriginal. Somewhere between  
9 two-thirds and 70 percent of the people working for the  
10 Royal Commission are Aboriginal people. We have a very  
11 extensive research program, which will start producing  
12 some results probably in our third and fourth rounds and  
13 will be concluded by next fall. And then we will be going  
14 into our third year, where we will be getting into the  
15 stage of the work of the Royal Commission where we're  
16 actually working on the final recommendations, the final  
17 report. We may come out with a number of interim reports  
18 in the meantime. What we're doing in relation to the  
19 hearings is we took the approach at the beginning of going  
20 into the communities last spring, simply using our mandate  
21 as a backdrop and allowing people to present on any of  
22 the issues that the Commission could deal with.

23 And so we heard a whole range of comments

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1 from people concerned about the impacts of residential  
2 schools somewhere in their family, where there was a  
3 grandparent, a parent, themselves. We were told about  
4 the continuing effects through the generations, of the  
5 kind of abuse, sexual abuse, that people believe has come  
6 from the actual residential school experience, the lack  
7 of parenting skills, the loss of culture, language and  
8 so forth. We heard about support for self-government but  
9 we also heard the concerns of abuse by some leaders across  
10 the country, and so the issue of accountability came up  
11 just about as often as there were people that very strongly  
12 supported self-government. And not to say that the people  
13 that brought up the accountability issue were not in  
14 support of self-government. The only point they were  
15 making was that if, in fact, there were--there was to be  
16 serious self-government out there that there had to be  
17 a way in which the people kept whatever government  
18 institution they were going to use, the system of  
19 government, the form of government, would have to be  
20 accountable to the people.

21 We heard about issues on treaties, how  
22 they've, of course, never been seriously implemented,  
23 regardless of whether you're talking about the

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1 pre-Confederation treaties in the Atlantic or you're  
2 talking about the numbered treaties in the Prairies. And  
3 then, of course, we heard Inuit issues, Métis issues, or  
4 the issues from the urban people, which is a very complex  
5 situation.

6                   We held a round table last June on urban  
7 Aboriginal issues. Was a very large round table; we  
8 brought together both Aboriginal and non-Aboriginal  
9 people, people that delivered services to Aboriginal  
10 people from nine cities across the country, including  
11 Halifax. It was a very interesting event.

12                   We heard a lot about concerns of women.  
13 We heard a lot about the concerns of youth and also some  
14 of the concerns about the elderly. It was a very, very  
15 interesting round. Most of the mandate questions we had,  
16 one way or another, were touched. We heard from the  
17 disabled, we heard about the concerns of AIDS and so forth.

18

19                   What we had hoped we would begin in our  
20 first round was the beginning of a dialogue, the beginning  
21 of discussion, the beginning of answers, remedies to the  
22 situation that Aboriginal people find themselves in. We  
23 were hoping for a dialogue between both Native and

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1 non-Native. We were hoping for a dialogue between  
2 Aboriginal people and ourselves, and the beginning of  
3 solution development. We got a little bit of it, but what  
4 we primarily received was a well-presented, deeply felt  
5 emotional presentation of the pain that Aboriginal people  
6 have experienced.

7                   We heard over and over again the effects  
8 of residential schools and the loss of culture and so forth,  
9 the loss of land and the self-governing institutions being  
10 run over by the larger institutions that have come to this  
11 part of the world.

12                   The document that we developed, "Framing  
13 the Issues," was an attempt to take the second stage of  
14 hearings hopefully to the next stage. We wanted people  
15 to begin to give us some of the answers. The way the Royal  
16 Commission wants to operate is we're hoping that people  
17 out there, both Aboriginal and non-Aboriginal, will  
18 provide the Commission, one way or another, either through  
19 the research that the intervenor funding program that we've  
20 created has assisted, or if they've done research some  
21 other way without the funding of the Commission, or by  
22 people coming forth and telling us, from their own  
23 experience, the way in which perhaps governing

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1 institutions should occur or the way in which social  
2 problems should be addressed, the way in which language  
3 can be brought back, strengthened, enhanced, and made sure  
4 that it's going to be very strong in the future. And so  
5 this document has a number of questions in the back which  
6 we hope that would assist people in their presentations  
7 to us. But in reality they're just examples, they're just  
8 an aid to assist people in presenting to us, to give people  
9 an idea of what it is that we're after.

10                   Next to me here is Viola Robinson,  
11 certainly needs very little introduction in the Atlantic.  
12 She has been an Aboriginal politician for a long time.  
13 One of the last positions she had before she took over  
14 as one of the Commissioners was, of course, leading the  
15 Native Council of Canada.

16                   We are now travelling in three teams.  
17 We're holding hearings in three different parts of Canada  
18 at the same time and we will be here for today and most  
19 of tomorrow, but we will be leaving late in the afternoon  
20 to continue on to Gander where we will be holding hearings.  
21 We will have other rounds where we will, once again, try  
22 and cover most of the country. Each time that we're having  
23 a round, we try and cover most of the country. This time



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1 the reason I'm saying most is the only place I think we're  
2 not going is Prince Edward Island. We probably will cover  
3 it at another time. We are going to the two territories  
4 and the nine provinces, outside of P.E.I. And what we're  
5 trying to do each time that we hold hearings is to move  
6 the debate and the discussion a little bit further.

7                   As I said, we were getting a very, very  
8 good presentation on the problems, and we appreciate the  
9 fact that when we go into a new community it's a little  
10 hard to jump into the debate at a particular level, but  
11 that's what we're encouraging people to do. From this  
12 round of hearings where we will be hopefully hearing some  
13 ideas as how to address either urban questions or any of  
14 the mandate questions we have. We probably will come up  
15 with a document that's a little bit different than what  
16 we already have. The next document hopefully will have  
17 some ideas on how to deal with some of the problems, which  
18 we hope will be then a further discussion tool. People  
19 will either say that idea maybe works well in the west  
20 but it certainly doesn't work here in the east, or it may  
21 work well for an urban situation but it doesn't work well  
22 for the rural or the isolated community. And what we're  
23 hoping to do is we're hoping to keep moving closer and

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1 closer to the solutions that will be both acceptable to  
2 the general public, Canadian governments, and Aboriginal  
3 peoples. We will continue to test the different ideas  
4 that are coming forth in a number of ways.

5                   So today we're going to try something  
6 a little bit different than we've done before. We're going  
7 to have a bit of a round table here this afternoon and  
8 also tonight with youth, where people will present to us  
9 but if they also want to discuss and add to each other's  
10 comments or perhaps question the comments that are being  
11 made by some of the other presenters, they can do so.

12 It's little bit different than anything we've done before  
13 but we're trying it now in different parts of Canada on  
14 our present tour. It's not being done every day but  
15 occasionally we are doing that. So we have a number of  
16 presenters that will be involved in this today. Since  
17 I don't know everybody around, I'm just going to ask you  
18 people to first introduce yourselves and then perhaps we  
19 can begin with one presenter and go all the way around  
20 and we can get into some comments and exchanges. We will  
21 be asking some questions. If you feel like you want to  
22 intervene by asking another presenter some questions or  
23 making comment on their comment, you certainly can do so.

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1     Could I start to my left?

2                           **MS. VALERIE FIRTH, MAIN LINE NEEDLE**

3     **EXCHANGE:** Valerie Firth, Main Line Needle Exchange.

4                           **CO-CHAIR GEORGES ERASMUS:** We need to  
5 use the mikes so that, first of all, we can record what's  
6 being said and so that people out there can hear what's  
7 being said. Now I'm not sure what the acoustics is like  
8 here, but in other rooms what we've needed to do sometimes  
9 is we've needed to use these hearing aids. What happens  
10 is this will amplify and it'll come through this, so if  
11 you're not hearing very well, just go get--I'm not sure  
12 where they--is it over there? If you go over there, you'll  
13 be able to use for the day some interpretation equipment  
14 which will amplify what we're saying here, in case there's  
15 anybody having any problems here. I'm sorry, so you can  
16 just proceed.

17                           **MS. VALERIE FIRTH:** Okay, it's Valerie  
18 Firth, Program Co-ordinator for Main Line Needle Exchange.

19                           **MR. RAYMOND EVANS, MAIN LINE NEEDLE**

20     **EXCHANGE:** Raymond Evans, employee at the Needle Exchange.

21                           **CO-CHAIR GEORGES ERASMUS:** Could you  
22 say that again?

23                           **MR. RAYMOND EVANS:** I'm an employee at

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1 the Needle Exchange Program.

2 **CO-CHAIR GEORGES ERASMUS:** Yeah, and  
3 what was your name again?

4 **MR. RAYMOND EVANS:** Raymond Evans.

5 **CO-CHAIR GEORGES ERASMUS:** Raymond.  
6 Okay.

7 **MR. PAUL O'HARA, NORTH END COMMUNITY  
8 HEALTH CENTRE:** Hi, my name is Paul O'Hara. I work as  
9 a community social worker with the North End Community  
10 Health Centre.

11 **CO-CHAIR GEORGES ERASMUS:** Okay.

12 **MS. ANDREA CURRIE, STEPPING STONE STREET  
13 OUTREACH PROGRAM:** I'm Andrea Currie and I work with the  
14 Stepping Stone Street Outreach Program.

15 **CO-CHAIR GEORGES ERASMUS:** Okay, we had  
16 Andrea's name down first. Does it matter to anybody if  
17 we just go around in a circle? Okay, can we start with  
18 you, Valerie?

19 **MS. VALERIE FIRTH:** Okay, I did submit  
20 a written presentation on Main Line and it sort of  
21 summarized when we opened and how long we've been in  
22 operation and a few of the aspects of our program that  
23 make us a little unique. I'll just go over that briefly.

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1 We opened May 2nd. We've been overwhelmingly successful.  
2 Our first stats were for the month of June, when we handed  
3 out 646 needles and 1,500 condoms. The month of October,  
4 we find that we've handed out 1,200 needles and 1,500  
5 condoms.

6 What makes us a little bit unique is that  
7 the majority of our staff comes from real-life experiences  
8 that enhance their educational skills. For example, we  
9 have ex-prostitutes, ex-IV drug users, people who are  
10 HIV-positive on staff. And some of the unique things we  
11 do with our staff is we try to direct people back to their  
12 own community or back to specific areas of expertise for  
13 them. For example, with our Native worker, we like him  
14 to participate in things that are Native orientated, hoping  
15 that eventually he'll become a leader in that field.

16 We found very quickly that we were  
17 dealing with not just IV drug users at Main Line, we had  
18 two clientele. We had a large clientele of youth who were  
19 coming for condom distribution. We've implemented  
20 programs and we're trying to implement programs that  
21 educate them and help them as well become leaders in their  
22 own community. What we do is we bring them in in small  
23 groups and do educational sessions with them. They're

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1 paid for participation, with the understanding that what  
2 they learn through these sessions they carry back to their  
3 own peer groups.

4                   Some of the needs we see with our  
5 clientele and they're many, and you've touched on many  
6 of them in your opening remarks. What we see is addicts  
7 being sent to jails when crime is a secondary activity,  
8 addiction is the primary activity. What we see is people  
9 who are looking for treatment and there is no access to  
10 it, people who are dealing with underlying issues  
11 pertaining to addiction, such as sexual abuse, and are  
12 having trouble getting into therapy.

13                   We see people having problem with  
14 children aid services, social services. We see that  
15 there's no long-term recovery programs in the City of  
16 Halifax for addictions, particularly for women. We also  
17 see that we have to break down the stigma of exactly what  
18 is an IV drug user. Lots of us like to believe that an  
19 IV drug user is somebody we will recognize right away:  
20 obviously he has track marks running up and down his arms  
21 and we can tell by the look on his face and what he wears  
22 that he's an IV drug user, and that's not so. What we  
23 deal with at Main Line is a large population of people

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1 who are casual users. We like people to understand that  
2 by looking after the IV drug user, we are looking after  
3 the people he comes in contact with as well, that it's  
4 just not a service that affects those we are directly in  
5 contact with.

6                   With our youth, we see a lot of alcohol  
7 abuse. We see that they are also suffering from access  
8 to programs or therapies or treatments to help them deal  
9 with their real-life problems. We see that the school  
10 system is not keyed into exactly what is going on in the  
11 personal life of our youths, and we see that as a very  
12 sad issue, because since youths spend about eight hours  
13 of their day in school, what better way to help them than  
14 to do it through the school system. We see that they're  
15 very alienated from the police. We see that in the school  
16 system there's no support for children that are different,  
17 that we don't all come from nice, 2.2 family backgrounds.

18

19                   We also have been running into lately,  
20 and it's ironic, some of our recovering clients whose  
21 children who are having problems in the school system now.

22       As we all know, children act out their feelings when it  
23 is safe to do so, and now that their parents are in recovery,

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1 they have a safe environment at home, the feelings they  
2 suppressed for years are beginning to surface and they're  
3 being labelled as so-called behaviour problems in the  
4 school system.

5 Main Line is a very casual atmosphere  
6 and it's very client-orientated. What we see more and  
7 more every day is people who come to Main Line not for  
8 products, not for needles and not for condoms, but they  
9 come for a place to talk. We're very encouraged by that  
10 because we believe that treatment is HIV prevention, and  
11 it is also healing our community. So in building a  
12 trusting environment, we are better able to help people  
13 access the services they need and find the inner strength  
14 to heal and recover.

15 Another thing we do a little differently  
16 at Main Line as opposed to other sites is distribution  
17 of needles. It's not necessarily one for one to our  
18 clients. We know our clients very well and we know the  
19 backgrounds they come from. We find that with users it  
20 depends upon physical makeup a lot of times, and the number  
21 of years you have used, and also the drug you are using  
22 adds to how many needles you're going to use on a daily  
23 basis, and we like to take that into account when we service



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1 clients. Also we find that our clients don't also bring  
2 back ten to receive ten, they'll collect for a month and  
3 bring back maybe 100 at the end of the month. I think  
4 I'll leave it at that and see if you have questions you'd  
5 like to ask me.

6 **CO-CHAIR GEORGES ERASMUS:** Could you  
7 get to the second part of what we're interested in and  
8 that is--I think you've given us a pretty good picture  
9 of where things are at. You haven't really looked at what  
10 might assist the situation. What's the remedy, if there  
11 is one?

12 **MS. VALERIE FIRTH:** Well, I think one  
13 of the remedies is Main Line itself, because we provide  
14 a very important link between our clients and agencies  
15 that they may be hoping to access. We make it easier for  
16 them to access treatment. We're sort of the stepping stone  
17 and I think that's one of the solutions. Of course,  
18 another of the solutions is that every agency that is  
19 working with our clients needs funding to work properly  
20 and adequately with them.

21 **CO-CHAIR GEORGES ERASMUS:** When you  
22 think generically of other cities, we're talking about  
23 services similar to yours, are we also talking about good

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1 networks between existing organizations? For Aboriginal  
2 people, is it, in your mind, important to have Aboriginal  
3 staff?

4 **MS. VALERIE FIRTH:** Very important. I  
5 think for any minority group it is very important. I think  
6 that one of the things that has made Main Line so successful  
7 as well is that it has IV drug users, ex-users, on the  
8 staff. I see that as very important. It breaks down those  
9 barriers. I think we all expect it to be successful and  
10 our success does show a great need in the City of Halifax  
11 for a needle exchange, but I think our success is also  
12 due to the fact that our staff is very aware of the real-life  
13 issues and comes from that community. It has made it  
14 easier for IV drug users to access services. And I think  
15 it's of paramount importance for people to work within  
16 their own communities. I think it's important to have  
17 Native people on staff, as well as black people, as well  
18 as people who are HIV-positive.

19 **CO-CHAIR GEORGES ERASMUS:** Well,  
20 perhaps before we get into too many more questions on your  
21 issue, we'll hear from some of the other centres. Do  
22 you want to go ahead, please, Raymond?

23 **MS. VALERIE FIRTH:** Did you want to say

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1 anything?

2 **MR. RAYMOND EVANS:** You've pretty well  
3 taken care of what I thought of.

4 **MS. VALERIE FIRTH:** Okay.

5 **CO-CHAIR GEORGES ERASMUS:** Okay.  
6 Sure.

7 **COMMISSIONER VIOLA ROBINSON:** I just  
8 wanted to ask you one question before we move on. The  
9 funding part, I--reading from your presentation here  
10 you've been guaranteed funding from both levels of  
11 government, enough for one year, and you've only got  
12 commitment from one--for one year. You've already been  
13 working now for six months. Can you see any improvements,  
14 say in the six months, can you--is--I guess--is--doesn't  
15 give you much time to asses how your program is really  
16 working or are you getting any--

17 **MS. VALERIE FIRTH:** We see improvements  
18 within our clients and within their habits. We also see  
19 that they are less reluctant to let other people use their  
20 needles. They discourage people on the outside to use  
21 needles. We see improvements in that we have a couple  
22 of clients that have already gone into recovery. What  
23 we hear back from the provincial and federal levels is

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1 very hopeful concerning being funded again in the future.

2 **COMMISSIONER VIOLA ROBINSON:** Yeah, I  
3 was interested in that because it seems to me if there's  
4 a program and if something is going to help the communities  
5 that it's important that it continues on. And it's just  
6 a new program and it's accepted by society, you know, that  
7 it is something that is working then--but I'm very  
8 encouraged to know that something like that is going on  
9 in the Halifax area.

10 **MS. VALERIE FIRTH:** Thank you.

11 **MR. PAUL O'HARA:** My name is Paul  
12 O'Hara, and as I stated, I work in a community health clinic  
13 on Gottingen Street in Halifax. In trying to respond  
14 today, I thought I would attempt to reflect very briefly  
15 on the issues regarding health that are raised in the  
16 "Framing the Issues" summary.

17 It seems to me that in my work one thing  
18 that I've noticed very much is an alienation perhaps of  
19 Aboriginal people in the delivery of health care services,  
20 and I've also noted that perhaps in other groups, too,  
21 it seems that the dominant society tends to look after  
22 itself, and other communities of people are basically an  
23 afterthought, and I think that's a reality of our society.

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1     So in trying to identify a need to sustain the identity--of  
2     trying to ensure somehow that Aboriginal people are  
3     reflected in the health care system, I think that's a very  
4     political question, and that in order to respond to it,  
5     it needs to be--what needs--we need to deal with is power  
6     imbalances in our community and in our society as a whole.

7     And immediately perhaps what needs to happen is that  
8     Aboriginal people need to be involved in decision-making  
9     processes at a political and also at an administrative  
10    level within the health care system, whether it be on the  
11    boards of organizations such as their own community clinic.

12

13                   It's interesting because a number of  
14    years ago, perhaps three or four, we had always felt that  
15    we were very reflective of the community that we worked  
16    in, but when it came right down to it, I'm not sure that  
17    we were intentionally reflective of the community. and  
18    so we attempted to, both in our hiring practices and also  
19    in the structure of our board, to incorporate people who  
20    lived in the community within our structure, both  
21    administratively within our board of directors and also  
22    in our--on our staff. Don't have an Aboriginal person  
23    on our staff and, to be honest with you, I'm not sure that

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1 we have one on our board at this point, but the structure  
2 is there, and I think thinking and organizing yourself  
3 in a manner that is intentional is important but also very  
4 important to always be conscious of it and act on it.

5                   It seems that often we feel that it's  
6 always hard to find somebody from a specific cultural  
7 background that would have the skills to perform a  
8 particular function that we may wish them to perform.  
9 My experience is that you look harder; if you can't find  
10 what you need, you don't just say, well, it's not there,  
11 you identify new ways of looking that are perhaps  
12 non-conventional and work hard at getting what it is you  
13 purport to want to represent.

14                   Further to that, I believe that a lot  
15 of incentives--or incentives need to be provided to train  
16 people, Aboriginal people in particular, in health-  
17 related fields, that in our institutions, higher education  
18 institutions, we need to provide the incentives and the  
19 ability for Native people to participate in a meaningful  
20 way and then become involved, whether it be in the general  
21 health care delivery system or within their own specific  
22 communities as how they chose to do that. So they were  
23 my thoughts on just, I guess, on how to perhaps involve

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1 some of the traditional health practices within the general  
2 health care system. We have to make room and invite  
3 people, Aboriginal people, to be actively engaged in  
4 those--in the delivery of those services and, if we don't  
5 do that then traditional health practices of Aboriginal  
6 people will not even be known about let alone acted on.

7  
8                   The next question related to  
9 organizational frameworks and what is required to  
10 co-ordinate health--Aboriginal health services on a local  
11 and regional level. I guess that I'd like to believe that  
12 the model that our organization works from, which is the  
13 community health centre model, may be one that would be  
14 appropriate to, at some levels adopt, to engage Aboriginal  
15 people in the identification of the needs of and delivery  
16 of health care related services in their own communities  
17 as well as in the larger community. Perhaps models that  
18 engage popular education techniques and participation of  
19 Aboriginal people in talking to other Aboriginal people  
20 and asking them what it is that they need, what are their  
21 needs in relation to their own health care, and what do  
22 they think needs to happen in order for their communities  
23 to be more healthy, and what ways should be adapted in

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1 addressing those needs.

2                   The only other comment that I'd like to  
3 make comes from one of the physicians at the clinic who  
4 had originally intended to be here and had to cancel on  
5 short notice, a woman physician who works a lot with  
6 Aboriginal people. For her, the issues related to poverty  
7 and addictions and also family violence. She's felt quite  
8 frustrated in her ability to engage with Aboriginal people  
9 in a meaningful and helpful way because of the barriers  
10 of not only poverty, and also addiction a lot of the time,  
11 but also a lack of appreciation of cultural differences  
12 or perhaps a knowledge of the culture of Aboriginal people  
13 and a way to access a resources of the Aboriginal community  
14 in attempting to work with people so that they will become  
15 healthier and perhaps more self-reliant. And again I  
16 guess that relates back to if we really want to take a  
17 serious look at involving--engaging in the issues of  
18 Aboriginal people, then we need to be educated by  
19 Aboriginal people as to their cultural differences and  
20 similarities and what are some of the ways in which we  
21 need to acknowledge and work with those differences. So  
22 I would be happy to respond to any questions if I could.  
23 Thank you.

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1                   **CO-CHAIR GEORGES ERASMUS:** Before we do  
2 that, I just wanted to let everybody know that we've been  
3 joined here by Alexa McDonough. We're having a small round  
4 table. We're just going around and letting people make  
5 their presentations. We may be asking one or two questions  
6 and then exchange.

7                   You talked about how it would be useful  
8 to have Aboriginal people hired and on staff and on the  
9 board and so forth.

10                   The way you presented it obviously  
11 you're looking to the future and so you're making comments  
12 about what should be. Do you envisage the institution  
13 you're working in doing anything different from what  
14 they're doing now?

15                   **MR. PAUL O'HARA:** I think perhaps being  
16 a little more intentional. For example, I may be speaking  
17 out of turn because I haven't been active on my own board  
18 as a staff person, been more involved in my own day-to-day  
19 work. I know that Noel Knockwood from the Friendship  
20 Centre, for example, when he was here, was a board member  
21 of our clinic at one point, but I don't believe there are  
22 Aboriginal people on our board now, and I think when what  
23 happens is that when things slide, you know, we're not

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1 attentive to it.

2                               We've lost that connection at a  
3 structural level and then we kind of forget about it and  
4 don't continue with it and that's--I mean, that's something  
5 that we need to address and be conscious of continually.

6  
7                               **CO-CHAIR GEORGES ERASMUS:** I don't know  
8 Halifax that well. The community that you're serving in,  
9 North End, is it a mixed community that includes Aboriginal  
10 people?

11                              **MR. PAUL O'HARA:** Well, my  
12 appreciation, the Aboriginal community is largely based  
13 through the people that would use the services here at  
14 the Friendship Centre. There was also some--I know  
15 there's some Native co-op housing, very limited amount,  
16 but the north end of Halifax, particularly this community,  
17 is an inner city community made up mainly of low income  
18 people, large social housing density and that sort of  
19 thing.

20                              **MS. ANDREA CURRIE:** I work with the  
21 Stepping Stone Street Outreach Program, which is a program  
22 in Halifax that was created in 1986, actually, to provide  
23 a user-directed service to women and men who work in street

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1 prostitution in Halifax. So basically what happened at  
2 that point, just to give a quick overview of the program,  
3 is that three women were murdered in 1985, all individual  
4 incidents, and each of those women were known to the social  
5 service network. They had all tried to get assistance  
6 to leave street prostitution and obviously weren't able  
7 to do that, and what happened at that point was that the  
8 network of agencies that knew these women, the workers  
9 within those agencies, I think were really taken aback,  
10 really had to confront the fact that there was a major  
11 gap in terms of what was available and what was there for  
12 women who worked the streets. And the City of Halifax  
13 struck a task force at that point that looked into it and  
14 basically recommended a street-based outreach program  
15 that would have a user-directed philosophy and approach.

16

17                   Basically, you know, the recognition  
18 that if we don't know what people need the best way to  
19 create a service and to run an effective service would  
20 be to ask the people who need the service how to be helpful  
21 to them. So that is the way that Stepping Stone began  
22 and that's the way that we've continued to work over the  
23 years.

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1                   The first street outreach--obviously  
2 there were a couple of years of developing the program,  
3 getting funding. The outreach began in July of 1988 in  
4 the downtown stroll in Halifax, which is the older and  
5 more of a well-known stroll area. It expanded in 19--in  
6 the spring of 1990 into the uptown stroll where women work,  
7 which is around this area, and later in 1990 to include  
8 the men's stroll. So there are three stroll areas in  
9 Halifax.

10                   And the way the program operates is that  
11 we have two teams of two street workers on each team and  
12 they go out and make contact with people in a very  
13 unobtrusive and respectful way, covering those three  
14 strolls three nights a week, and the rest of everything  
15 that we do comes from that, comes from that initial contact.

16                   There are drop-ins that are held on locations on or near  
17 the strolls and it--people get involved with Stepping Stone  
18 on a voluntary basis, they perceive the program, they know  
19 that the program is there for them and that they can  
20 determine the ways in which they can access help from us,  
21 that people aren't on staff with Stepping Stone who are  
22 going to out and tell folks what to do. We're working  
23 the streets, but we're basically a resource pool for

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1 people, we can help to share information that may be useful  
2 to them, we can provide support, we can advocate if they're  
3 trying to get access to services. And we do work with  
4 a number of people in what we call "high support," which  
5 is when a person that we've made contact with, either on  
6 the street or at the drop-in or at our office, which is  
7 also a kind of open door, drop-in centre for people who  
8 work in street prostitution, if they decide that they would  
9 like to work on something specifically with us, then they  
10 would initiate a relationship with one of the street  
11 workers and get to work and basically direct that person  
12 to provide support for them in the way that they have  
13 identified they need. So I have to say that when Christine  
14 called me and told me about these hearings, I said to her  
15 very frankly and very quickly on the phone that I don't  
16 think I have anything new to say that people don't know  
17 already, but if, you know, if it would be useful to have  
18 for your picture in terms of the services that are available  
19 in Halifax and, you know, what we know about the needs  
20 of Aboriginal people in an urban environment and, you know,  
21 you'd like the prospective from a street outreach program  
22 that works with people working the streets, I can certainly  
23 fill in that part of the picture, but I don't think for

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1 a minute that anything that I'm going to say is going to  
2 be new to anybody.

3                   Basically the issues and concerns that  
4 Native women and men who work the streets face are similar  
5 to the same issues and concerns around the stigmatization  
6 and the marginalization that goes with working the streets,  
7 the barriers to accessing alternatives and options in  
8 support and respect and services that go, that is part  
9 of--part and parcel of life if you're working the streets  
10 because of the attitudes that are prevalent in society  
11 about people who work the streets, because of the  
12 stereotypes and the lack of awareness that, you know, these  
13 are human beings with a full range of needs, with very  
14 complicated backgrounds and lives and issues and concerns.

15  
16                   So obviously Native people who are  
17 working the streets have the same--you know, face all of  
18 those barriers plus the additional one of racism. I mean,  
19 that's the, you know, very similar to people who are black  
20 and who are working the streets, you know, that--in terms  
21 of the actual treatment that people experience in the  
22 course of their work, from dates, from police, racism  
23 obviously is an additional burden, is an additional

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1 barrier, it makes things even more difficult than they  
2 are just in terms of the lifestyle and some of the  
3 difficulties that go with the lifestyle.

4                   When someone becomes involved with the  
5 criminal justice system, which, you know, there's a person  
6 that we work with and have worked with who is in that  
7 situation now, has been charged in relation to a fight  
8 that happened on the stroll one night. I mean, obviously,  
9 all the racism in the justice system kicks in for her at  
10 this point, you know. So that besides the discrimination  
11 that she'll experience because she's been working as a  
12 prostitute, she will also experience, you know, all of  
13 the stuff that the Marshall Inquiry so clearly documented  
14 for us all and also, I mean, again, the systemic racism  
15 in terms of access to education, jobs and everything else.

16 I mean, that's--those barriers are just more intense for,  
17 you know, women and men who work the streets who are Micmac  
18 or from an Aboriginal background.

19                   So that's sort of, you know, the major  
20 issue, I guess, the obvious one and in terms of our work,  
21 it means that, when we are advocating for people, when  
22 someone who is an Aboriginal person has asked us to help  
23 them with something, to work with them on something, then

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1 we have to try and mediate that racism. We have to try  
2 and challenge it when we see it. When we're working in  
3 referral and advocacy, we have to try and make it clear  
4 to people that are offering services that, you know,  
5 discriminatory attitudes and behaviour is not acceptable,  
6 I mean, it just sort of, you know, it just becomes another  
7 piece of the work that we do, to try to break down those  
8 barriers, as well as all the other attitudinal barriers  
9 that are there.

10 In terms of access to services, again,  
11 it's, you know, that's another issue and that, you know,  
12 we know, for instance, that we will welcome, as many people  
13 in the sort of social services work and programs network,  
14 will welcome the coming onstream of the two native run  
15 and specifically, you know, the transition houses that  
16 are coming online in Nova Scotia to be specifically for  
17 Aboriginal women. We see that as really important.

18 I think that's basically an overview of  
19 the issues and, you know, as I say, I'm sure it's nothing  
20 new. In terms of what I think needs to be done, I see  
21 it in basically--I see it as basically falling into two  
22 kinds of work. One is obviously continued anti-racism  
23 work, you know, to try--I think that the kind of struggles



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1 that we have supporting people to, you know, get the things  
2 they want in their lives, has everything to do with the  
3 racism that's still systemic. And so working on the issue  
4 of racism in the community and in our organization and,  
5 you know, in--at every level, individually and in our  
6 workplaces and in all our institutions is really important,  
7 trying to get accountability to the recommendations in  
8 the report of the Marshall Inquiry, I mean, this is  
9 really--it's important work.

10 So there's that--the big picture and the  
11 long-term picture is to work to break down, to end racism  
12 and to break down the barriers that that creates for people.

13

14 The other thing that I think is necessary  
15 immediately and in the short term is culturally specific  
16 and culturally sensitive services. For instance, I know  
17 a couple of people who've worked the streets who have  
18 accessed addictions treatment, recovery treatment,  
19 through the Micmac lodge, and I can tell you without any  
20 hesitation that, in my experience, and what I've seen,  
21 working with Stepping Stone for three years, the experience  
22 of those two individuals at Micmac lodge was very different  
23 from the experience of other people who've gone through

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1 other addictions, residential addictions programs. I  
2 think, you know, my own--and this is my own sort of  
3 prospective on this, I think it has a lot to do with the  
4 fact that there's a lot of emphasis at Mi'qmaq on community,  
5 and so people are--the whole process of dealing with the  
6 addiction is seen in the context of being part of a  
7 community, where a lot of people that we refer from the  
8 streets who go to a different addictions program often  
9 experience there an emphasis on their differences, how  
10 different they are from everybody else rather than emphasis  
11 on what connects them to other people and what makes them  
12 a part of a community with other people.

13                   So I feel like, those services are  
14 extremely important and I would like to officially go,  
15 you know, on the books as supporting the importance of  
16 culturally specific services like Mi'qmaq and I think the  
17 transition houses would be quite similar in that way.  
18 Another difference that we've identified is an emphasis  
19 on healing more than treatment and that, of course, healing  
20 again is in the context of that understanding of community,  
21 that being a part of a community is a part of what keeps  
22 us healthy or makes us healthy and whole human beings,  
23 not just dealing with our problems individually and alone

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1 and feeling that that's the way we have to do it. So  
2 those--I think those services are really, really important  
3 for people.

4                   And then in the areas where we are not  
5 able to have, you know, services that are specifically  
6 for Aboriginal people, then obviously what we need to do  
7 is make sure that the other services that are there that  
8 people need are culturally sensitive, and that's a process  
9 of education, it's a process of involving people at every  
10 level, staff and board, and just a great deal of awareness  
11 that's needed in terms of what--would it, you know, what  
12 it means to be from a different culture and what some of  
13 those differences are and what needs to be honoured about  
14 that. And that's something that I think we're quite aware  
15 of at Stepping Stone because we relate to the streets and  
16 the people who work the streets as being part of a culture,  
17 part of street culture. And what makes services and  
18 programs work for people who work the streets is  
19 recognition by the staff and the people involved in  
20 providing those services that there is another culture  
21 that people are coming from and that there's a transition  
22 involved and that there are difficulties that come up in  
23 accessing needed services when it's a cultural shift that

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1 you're experiencing, you feel displaced in terms of your  
2 culture. I mean, people from the streets feel displaced  
3 often in straight society or in a program that is framed  
4 that way. It makes assumptions based on, you know,  
5 everybody lives in a straight society then you are going  
6 to feel out of place and there are going to be some things  
7 that--some reason which you feel you can't relate or can't  
8 connect or are not recognized or not seen.

9                   So culturally sensitive services are  
10 important too, and I think in terms of the needs of people  
11 in an urban setting, again street-based services like  
12 Stepping Stone, like Main Line, that are--that provide  
13 an outreach, that are not as difficult to access as some  
14 of the more traditional services, that provide a link for  
15 people, if they become that marginalized, that provide  
16 a link for people and a support system to--back to some  
17 of the services and programs that they need.

18                   And I guess that's, you know, that's  
19 basically it. I mean, the anti-racism work is sort of  
20 like the big thing on the agenda for, you know, for all  
21 of us. The rest is really an issue of funding priorities,  
22 I think, and shifts in, you know, what's important to us  
23 in our communities and are we going to support these

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1 programs and services that are very much needed. And  
2 obviously, you know, the whole argument in terms of funding  
3 of encouraging people to look after themselves is in the  
4 long term far less expensive than having to deal with the  
5 breakdown in people's lives when they haven't been able  
6 to do that, the lack of, you know, the barriers have been  
7 too great, or lack of opportunities, or lack of support.  
8 So obviously funding is a real key issue. So I'll just  
9 leave it at that at this point.

10 **CO-CHAIR GEORGES ERASMUS:** I think  
11 we'll go to Alexa before we go into some of the questions  
12 and try a little bit of dialogue. Do you want to go ahead,  
13 Alexa?

14 **MS. ALEXA MCDONOUGH, NOVA SCOTIA NEW**  
15 **DEMOCRATIC PARTY:** Well, thank you very much for the  
16 opportunity to meet with you briefly this afternoon. I'm  
17 a bit reluctant to break in at this point because I very  
18 much agree with your stated objective for phase two of  
19 the hearings, to try to get very much to bread and butter  
20 issues and practical recommendations, and one hopes,  
21 conclusions and solutions to bring about the kind of  
22 reconciliation that is so important between the First  
23 Nations people and all of the rest of us who followed.

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1 At the same time, I might use as my starting point a  
2 reference to another statement in your discussion document  
3 on which, I think, you're to be congratulated, namely,  
4 that the Aboriginal people from one end of Canada to the  
5 other expressed hope that all Canadians can see the benefit  
6 of a new relationship based on trust and respect.

7                   And I might just say the reason that I  
8 decided to take the opportunity to address the Commission  
9 here today is because I'm one, I'm sure, only a typical  
10 Nova Scotian--I'm not going to try to pretend to speak  
11 on behalf of all Canadians--but I think perhaps at least  
12 a typical non-Aboriginal Nova Scotian who sees the work  
13 of your Commission as being even more significant and even  
14 more urgent than it was when you undertook your task, as  
15 a result of the Constitutional Accord and specifically  
16 the entrenchment of the inherent right to self-government  
17 having been defeated on October 26th. And I was one of  
18 the three political party leaders from Nova Scotia who  
19 had an opportunity to participate throughout the whole  
20 process of the multilateral constitutional discussions  
21 over the last six to eight months. Some would say that's  
22 a peculiar form of punishment. I would say that, for me,  
23 it was a privilege, and particularly a privilege because

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1 one of the things that I personally gained from that process  
2 was a great deal of education and understanding and insight  
3 from the participation in the multilateral process of  
4 Aboriginal leaders from four of the national Aboriginal  
5 organizations. And I have always contended that it is  
6 very regrettable that the multilateral constitutional  
7 process was not conducted in a fish bowl, because has it  
8 be absolutely transparent for the people of Canada, to  
9 be able to flip on Newsworld or flip on the parliamentary  
10 channel and observe the proceedings, I think that Canadians  
11 would have gained greatly from the educational process  
12 of learning about the history of the Aboriginal people  
13 and about what the challenges are that we face in regard  
14 to addressing the injustices that are of such long  
15 standing.

16 I think to some extent the baton or the  
17 torch now passes to the Royal Commission, and I simply  
18 wanted to be here to state my very strong belief that  
19 Canadians, at least Nova Scotians as I see it, are very  
20 much committed to the objective that you have stated as  
21 you enter round two of the Royal Commission process. And  
22 I wanted to refer briefly to the report that resulted from  
23 many many months of open dialogue and consultations across

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1 the province of the working committee on the Constitution,  
2 subsequently known as the Kierans Commission, because I  
3 think that it's extremely important that there not be some  
4 sense of burden on the Royal Commission that the Aboriginal  
5 people of Canada are looking to you to solve all problems  
6 but somehow the provincial and federal governments are  
7 seeing the defeat of the Charlottetown Accord as a  
8 sidelining of the major issues of self-government, treaty  
9 rights, Aboriginal rights and so on. And I think that  
10 it's extremely important that you be aware, at least in  
11 Nova Scotia, and I suspect that this is true in many many  
12 other provinces, that in the active process of dialoguing  
13 and consulting with Nova Scotians across the country in  
14 the lead-up to the constitutional process that Nova  
15 Scotians spoke very loudly and clearly in support of  
16 getting on with addressing the injustices, and there really  
17 was again and again and again recognition of the deplorable  
18 role of governments in creating and perpetuating the  
19 injustices that Aboriginal people have faced and a very  
20 clear call that it was time to get on with recognizing  
21 Aboriginal rights, with recognizing treaty rights and with  
22 entrenching self-government.

23 I think that it's perhaps useful to know



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1 that here in Nova Scotia, in the lead-up to the  
2 constitutional debates, there was the establishment of  
3 a bilateral forum, a bilateral forum that consists of  
4 representatives from the three legislative caucuses, the  
5 three political parties, representation from the four  
6 Aboriginal organizations in Nova Scotia including, I might  
7 say, the Native Women's Association, and I think that  
8 inclusion was an important one and the exclusion of the  
9 Native Women's Association federally an unfortunate and  
10 misguided decision, really, that hopefully will not be  
11 repeated. And also, in that bilateral form, the inclusion  
12 of thirteen--the thirteen chiefs from Nova Scotia and the  
13 Grand Chief to participate in any and all discussions that  
14 are ongoing.

15                   The purpose of that bilateral forum was  
16 stated as developing a common understanding of Micmac  
17 Aboriginal rights and treaties, and I think it's extremely  
18 important, as the Royal Commission on Aboriginal affairs,  
19 for you to feel supported at the provincial level by these  
20 kinds of processes in a parallel effort to what you're  
21 doing at the national level. I can't help but think, and  
22 I think it can't be stated often enough, that if there  
23 was sincerity on the part of the federal government and

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1 the provincial and territorial governments participating  
2 in the constitutional process, when they reached a  
3 consensus around the entrenchment of the inherent right  
4 of self-government, that if that really was sincere, that  
5 it is extremely incumbent upon all of those governments  
6 at both levels to be prepared to follow through and act  
7 on the kind of recommendations that you as a Royal  
8 Commission are now going to be bringing forward.

9                   If that's not the case, then I think the  
10 Aboriginal people of Canada and all Canadians are entitled  
11 to think that it was sheer hypocrisy and some kind of  
12 expediency on the part of governments in the constitutional  
13 process to have agreed upon the inherent right to  
14 self-government being recognized.

15                   I think the other thing I wanted to say  
16 is that it seems to me that there remains a major job needing  
17 to be done of the people of Canada, and I think Aboriginal  
18 and non-Aboriginal, about what self-government can really  
19 mean, and I think some of the principles that have been  
20 clearly articulated in your first discussion document are  
21 extremely, extremely important to reinforce in terms of  
22 the control of Aboriginal people over their own lives and  
23 their own futures. I think that all too often this

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1 question is discussed in the abstract and people are left  
2 still not really understanding what is being discussed,  
3 whereas I think that there are important models here in  
4 Nova Scotia and in other parts of the country in which  
5 people can take comfort and from which people can learn,  
6 such as the Micmac Family and Children's Services in the  
7 Province of Nova Scotia, clearly with respect to community  
8 services, an important self-governing authority with  
9 respect to family and children's services at this point  
10 restricted to reserves but clearly a model it could be,  
11 and it would be my view, should be extended beyond reserves  
12 to include those Aboriginal people who are currently  
13 excluded.

14 I think the point of my comments, and  
15 I'm going to restrict them to this point, because I think  
16 it's clear there are others who are in a better position  
17 to talk about the real bread and butter issues and the  
18 real need for changes in services and so on, but I simply  
19 want to reinforce how absolutely critically important I  
20 think the work that the Royal Commission is doing is to  
21 all people of this country and to state that I think it  
22 is incumbent upon the Commission to bring a great deal  
23 of pressure to bear to the federal government--on the

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1 federal government and the provincial governments as well,  
2 to act in good faith and follow through on the kind of  
3 aspirations that were expressed and I think the  
4 expectations generated in the multilateral constitutional  
5 process and now to some extent sidelined by the defeat  
6 of the Charlottetown Accord. I think there is a great  
7 deal of goodwill out there among all Canadians for this  
8 to go forward and I want to wish you very great success  
9 in the major undertaking that you have ahead of you. I  
10 think it's to be commended and I think it's a source of  
11 hope and optimism that you have a commission that not only  
12 has a majority of Aboriginal people on it but also are  
13 concentrating your effort on ensuring that a great deal  
14 of the research and background work is being done by  
15 Aboriginal people. In the final analysis, I can't help  
16 but think that a good deal of the division that occurred  
17 in regard to the support or non-support of the  
18 Charlottetown Accord by Aboriginal people themselves was,  
19 to some degree, a reflection of the understandable mistrust  
20 that a great many Aboriginal Canadians feel in existing  
21 governments, and I think that that problem should not occur  
22 anywhere near to the same extent in conjunction with the  
23 work that you are doing as a Royal Commission. Thanks

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1 very much for the opportunity of addressing you.

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

3 We have been approaching the vote as not necessarily a  
4 rejection of the Aboriginal agenda. It seems the--that  
5 it's the one issue that everyone that was leading a "no"  
6 camp was careful to say, you know, that--everybody from  
7 Parizeau to Preston Manning, Deborah Coyne, the NACC  
8 leadership, Judy Rebick, everyone kept making it clear  
9 that it was not an campaign against Aboriginal people.  
10 So we expect that, while there may have been a very small  
11 vote against Aboriginal people in certain pockets of the  
12 country, that the overwhelming reason that people voted  
13 no had very little to do with the Aboriginal agenda, because  
14 all the polls leading up to the final vote, when Aboriginal  
15 issues were singled out, the support was always high.  
16 So we are approaching it on the basis that certainly the  
17 vote was not a rejection of the Aboriginal agenda.

18 Perhaps now we could open it up so  
19 anybody that wants to either jump in, make a comment on  
20 any of the issues that were brought up, could do so. I  
21 wanted to start with the presentation that you made here,  
22 Andrea, you were talking about there was little to--new  
23 to be gained necessarily by your presentation. Perhaps

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1 in relation to the larger issues that may be true. We  
2 had an urban round table where we hoped to get a lot of  
3 answers. We didn't really get a lot of the answers. We  
4 did get some general answers, and that is that obviously  
5 it's better for Aboriginal people to run their own programs  
6 on an urban basis, no question about that. Schools,  
7 obviously, should be--in some cases, if the student  
8 population warrants, should be all Aboriginal students,  
9 high schools and so forth, and in cases where there--the  
10 population doesn't warrant a separate school, then  
11 obviously the larger school system should accommodate  
12 Aboriginal people. It should hire teachers, history, the  
13 culture, there should be sensitivity to Aboriginal people  
14 and so forth, those kinds of things. But we had  
15 hoped--perhaps we had hoped for a bit more than we could  
16 really expect at the time--we had hoped to get some clarity  
17 on where Aboriginal people wanted to go. What kind of  
18 institutions were we looking at down the road? What kind  
19 of urban Aboriginal governments, what kind of institutions  
20 would-- There was some beginnings of that but we didn't  
21 get all of the kind of answers that we had hoped, so that's  
22 still before us.

23 The other thing that we're still doing

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1 is doing an inventory of all of the types of services that  
2 are really needed on an urban level, and whereas people  
3 can say that Aboriginal people have been studied to death  
4 and it may well be true in certain cases, in the urban  
5 situation there really is not a lot of work on Aboriginal  
6 people in an urban situation. You have the Friendship  
7 Centre experience, and in some cases you have the  
8 experience of Aboriginal people like in Winnipeg, there's  
9 something like 87 or 86 Aboriginal organizations in  
10 Winnipeg. Some have a history of two to three decades,  
11 but there's not a lot of documentation on it; you can't  
12 go and pick up the definitive book on Aboriginal people  
13 in an urban situation and the kind of services that  
14 generally are needed and the experience and the evolution  
15 of their story. So it seems that in that area part of  
16 what we're going to have to do is actually do, you know,  
17 a background document at the very least that sets up the  
18 urban Aboriginal situation, describes the kind of services  
19 that exist, why some work better than others and so forth.

20 But more than that, we want to, by the end of this process,  
21 be able to have some very clear directions to where people  
22 are going. Whether it's going to be enough to just have  
23 services that are run by a non-Aboriginal people so long

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1 as they're sensitive or should--is it going to be enough  
2 to have hospitals, schools, health centres, and so forth  
3 run by Aboriginal people.

4 In the program that you're involved in,  
5 do you have any staff, Aboriginal staff? Volunteers or  
6 whatever?

7 **MS. ANDREA CURRIE:** Currently we don't,  
8 but for two years, actually, one of the street workers  
9 that was fairly instrumental in developing the way in which  
10 the program works is a Micmac fellow who is currently  
11 working in the area of AIDS education in the Micmac  
12 communities of Nova Scotia now, so he's just moved on.

13 We have a small staff. We have four  
14 street workers, a couple of, you know, myself and a clerical  
15 person, and a few casual staff, relief staff, and we have  
16 a lot of turnover so our priority is, you know, we find  
17 that street workers, generally a couple of years, with  
18 split shifts, it's terrible hours and it's not very good  
19 pay. So we get dedicated people who work real hard for  
20 a couple years and then move on, which we completely  
21 understand. Our priority in terms of hiring is to hire  
22 people with the--with direct experience of the streets,  
23 working the streets, so--and we also obviously have a real



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1 concern about people who represent different, you know,  
2 communities and backgrounds in terms of the black community  
3 and the Micmac community in Nova Scotia. So we kind of,  
4 you know, we try to work both of those priorities together  
5 and, you know, I think we're doing reasonably well.

6                   The other thing we've tried to do  
7 which--actually, the Association of Black Social Workers  
8 in Nova Scotia has put out a really good model for  
9 community-based organizations to do a serious review of  
10 their structure, mandate and way of working. That has  
11 to do with sort of an anti-racist policy and practice within  
12 the organization, and I think that that's--our executive  
13 has basically taken on this, you know, they've laid out  
14 eight steps sort of which involve looking at a lot of things  
15 in terms of the demographics of the people you're working  
16 with, the history of your organization, and all kinds of  
17 various steps. But the point of that is that it's a  
18 comprehensive process, it's not just like saying we're  
19 going to hire someone and put that person in a position  
20 to represent or be the primary person to provide services  
21 to this part of the users of our program. What we'd like  
22 to do is really look at the way in which organizations  
23 evolve and the way in which our organization has evolved

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1 has been primarily white and how to rectify that in a way  
2 that has everybody on staff, no matter what your  
3 background, taking responsibility for it, rather than  
4 putting--

5                   And the same with having people on the  
6 board, you know, we do the same. We really try to have  
7 some attention to having, you know, Native and black  
8 representation on the board and also user representation  
9 on the board, too, because that's again a priority. Right  
10 now we have a couple of seats for users of the service  
11 on the board. We eventually--our vision would be that  
12 it would be totally user-run at some point. So that's  
13 a process. So we do definitely see that as important.  
14 There was no question that when Tuma was on staff that,  
15 I think, Native people who were working the streets felt  
16 a connection to him that was really valuable, so we're  
17 certainly aware of that and we just, you know, as turnover  
18 happens and, you know, we put it out there, we're continuing  
19 to try and keep that a priority.

20                   If I could just add a comment in terms  
21 of what you were saying about the whole need to find out  
22 where people want to go, where Aboriginal people want to  
23 go, particularly in an urban environment. From my

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1 experience with Stepping Stone, it's been really  
2 interesting to see how running a program this way, which  
3 is quite unique, you know--Main Line is actually working  
4 in a very similar way now--but there aren't a whole lot  
5 of social services that are user-directed in the way that  
6 we are attempting to be and that we, basically, don't have  
7 a mandate to do anything other than what we're directed  
8 to do by the users of our service. That's what our mandate  
9 is, is to provide that opportunity for them. And what  
10 I have seen happen over the three years that I have been  
11 involved at Stepping Stone is that when people are denied  
12 a voice, historically, you know, for a long long period  
13 of time, the process of finding that voice, and finding  
14 and trusting the opportunities that are put out there for  
15 you to actually inform, you know, how things are going  
16 to be set up, services that you need, that sort of thing,  
17 is a fairly long-term process, like, you can really--over  
18 a few years now I can really see how it's grown for Stepping  
19 Stone, how people on the street really understand and start  
20 to take seriously that, you know, we are consulting them  
21 and that we don't intend to do things based on, you know,  
22 one kind of discussion at a drop-in, and then we're going  
23 to go with that and run with that and do our own analysis

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1 of it, you know, that there is a real commitment to  
2 continuing to listen, to continuing to provide that  
3 opportunity for people to speak.

4                   Because I think that--my own sense is  
5 that people who have been denied a voice over a long period  
6 of time have basically learned how to cope and how to  
7 function with that being the case, and to actually have  
8 that change takes time, and that it, you know, I think  
9 it's really important when people are being consulted that  
10 it not be a one-time thing, that actual processes are put  
11 in place that allow people to develop their ability to  
12 claim that space that we want to offer them, to  
13 determine--to claim their own right to self-determination,  
14 to actually start to do that. And I don't know how that  
15 translates in terms of Aboriginal people in general in  
16 urban sittings across the country, but I just know that  
17 that's been really true for Stepping Stone. It's  
18 not--it's definitely not--it wouldn't work, it wouldn't  
19 be effective to just kind of go out and have a consultation  
20 and then try to formulate services based on that. People  
21 have to feel involved over the long term and there has  
22 to be the support and the opportunity provided over the  
23 long term for folks to figure out how to do that and how

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1 to translate their knowledge, which is extensive, of what  
2 their experience is and what their needs are, how to bring  
3 that to bear on the actual formation of a service or a  
4 program. But that takes time. That's just--I think  
5 that's a really important thing. We've seen that, you  
6 know, over the years at Stepping Stone, that it definitely  
7 grows over time.

8 **CO-CHAIR GEORGES ERASMUS:** Yeah, I  
9 certainly couldn't agree any more. We're aware of it,  
10 that's why we're organizing our hearings the way we are  
11 with an involving approach. The only problem is--the  
12 difficulty we have is that we don't go back to the same  
13 community over and over and so the kind of trust you're  
14 talking about, the kind of involvement people need to have  
15 to move logically and in sequence from, you know, a  
16 foundation, well, we'll give you the background, now let's  
17 look at some possible solutions, and okay, well that  
18 solution's better than this one, and to own the process,  
19 to feel that everybody involved is--it would be impossible  
20 for us to keep going back to the first, you know, to the  
21 first 37 communities that we went to, the rest of the  
22 country would cry out, you know, there's over a 1,000  
23 Aboriginal communities out there just in that--alone and

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1 we need to include the large public also. So we're fully  
2 aware of that but what we are trying to do is we're trying  
3 to keep in contact with the--all the people that present  
4 to us by keeping them informed with the new documents as  
5 they're being developed, hoping that people will  
6 contribute in one way or another and perhaps will come  
7 to second hearings and so forth.

8                   We're--for instance, today here we have  
9 people on the agenda that already presented to us. So  
10 we are having some of that because we're--people are  
11 travelling regionally and they're making the effort. And  
12 so we are going to have some of that, where people have  
13 been involved before or else where regional organizations  
14 are involved or different parts of their people were  
15 involved in it. And we're encouraging people to present  
16 to us in a written form or through regional leaders,  
17 provincial leaders and so forth, so, yeah, that's a very  
18 good point, I agree with you very much on that.

19                   Do you believe that there's a need in  
20 a place like Halifax for some kind of serious dialogue  
21 between those other services that--you make the point that  
22 the kind of service delivery program, the Needle Exchange,  
23 perhaps the Main Line, and your program, where there's

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1 street level contact with the users, there's some influence  
2 by the users on the actual program delivery is quite unique.

3 It seems it is. There are other examples of that in the  
4 country but your--those type of services are in the  
5 minority overall in the whole social service system. What  
6 about the other services? Do you believe their needs to  
7 be some sort of--anybody--of change in how those services  
8 are delivered, regardless of whether or not Aboriginal  
9 people are going to create their own institutions?

10 **MS. ANDREA CURRIE:** Yes, in order--I  
11 think that's definitely the case. It makes sense, I mean  
12 it's just common sense that, I guess, you know, the way  
13 we operate, the way Main Line operates, you know, we come  
14 from the basic belief that people know what they need and  
15 that people are given opportunities and resources and  
16 support, that everyone wants to make good choices for  
17 themselves and that we're--we all have this thing in  
18 common, that we want a certain kind of quality of life,  
19 so we do definitely believe that the greater degree, you  
20 know, that--if people can be--if people's own  
21 understanding of their needs can be taken into  
22 consideration, you know, to the--in the most--you know,  
23 to the greatest degree possible, I think that directly

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1 affects the effectiveness of the service. And, you know,  
2 we certainly have found that, and we're involved--Stepping  
3 Stone's involved right now in a working group that the  
4 Solicitor General has just struck here because of various,  
5 you know, events around the area of prostitution that  
6 we're--that received a lot of attention in the media over  
7 the last couple of months and all of the other services,  
8 including the services offered by levels, different levels  
9 of government are looking to the way in which Stepping  
10 Stone works, they're looking to the fact that we have  
11 positive relationships with the people we work with which  
12 is fairly unique.

13                   Unfortunately, you know, that's the  
14 case, and so people from other kinds of services are looking  
15 at the way we work and beginning to be interested in that  
16 and see that as an issue in terms of effectiveness and  
17 quality of service so, in terms of how we, you know, we  
18 do as much as we can. We see our responsibility in that  
19 regard in a couple of ways. We definitely do a lot of  
20 education case by case, you know, with workers that  
21 are--the people we work with need to access some kind of  
22 service from. So we work, you know, we do a lot in terms  
23 of people's attitudes and just trying to break some of



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1 that stuff down on a case by case basis.

2                   We also, as much as possible, go  
3 out--have our staff go out to other programs and services  
4 and talk about street culture, you know, and try and educate  
5 other programs and services about street culture so that,  
6 you know, their--the quality of their service as it is  
7 offered to people who have been working the streets can  
8 be improved, and we talk a lot about the way we work and  
9 people are very interested in that.

10                   I think they're interested in--for a  
11 couple of reasons. One is that it makes sense in terms  
12 of the quality of service that you're going to provide.

13                   It also makes a lot of sense in terms of money. I mean,  
14 if you're--if, you know, we're living in a climate where  
15 there's, you know, unless we can affect some major shift  
16 in our funding priorities, there's very little money  
17 available just for the programs that are in existence to  
18 survive let alone to develop the new services that we know  
19 are necessary. I mean, we're learning some things as we  
20 work this way and you know--we have some good ideas about  
21 what else needs to be in place for people. And there isn't  
22 a lot of funding available as we all know, so in terms  
23 of how to effect--most effectively invest your social

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1 programs dollars, it makes sense to work this way, too,  
2 I mean, it's just--it's very straightforward, you know.

3 If you want to get the best possible value out of what  
4 you're funding, ask the people who need the service how  
5 to do it best, and definitely that direction is there.  
6 And, you know, we sort of like to joke about it and say  
7 that, you know, if you put yourself out there to get told  
8 what to do, you definitely get told and people are quite  
9 prepared to inform the folks that they need some assistance  
10 from--how best to do that.

11 **MS. ALEXA MCDONOUGH:** I think the  
12 unfortunate reality is that you're hearing from presenters  
13 here who are in a minority in terms of the user-friendly,  
14 consumer-oriented, and very much responsive to the real  
15 needs by involving people in defining their own needs.

16 I guess I'd like to try to address your  
17 question by raising a question in response. I don't know  
18 how helpful that is, but it seems to me that there is a  
19 real catch-22 situation for a great many Native people  
20 in Nova Scotia around the whole question of being--I don't  
21 know if there's a useful term or not--but almost sort of  
22 constitutional or jurisdictional orphans in terms of full  
23 rights of citizenship being recognized, because I think

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1 we all know that empowerment comes about through people  
2 being involved in defining their own problems and working  
3 out their own solutions. And yet in terms of recognizing  
4 the authority and allocating appropriate resources to  
5 Aboriginal people in Nova Scotia, to address their  
6 concerns, you have a situation where the federal  
7 government, because of their own imposed Indian Act, more  
8 or less declares two-thirds of the Native people in Nova  
9 Scotia as being of no concern to them and you have a  
10 provincial government that largely takes the view that  
11 non-status Aboriginal people in this province are not  
12 recognizable or they have no particular rights to which  
13 the provincial government bears any responsibility. The  
14 result of that is that, in the instance where there are  
15 many needs, where there are Mi'kmaq people in the community  
16 who would like to help respond to those needs, there is  
17 a very, very difficult problem that they face in terms  
18 of getting access to resources.

19                   You mentioned, Mr. Erasmus, that there  
20 were something like 87 Aboriginal organizations in  
21 Winnipeg, for example, and I would be interested to know  
22 whether a good many of those organizations have been  
23 facilitated, been helped to get them established, through

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1 financial resources. Clearly they're not on-reserve  
2 Aboriginals. If they're in Winnipeg and there is the  
3 question of where the resources are to come from, if the  
4 federal government takes no responsibility for two-thirds  
5 of the Aboriginals within a particular province and the  
6 provincial government takes similarly no responsibility,  
7 in a situation as you've described it with 87 Aboriginal  
8 organizations in the City of Winnipeg, can you give some  
9 indication of how that problem has been surmounted?

10 **CO-CHAIR GEORGES ERASMUS:** Well,  
11 there's a whole range of different organizations  
12 delivering a lot of different types of programs. Those  
13 organizations include political organizations, cultural  
14 organizations, service delivery organizations, and they  
15 get their funding from wherever they can get it just like  
16 any other service organization. They'll just keep working  
17 away at getting money either from the federal government,  
18 different departments, or else from the provincial  
19 government, and they're getting it from a number of  
20 sources.

21 **MS. ALEXA MCDONOUGH:** Is this a problem  
22 that you're hearing across the country, where you have,  
23 for example, the off-reserve Native people in Nova Scotia

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1 who really have a very difficult time getting any  
2 recognition let alone any resources? Is that a problem  
3 that you're seeing in many other provinces as well?

4 **CO-CHAIR GEORGES ERASMUS:** Well, what's  
5 happening is that people are--if they see a need for a  
6 service, will organize and, at some point, if they convince  
7 either municipal government, provincial or federal  
8 government that their service is useful, they'll get  
9 funding.

10 There will be many other organizations  
11 that have difficulty, I guess, getting funding. We have  
12 heard from organizations that--or would-be organizations  
13 and others that have tried to get into other programs.  
14 It's not that often that you find an organization that  
15 is well funded. People are generally delivering a service  
16 far beyond the kind of capability that they have, and a  
17 lot of times it's because they're operating on a basis  
18 of volunteers, and they're also, seemingly a lot of times,  
19 drawing from the same sector of the community. The same  
20 volunteers are expected to do a lot and there is the kind  
21 of high burnout that Andrea was talking about doing street  
22 level work. It means long hours. The more committed you  
23 are, generally it means your doors are open and so people

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1 know you're--where you live, and the office doesn't stop  
2 at your door, your office piles into your private life,  
3 and the distinction between private life and office work  
4 starts to blur and burns people out.

5                   So those volunteer organizations while  
6 they do a lot generally are stretched as much as they can.

7     And because of the kind of funding cuts that have been  
8 occurring everywhere, they are also having financial  
9 problems, and so a big part of what they do is they raise  
10 funds privately, but they still exist.

11                   In Halifax here, you have a black  
12 community, you have some Aboriginal people in an urban  
13 situation, and you have a very large non-Native and  
14 non-black community. We're hoping that we can get a  
15 dialogue through what we're doing with people in our work,  
16 but in the larger community here, do you see a need, I  
17 mean, to me it's obvious but I mean, is there a need for  
18 a dialogue between black, non-Native, Aboriginal, and how  
19 would you see it occurring, because, I mean, the Royal  
20 Commission, as much as we're going to do in the next two  
21 years, we're going to fade into the sunset at some point,  
22 and it seems to me that part of what really needs to occur  
23 in Canada is a real serious exchange with your neighbours,

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1 with our neighbours. Does anybody have any ideas how that  
2 could be encouraged?

3 **MR. PAUL O'HARA:** Well, perhaps just a  
4 quick point. I think that the black community recently,  
5 well, for the last number of years, have had a Black History  
6 Month in February and that's a very rich and positive  
7 learning experience. And I know the Aboriginal community  
8 has had similar kinds of events, but I believe that that's  
9 a real starting point, an opportunity for we, as white  
10 people, to engage in learning more and celebrating with  
11 other cultures regarding--around positive kinds of  
12 processes and experiences and I believe that's a good  
13 starting point.

14 I know my experience with my peers is  
15 always defensive when it comes to racist issues and we  
16 need to educate one another and clarify a lot of our own  
17 issues and maybe rely on the other cultures to prop us  
18 every now and then and give us some support in trying to  
19 work out for ourselves that we are racist because of our  
20 skin colour and because of the privileges that we do have  
21 and don't--and take for granted basically. So it's a long,  
22 hard struggle but I think that that's one area that would  
23 serve to engage people more in developing an appreciation

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1 of the differences in cultures and how they are positive.

2 **MS. ALEXA MCDONOUGH:** I think it's fair  
3 to say that, in the last several years, perhaps the Marshall  
4 Inquiry was a stimulus to some of this. There have been  
5 some new structures, some new processes, put in place where  
6 there is more dialogue happening. There have been some  
7 race relations task forces just over the past six months.

8 For example, the Nova Scotia Federation of Labour has  
9 been conducting a series of, I think, ten province-wide  
10 anti-racism conferences. You have, for example, the  
11 establishment of Treaty Day in Nova Scotia, which, going  
12 back not very many years, I think actually no more than  
13 two years, the Government of Nova Scotia would not even  
14 sanction or send a representative and yet it has to be  
15 some sign of progress in terms of the opening of doors  
16 that this year, on Treaty Day, in fact it was held in the  
17 legislature with great fanfare, and so I think all of this  
18 represents some kind of progress, and then the Coalition  
19 for Non-Racist Society and so on.

20 I think the concern that I would have,  
21 and perhaps something on which the Royal Commission can  
22 help to shed some light and give some added impetus, is  
23 the problem of resources to do the kind of just basic



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1 education that doesn't now exist. I think you're  
2 beginning to see some of it in the school system, but I  
3 think citizens in general have never had the opportunity  
4 to fully understand what treaty rights of the Mi'kmaq  
5 people mean, and to try to decipher when you see court  
6 battles going on around something that clearly is failing  
7 to respect the established treaty rights is not the best  
8 environment or the best manner in which people can try  
9 to understand what's the meaning of basic treaty rights.  
10 So it's, in part, I think, a question of how to ensure  
11 that there is that basic understanding that can be  
12 developed so that there isn't a backlash based on  
13 ignorance, which is very often what happens in the  
14 non-Aboriginal community. And secondly, I think it comes  
15 back to, as some of these questions do, resources, needing  
16 to have some resources with which to actually conduct that  
17 kind of basic education sensitization and so on. And I  
18 think it's probably fair to say that there is an increasing  
19 awareness of the need but with the amount of cutbacks,  
20 shrinkage of dollars available to so many organizations,  
21 it's very difficult for the work to be done that needs  
22 to be done.

23 **MS. VALERIE FIRTH:** I just wanted to

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1 touch a little bit on staffing and how important it is  
2 to understand that sometimes when we're looking for  
3 minority representatives on boards or in agencies, we're  
4 looking for people who have perfectly changed their  
5 lifestyle and nine times out of ten we're not going to  
6 find people like that. We have to be willing to support  
7 people exactly where they are and agencies have to be aware  
8 that that requires a lot of support within an agency and  
9 a lot of hard work and a lot of board support. And we  
10 do that at Main Line, I know they do it at Stepping Stone,  
11 and that those things have to be encouraged and supported  
12 by communities such as your own and by government levels  
13 as well.

14 **COMMISSIONER VIOLA ROBINSON:** Can I say  
15 something? I wanted to say a few things here. First of  
16 all, I did want to respond to your question, too, about  
17 the urban situation in Winnipeg and other parts of the  
18 country.

19 The urban situation in Winnipeg or  
20 Toronto or, I guess, Edmonton, the larger cities of  
21 the--has a very, very large concentration of Aboriginal  
22 people coming from all different walks of Aboriginal life,  
23 and they're all struggling. And it's a question that we're

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1 having great difficulty with because programs that are  
2 initiated by any level--federal government are very  
3 restrictive, as we know. They're concentrated for one  
4 specific group of Indians, which are reserve Indians under  
5 the Indian Act; they seem to be the only ones Indian Affairs  
6 that are providing services and they're very selective  
7 criteria. And province--the provinces, usually if they  
8 want to support activity in the social area, it--well,  
9 it's open to all sorts of groups.

10                   Any programs that might be coming from  
11 either level of government that are directed to services  
12 always has to be coming from some political group  
13 representing Aboriginal people and, unfortunately, the  
14 political groups don't represent all the Aboriginal people  
15 in these communities, in the urban centres, so they have  
16 a problem in Winnipeg. It's like my co-chair here has  
17 said, you know, there's--there are a lot--as a matter of  
18 fact, they refer to it as the largest reserve in Canada,  
19 is right in the City of Winnipeg. But they are trying  
20 to provide services and they're doing it with great, great  
21 difficulty because they have to compete with every other  
22 group, whether it's Aboriginal or non-Aboriginal to try  
23 to access resources to continue their work. But they're

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1 doing it and they're doing it with a lot of volunteerism  
2 and some of them are holding jobs and still using their  
3 spare time to work with the--and a lot of them are with  
4 the same kind of people that you're working with and a  
5 lot of them out there are children. So what--you know,  
6 it--we have to, I guess, try to come to grips with a  
7 situation here where no level of government is really  
8 prepared to look at it this time, the Aboriginal urban  
9 people. And which level of government should be funding  
10 these. For instance, if the Accord have of went through,  
11 you know, maybe there might have been a framework or  
12 something there that they could have maybe went into to  
13 try to negotiate some kinds of support services or  
14 governments. But right now, we don't know what to  
15 recommend, whether the federal government should be  
16 responsible for these Aboriginal people no matter where  
17 they live or should provincial governments, should they  
18 be taking the responsibility to provide the services for  
19 the Aboriginal people in the urban centres, and we have  
20 to recommend something for them, but, you know, we're  
21 not--nobody seems to know even within themselves, you know,  
22 who should be providing these resources for these groups.  
23 So that's one area. It's a very difficult area. There

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1 hasn't been much done in that whole area.

2                   And I think the other point I wanted to  
3 raise here was when you were talking there--I guess maybe  
4 both groups here or all groups is--it seems to me maybe  
5 that--are you saying that you'd--the services that you  
6 deliver are more of a referral type? A lot of the people  
7 that would be coming to you, are they people who require  
8 highly professional, skilled services? Obviously you're  
9 under-funded, you probably, you know, at some point in  
10 time, you have to refer them to some other institution,  
11 whether it's a hospital or whether it's social services  
12 or something like that and, if so, you're saying those  
13 people too are insensitive when you send these people  
14 along. And I was just wondering--the other question--and  
15 these are some questions, you know, that I'm bringing up  
16 here.

17                   The other thing is, are you having  
18 difficulty in finding people from the Aboriginal community  
19 to sit on your boards, or are you having difficulty--are  
20 you getting the co-operation, say, from the political  
21 Native organizations of this province or any other Native  
22 groups in this province? Are they, you know, are they  
23 working co-operatively or are you having problems there

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1 as well? And I guess the third one, too, for me, you know,  
2 even though I'm from here and maybe I should know but I  
3 haven't been around for a couple of years, but is it a  
4 big problem for Aboriginal people with your work or with  
5 your, you know, in your work as well? Maybe if you could  
6 just clarify some of those things for me, it might be  
7 helpful.

8 **MS. ALEXA MCDONOUGH:** Could I just  
9 interrupt for one sec? I'm afraid I have to leave because  
10 I have to be in Cape Breton this evening, but I just wanted  
11 to say thank you for the opportunity of being here and  
12 look forward to watching your work continue. Thank you.

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

14 **MS. VALERIE FIRTH:** I'm not really sure  
15 if it's a big problem or not, Viola. I know my own board  
16 is very unique in that it, you know, it involves  
17 community-based agencies, so there are definitely minority  
18 representations on it. I think what I see going on at  
19 the other board levels, though, is that this board  
20 representation is not being incorporated into people's  
21 job descriptions and I think it should be. I think that  
22 that would make it easier to make the commitment to a board.  
23 We see board time as a volunteer thing and nobody, you

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1 know, I know myself I could sit on five boards. Nobody  
2 wants to sit on five volunteer boards, but if it's included  
3 in my job description then, you know, I'm more than willing  
4 to do that. So I think it has be looked at more from that  
5 point of view as, say, on a voluntary basis within other  
6 agencies these days.

7 **MS. ANDREA CURRIE:** I would agree with  
8 that. In terms of that question of people being on the  
9 board, my experience in calling around, being part of  
10 nominating committees both for the Bryony House board,  
11 actually, and for the Stepping Stone's board, is that,  
12 you know, in the Micmac community, like in every other  
13 community, the people that are easily identifiable are  
14 already doing way too many things. And it's very--you  
15 know, you sort of--it's a race to get to this person, you  
16 know, when they're off one board to see if they'll, you  
17 know, and it's very difficult that way.

18 I think that Valerie's point is really  
19 a good one that, you know, it's work, it's important work.  
20 There's no question that, for someone from, you know,  
21 a black or a Native community to work on a board that has  
22 been traditionally mostly white that that's work, and I  
23 think it needs to be-- You know, how much of that people

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1 want to do on their own time is, you know, something to  
2 really to be considered, and I think it is a really valid  
3 thing to look, you know.

4                   If there are people, for instance, in  
5 various community jobs with the Friendship Centre, with  
6 the Transition Year program at Dal, with, you know, the  
7 councillor for Native students at Dal, you know, some of  
8 the key people that really have a lot of experience and  
9 a lot to offer and can also help to identify other people  
10 who can be, you know, given those responsibilities and  
11 take that stuff on, too, I think it makes a lot of sense  
12 to try and have support for that. And I'm also aware,  
13 though, at the same time that, you know, those people are  
14 all working within their own community and that that's  
15 a priority in terms of their time and energy, and I, you  
16 know, there's a balance that has to be struck there, I  
17 really respect that. On the other hand, we really need  
18 that input to, you know, in terms of the quality of Stepping  
19 Stone's work too.

20                   So there's a lot of things to be worked  
21 out there. But that's been our experience, that it's  
22 difficult only because people are over-committed; It's  
23 not a lack of willingness, really, it's really a lack of



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1 human resources and time. And we find the same with any--I  
2 mean, when you're finding a board member, I mean, the people  
3 that you're talking about, no matter who they are, are  
4 almost always in that position so--

5                   The other thing I wanted to say is  
6 actually in response to your earlier question about a  
7 dialogue. Because I think that we certainly heard about  
8 the kinds of things that are going on in our community  
9 and in our province that are kind of cultural exchanges,  
10 and I think that those things are really important and  
11 there's some stuff in place: Black History Month is in  
12 place, Treaty Day is in place, there's, you know, there's  
13 lots more stuff that can be done in that area. But I  
14 understood part of what you were asking was about a dialogue  
15 between different services, and services that are looking  
16 at working within different communities, and what we know  
17 and what we learn and how to make all of our work more  
18 effective by networking or by being involved together.

19                   The first thing I wanted to say was the  
20 story of the creation of Main Line, which I think is quite  
21 an important one, it's not--for those of us who had been  
22 working in the community here for any number of years,  
23 it was quite unique in how Mainline got established in

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1 that, in this neighbourhood where a lot of us work and  
2 where we have a, you know, we work with a lot of the same  
3 people, the concern and the awareness of a need for services  
4 for injection drug users, including a needle exchange,  
5 you know, became something that the Persons with AIDS  
6 Coalition was aware of, something that we were aware of  
7 through our work with people. We, you know, Stepping Stone  
8 at some point in the process went and talked to people  
9 from the North End Community Clinic. We ended up with  
10 a co-ordinating committee that involves Gordon King, who's  
11 the director here of the Friendship Centre, and staff from  
12 the Persons AIDS Coalition, Main Line, the clinic, and  
13 a couple of other organizations where we had--there's  
14 really quite-- And it happened naturally; it wasn't a  
15 matter of going out and finding representation, it was  
16 how a group of concerned people in a neighbourhood--it  
17 was really a community-based process--got together and  
18 strategized together about how to create the service that  
19 we knew was needed, that all of the people that we worked  
20 with--that there was an overlap there and there was  
21 another--there was a service that was needed that none  
22 of us could provide under our existing mandates. And the  
23 committee that is continuing to kind of--to co-ordinate

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1 or to support the staff of Main Line continues to be that  
2 group of people. And we're, you know, we remarked a few  
3 times along in the process that we were all quite excited  
4 to be involved in a process like that, because it wasn't  
5 one group spearheading it, it really grew out of this  
6 community and out of the relationships we had with each  
7 other. And, as of now, I mean, Main Line's administration  
8 is handled through the Friendship Centre.

9                   When it came to getting funding, we drew  
10 on every contact we had and every resource we had from,  
11 you know, Persons With AIDS Coalition and Stepping Stone's  
12 contacts with the Health Promotion Directorate of the  
13 federal Health and Welfare, the North End Clinic's  
14 connections with the province, in terms of funding and,  
15 you know, Gordon's connections with Medical Services  
16 Branch federally. I mean, we had a lot to draw on because  
17 we worked together that way so I think that has happened  
18 in some isolated and not that frequent cases.

19                   In terms of an ongoing dialogue, my  
20 feeling is that we're all pretty--the problem with this  
21 is that we're all really absorbed in doing what we're doing,  
22 and it's all very demanding and intense work and it takes  
23 just about everything we can muster to just do a good job

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1 of what we're doing, and we all groan when we hear about  
2 another committee or another, you know, process of dialogue  
3 basically. So I think anything ongoing is almost doomed  
4 to fail.

5 I think what could be really  
6 useful--what I think could be incredibly useful in Nova  
7 Scotia is maybe like an annual event that might be, you  
8 know, three or four days, where all different kinds of  
9 community-based and other kinds of services met and where  
10 there could be discussions on things like developing a  
11 community-based program, you know, out of--like looking  
12 at the kind of thing that created Main Line. Looking at,  
13 you know, where some of what we know about, you know, what  
14 I was saying earlier about Mi'kmaq lodge could be shared  
15 with other people involved in addictions, you know,  
16 treatment and recovery, where there could be that kind  
17 of dialogue, maybe specifically focused on subject areas  
18 so people could choose the kind of thing they're really  
19 interested in. You know, running a user-directed program,  
20 how that works. I could see something like that maybe  
21 on an annual basis being really useful or we could, you  
22 know, book off some time and go and do it. I think an  
23 ongoing dialogue is a very, very difficult thing to

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1 organize and very difficult for people to commit themselves  
2 to because of the time involved.

3 **CO-CHAIR GEORGES ERASMUS:** I think  
4 you're right. I think you're very, very right, and what  
5 was really interesting about this urban round table where  
6 we brought together over 300 people from across the  
7 country, probably the best thing we did was the service  
8 we provided by bringing together all these agencies from  
9 all across the country that had never known about each  
10 other and had a wonderful exchange.

11 All the dialogue that was going on in  
12 these workshops that we created for the self-learning and  
13 the reinforcement of the fact that they weren't alone out  
14 there and other people who were experiencing the same kind  
15 of work, growth, et cetera, challenges, I think was really  
16 useful. We probably set up the possibility for a network  
17 that didn't exist before. Also, people got ideas about  
18 how to approach solutions because different cities were  
19 approaching the same problem in different ways. So it  
20 was very, very useful that way. Had it just been a  
21 conference to do what you're saying, you know, to share,  
22 to explain, to educate, and to have people talk about the  
23 common things that they're approaching, common challenges

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1 that they're facing, we certainly did those kinds of  
2 things, but we were--we had a much more ambitious plan.  
3 We wanted to draw a lot more out of that than we needed,  
4 and, yeah, I think you're right, yeah.

5 We have another person at the table here,  
6 from the Black Learning Centre, Jerry Taylor. I'm going  
7 to, I think, break briefly now and maybe we can hear from  
8 Jerry when we come back. And if the four of you still  
9 have some time, I certainly would like to see people all  
10 come back for a little while. We can hear Jerry make his  
11 presentation and we can continue on the dialogue for a  
12 while if the four of you don't mind so we'll just take  
13 a brief break now.

14 --- Whereupon the hearing is recessed at 3:23 p.m.

15 --- Upon resuming at 3:42 p.m.

16 **CO-CHAIR GEORGES ERASMUS:** Could we  
17 have everybody that was at the table back at the table?  
18 Some had to leave so we may be short some of them, but  
19 those that are still here that want to join us, and we'll  
20 hear from Jerry Taylor now.

21 **MR. JERRY TAYLOR, BLACK LEARNING CENTRE:**

22 Good afternoon, Mr. Erasmus--

23 **CO-CHAIR GEORGES ERASMUS:** Afternoon.

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1 Go ahead, Jerry.

2 **MR. JERRY TAYLOR:** --and thank you for  
3 this opportunity. One of the--I'll be brief, if possible,  
4 and my apologies for being late. One of the--my purposes  
5 today was to--from the Nova Scotian perspective, talk about  
6 the similarities and maybe some of the divergence between  
7 the two communities and some of the things that we deal  
8 with equally here in the province as well as nationally,  
9 if possible.

10 One of the things that I've noticed as  
11 a Afro-Canadian is that one of the goals of the people  
12 like myself who have been fighting and working in the  
13 community, in the black community, is that we've been  
14 clamouring and pushing and lobbying to become part of the  
15 system. I've noticed that the Aboriginal community,  
16 basically, has, if not rejected the system, but is looking  
17 for their own system. So that, to me, is a very  
18 significant, I would say, difference in philosophy and  
19 difference in approach that should be recognized. And  
20 also I question the relevance of a black person even talking  
21 about the Native community in the first place as far as  
22 having any deep insight, because I am a victim of a system  
23 that has, as it's tenets, a thing called the--or has had,

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1 in the Apartheid system, for the Native community and,  
2 based upon the Indian Affairs Department historically,  
3 has basically obliterated or attempted to obliterate all  
4 knowledge of the Native community for people like myself.

5 So I would say my knowledge, based upon that and other  
6 reasons, would be limited.

7                                 So I do not feel that I am qualified to  
8 actually make any kind of relevant conclusions about the  
9 Native community. But being involved in the black  
10 community and working sometimes with the Native people,  
11 and one of the things that I've noticed--the day that I  
12 became the director of the Dartmouth East Black Learning  
13 Centre, a training program for black youth dealing with  
14 academics and life skills, that sort of thing, I came  
15 immediately to the Native Learning Centre because of their  
16 experience working with people that were fighting the  
17 ravages of racism and I found that I've benefitted and  
18 the black community and the program has benefitted from  
19 that knowledge. And one of the things that I find that  
20 we have learned and that I have learned personally from  
21 working with the Native community is the normalcy in having  
22 an independent attitude about what we have to do or what  
23 you have to do. This is something that we in the black



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1 community are still working on, and that is one of the  
2 things that I feel is a major difference as well.

3                   One of the things that--not to be totally  
4 negative, but one of the things that I've noticed the  
5 similarities in a negative sense, when we're talking about  
6 attempts to destroy the cultures, we have, in the black  
7 community now, crack cocaine, and that has the same effect  
8 in our community as, I would say, alcohol has in the past  
9 had in the Native community, and I find that a similarity  
10 in the negative sense.

11                   Now as far as--I'll just give you an  
12 example of how difficult it is for me, at this moment,  
13 to even discuss the topic. I've come because of my respect  
14 for the people who've asked, but just give you an example  
15 so you can know how difficult it is. For instance, Matthew  
16 Hanson and William Perry were arguing about who were the  
17 first people to discover the North Pole when actually there  
18 were brought there by the indigenous people, they both  
19 were. I think Perry was being dragged along by Hanson,  
20 who was being dragged along by a person who was--lived  
21 there, an indigenous person. So I guess the point I'm  
22 trying to make is that--maybe I'll go aside again.

23                   The--when we came here in the 1800s, the

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1 people that I'm descended from, we were basically banished  
2 to the wilderness, and we had to call upon, and I believe  
3 that we had the blessings and the help of the Native  
4 community in order for us to survive, that's an unknown  
5 fact or a fact that's been not pointed out, but this is  
6 how we have survived. That is the reason and there's  
7 documentation to that effect.

8                   And one of the things that I find about  
9 even the concept of we'll say Native rights, indigenous  
10 rights, black rights, minority rights, is the James Watt  
11 approach to our situation. If you remember James Watt,  
12 where he wanted to put all people of colour and people  
13 with disabilities in one pot and deal with them in that  
14 effect. I feel that the Native community's rights to  
15 self-government is not something that should even be  
16 discussed. It's a fact of life, it's something that--in  
17 my opinion, it's almost insulting that it's being  
18 negotiated. The fact is, the government of the country  
19 has been--I didn't plan to come give a history lesson--but  
20 the point is, I really did have a difficulty with the  
21 question and the black community and the Native community,  
22 in my opinion, have been working together and have been  
23 using the resources of each community to battle the ravages

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1 of racism. And I feel that, whenever we talk about  
2 solutions or any kind of discussion is made, when you  
3 overlook racism and its tenets, and racism in all of its  
4 forms, you've missed the boat and you can't help anybody  
5 if you don't look at the racist way Aboriginal people have  
6 been treated, distinct, separately, then you look at the  
7 way we've been treated, and we have to, when we're looking  
8 at solutions, acknowledge the fact that we are together  
9 in this battle. But to think that or to say that we are  
10 in the same boat and have similar destinies, I would say  
11 that that is true to a degree but not--now at--

12 Now as far as a Commission, a Royal  
13 Commission, when you're looking at similarities between  
14 the two groups, I think our destinies are linked in Nova  
15 Scotia very strongly, but in a national sense, I don't.

16 I'm going to stop there because I wanted  
17 to be brief as possible. I had things but I really would  
18 like to thank for the opportunity to speak here and it's  
19 a new experience for me and I'll leave it at that.

20 **CO-CHAIR GEORGES ERASMUS:** Thank you  
21 for your presentation. Could you perhaps just say a little  
22 bit more what you mean by your--the linking of the destinies  
23 of Aboriginal people and the black people in Nova Scotia?

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1                   **MR. JERRY TAYLOR:** Well, as far as I can  
2 see, when you look at the numbers, it's to the advantage  
3 of both groups to combine when they talk about similar  
4 topics, similar issues. But that does not mean that we  
5 have to say because we're working with the other group  
6 that we have to give up our independence or that we have  
7 to be concerned about that. I feel that we have, like  
8 I say, the destinies are linked because when we're dealing  
9 with racism, we're just talking about that issue, or let's  
10 talk about education, for instance, the educational  
11 system. The Native community's abilities to build their  
12 own educational system would be helpful to our community  
13 because then we would use that as an example to do the  
14 same thing. But I think one of the things that I've learned  
15 working here with the people here is that the joint efforts,  
16 the moral support, the acknowledgement that, yes, we've  
17 suffered the same thing that you have and that we support  
18 you, is one of the things that we should be doing more  
19 of, and the society's efforts to always continue to divide  
20 when they're doing the same thing to both groups has--that  
21 is what we have to--we have to ignore those. And the  
22 media's attempts to always portray the negative in both  
23 communities has kept us apart to a degree.

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1                   And also, if I could add a couple more  
2 things. You know, the idea that the Native community is  
3 looking at--well, they see the need that they have to  
4 educate their own and they have to do it in their own way,  
5 with their own people, with their own government, their  
6 own system, is something that really I feel, and I feel  
7 strongly that we must do the same thing in our community.

8       And the fact that the numbers are weak when we're separated  
9 makes it harder to portray, to explain or to get people  
10 to follow. But, when we--the thing is, when the black  
11 people had their own educational system in the province,  
12 even though it was not financially viable, it was cost  
13 segregated, and to this day segregated education is looked  
14 at as negative in the black community because of the  
15 brainwashing aspect of what we've been taught. But  
16 basically this is what we need in our community. So when  
17 the Acadians get the same thing, it's not considered  
18 segregated education, but when we are looking at it, it's  
19 considered that. So I think that it'll be a great thing  
20 because I feel that as the Native community succeeds we  
21 follow in their footsteps, from the Nova Scotian  
22 perspective, Nova Scotia.

23                   **CO-CHAIR GEORGES ERASMUS:** What would

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1 you recommend for us to consider in the way of addressing  
2 racism and also giving Canadians overall a better  
3 appreciation of both Aboriginal people and blacks and  
4 minority groups and so forth?

5 **MR. JERRY TAYLOR:** Well, one of the  
6 things I think has to be addressed is that the educational  
7 system itself must be the key, it has to be the place where  
8 all the information and all the emphasis is given, that  
9 is where to begin. Also, for instance, if you have--one  
10 of the things that I was very disappointed in the other  
11 day is when the clan or the so-called clan decides to put  
12 information out in the community, it's automatically  
13 assumed that the black community is supposed to react.  
14 Actually, I would like to see other groups react. So I  
15 think this is where, to me, this is the best thing. Is  
16 that we don't like racism no matter who it's happening  
17 to and that we support, as we're doing now, things like  
18 this. I think co-operative efforts that are  
19 in a public fashion is very helpful. I feel the  
20 acknowledgement of the destinies being linked to a degree  
21 in a public fashion would be helpful. I'm not saying it's  
22 absolutely necessary that the Native community feels an  
23 obligation to more or less connect up with black people,

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1 but I see so many similarities in what we're going through  
2 together that maybe opportunities should be taken.

3                   But back to the educational system, I  
4 feel that if black people are fighting to have their  
5 curriculum or our curriculum put into the system and we  
6 go and we see that the Aboriginal people are not there,  
7 we should feel just as strongly about that as well. And  
8 I think that is--that's something that should be vice  
9 versa, that the Aboriginal people should feel the same  
10 way, that no one should be excluded. So it's about human  
11 rights as opposed to race.

12                   **CO-CHAIR GEORGES ERASMUS:** I had an  
13 interesting presentation from people involved in  
14 curriculum in Saskatchewan for the government. What I  
15 found kind of interesting was I asked them if they had  
16 removed all of the books that had negative stereotypes  
17 about Aboriginal people historically from the shelves so  
18 that students were not using them and I discovered that  
19 they hadn't, and the reason they hadn't was because they  
20 were expecting teachers to use them as tools about the  
21 bad old days, about how you, you know, you don't do those  
22 things anymore. I was really wondering if, in fact,  
23 they--those teachers were all really equipped to do that.

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1 And they were still there but not as--they weren't  
2 expecting them to be used as a presentation, necessarily,  
3 of present-day views but more as, historically, how perhaps  
4 Aboriginal people were presented.

5 What is it you mean when you say that  
6 the education system needs to be where the focus is? What  
7 precisely do you mean besides curriculum content that you  
8 seem to be suggesting is accurate in relation to both black  
9 people's input and perhaps a more balanced presentation  
10 on Aboriginal people? Should there be more done in the  
11 schools to teach people about tolerance and understanding  
12 of other cultures?

13 **MR. JERRY TAYLOR:** Well, I think it  
14 comes down to power, the idea of power, and can a community  
15 exercise power. See, I'm not interested in having anyone  
16 tolerate me or--you tolerate a skin disease, you know.  
17 So I really feel that, well, when I was talking about the  
18 educational system, I was not looking at an isolation of  
19 other things that had to be done. I feel that there needs  
20 to be a radicalism in both communities. When I say  
21 radicalism, I mean a situation where we are interested  
22 in exercising power and not being so concerned about, well,  
23 how can I put it? The word "radicalism" might not be a



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1 good word. Being stronger in our approaches. There's  
2 an appeasement in both communities, in my opinion, that  
3 has hurt.

4                   As far as the educational system is  
5 concerned, I've said this before and it has caused some  
6 problem in the way, but fact is, I don't feel that a person  
7 who needs to be trained to teach a child of any kind of  
8 any culture should be in the system. So people who think  
9 that they need to get extra training and extra--new books  
10 or new ways, where you would take a group of 50 teachers  
11 and say, "Okay, now this is now to teach a Native child,"  
12 or "This is how to teach a black child," those people are  
13 incompetent teachers, in my opinion. They're  
14 incompetent. Because giving them an extra course is not  
15 going to change their attitude about the job. It's not  
16 going to take their disinterest, it's not going to do  
17 anything with their disinterest. One example I always  
18 use is if you bring a person of colour from any part of  
19 the world who is a teacher and teaches white children,  
20 they can do it with the degree that they have. They don't  
21 need cross-cultural training for that. So the system  
22 itself, the racism that's in the educational system has  
23 to be recognized and it has to be taken out like a cancer.

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1 Which means people losing jobs, which means the system  
2 being overhauled, which means a whole lot of things. It  
3 means unhappy people for a while. And the future of race  
4 relations or the future of, yes, race relations, depends  
5 upon the younger people, the people that we're training  
6 today. So that's why--that's, you know, we have to leave  
7 that in the hands of the educators, the competent ones,  
8 and I feel we should remove from the system those  
9 incompetent ones who need this so-called training,  
10 cross-cultural understanding, all these things, to teach  
11 a child who's innocent.

12 So I don't know if that answers your  
13 question or not, but it's not an easy thing to do and it's  
14 not something that should be taken lightly, really, because  
15 I didn't hear a lot about the Native community. until  
16 I went on my own to find out, or any other community, really,  
17 except for the white community. And some of the things  
18 that are being done now, some of the cross-cultural  
19 understanding and all these things and we're doing certain  
20 things here and there, they're good efforts in the right  
21 direction, but the system itself is the problem. And I  
22 guess one of the things also, the things that we ask for  
23 for our young children--if I'm advocating on behalf of

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1 a black student or the black community, what I want for  
2 them is good for everybody in that system. So some of  
3 the reforms that the Nnative community might be wanting  
4 in the system or what we might be wanting will be good  
5 for everybody, it wouldn't be just good for our segments.

6

7 Now I don't want to ramble too much here  
8 but I hope I'm getting to the question.

9 **CO-CHAIR GEORGES ERASMUS:** What do you  
10 mean when the--it's the system that's the problem?

11 **MR. JERRY TAYLOR:** Well, the way the  
12 system is set up, from my understanding, it was set up  
13 for a farming environment, where you had people of a  
14 certain--well, we start--in the summer--let me see, you  
15 start after harvest, in September, and then you--you're  
16 finished, you only go a certain amount of time. They're  
17 not in school enough. The students don't spend enough  
18 time in the school. They're not doing experiential  
19 learning, they're not out there experimenting and doing  
20 things, they're sitting in front of one person who imparts  
21 knowledge to them, which is an impossible task for one  
22 person to do that. So the system itself, the theories,  
23 what it's built upon, is way outdated.

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1                   I mean, there's only one percent of the  
2 community is farming community now. There's too much free  
3 time where they're not actually learning. They're  
4 basically--I don't want to say they're on holidays, young  
5 people would be upset if I said that. But when you look  
6 at other systems, such as the Japanese and a few others,  
7 they spend more time in school, they spend more time there.  
8       And that's not a racial issue, that's a common sense issue,  
9 where you give them more--you spend more time. And that,  
10 to me, is one of the major reforms that's required is they  
11 have to start questioning the basic way they set the system  
12 up, and you'll find the whole thing in North America, that's  
13 how they set it up. I think they have to question that,  
14 and I don't see a lot of people questioning, you know why  
15 do they go to--why do they start in September? You know?  
16       Why do they pick June to finish? What about the other  
17 months, what are they doing? So that, to me, is one of  
18 the things that I've been questioning for a while.

19                   Also, the racial--for instance, if  
20 you're in a community of--in the Northwest Territories  
21 or something, and you go up there and you have people from  
22 Nova Scotia, European descent, people from Nova Scotia  
23 teaching in the school system, that is difficult. I'm

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1 picking an example from the top of my head but--or in the  
2 black community. Those are the reforms that are needed.

3 If you have a school in the black community, people should  
4 be there teaching who these people can identify with, who  
5 know these people. Not that people aren't capable, but  
6 generally you'll find that the preconceived notions that  
7 people bring with them are damaging to young people of  
8 colour. And I would say in 90 percent of the cases is  
9 that where you'll get people--you consider them unique  
10 when they can transform themselves from what they've been  
11 taught about people of colour, when they can--when their  
12 prejudices don't get in the way of their teaching. And  
13 I've had teachers like that who were white who were good  
14 teachers, but I find the majority aren't, when it comes  
15 to that; they can't leave their prejudices behind and teach  
16 a young kid. They might say something to the child, call  
17 them a name or something or do something that would stick  
18 with that child for life. They don't understand that.  
19 They don't understand the intricacies of the mind of that  
20 person, how we think and how delicate some of the young  
21 people are when it comes to that.

22 **CO-CHAIR GEORGES ERASMUS:** Do you have  
23 anything you want to add to what we've been rambling on

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1 about?

2 **MS. VALERIE FIRTH:** No, I think it's an  
3 excellent presentation and some fine points have been made  
4 though.

5 **CO-CHAIR GEORGES ERASMUS:** Viola, do  
6 you have any questions?

7 **COMMISSIONER VIOLA ROBINSON:** No, I  
8 don't have any questions but I'd like to thank you for  
9 taking the time to come and present. I think you have  
10 raised some good points here.

11 **CO-CHAIR GEORGES ERASMUS:** So anything  
12 else you two want to say to us?

13 **MS. VALERIE FIRTH:** Just in the latter  
14 part of our discussion we were back to what were the  
15 barriers of minority groups and Aboriginal people being  
16 on boards and, once again, I think it's because when we  
17 look for people from minority groups, or myself, I think  
18 I belong to several minority groups and one of them is  
19 as an ex-IV drug user, I think we look for perfect people.  
20 Nobody comes with a guarantee and we have to accept people  
21 where they are and build upon that.

22 My healing process is exactly that-- a  
23 process, you know. It began the day I gave up IV drug

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1 use, but there is a lot of changes that have to be  
2 implemented, still, in my life. And I think that we have  
3 to take the whole person and work with them, not just the  
4 positive aspects and, you know, throw the negative to the  
5 wayside or not be willing to acknowledge those and, you  
6 know, make concessions for them as well.

7 **CO-CHAIR GEORGES ERASMUS:** A very good  
8 point. I'm really glad you made that. Just give me a  
9 minute before we wrap up here. I thought I was going to  
10 ask you a question but I'm not sure. Are you finding that  
11 the people that need the needles, are there more black  
12 people, more Aboriginal? Is there any kind of important  
13 breakdown we need to know? In Vancouver, apparently, in  
14 the needle exchange there, the majority are Aboriginal  
15 people.

16 **MS. VALERIE FIRTH:** We service  
17 predominantly a white community as far as needle exchange  
18 goes. We service many other minorities within the condom  
19 distribution but our IV-using community is predominantly  
20 white in Metro.

21 **CO-CHAIR GEORGES ERASMUS:** Okay.  
22 Well, I'd like to thank all three of you for taking the  
23 time out to come here today. It's been very useful. Thank

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1 you.

2 We're going to hear from the Native  
3 Council of Prince Edward Island now, Graham Tuplin. Go  
4 ahead and start whenever you're ready, Graham.

5 **MR. GRAHAM TUPLIN, PRESIDENT, NATIVE**  
6 **COUNCIL OF PRINCE EDWARD ISLAND:** No, I wouldn't get that  
7 close to you. I'll turn around and blow it the other way.

8  
9 **CO-CHAIR GEORGES ERASMUS:** I don't know  
10 what the rules are here. We were in a room the other day  
11 where there was no smoking allowed. Well, I can live  
12 without it. Okay.

13 **MR. GRAHAM TULPIN:** Good afternoon,  
14 Chairman and fellow Commissioners or Commissioner. How  
15 do you address a female commissioner?

16 I'd like to first introduce, on my right,  
17 Brenda Leslie, who'll be doing also a presentation on  
18 justice for P.E.I., and Tom Connors, a consultant who works  
19 with us at the tripartite level of negotiations and on  
20 other issues with the Native Council of P.E.I.

21 As we said earlier, the Native Council  
22 of P.E.I. has been engaged for over five years in  
23 self-government negotiations with the two governments.



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1 As a result, we believe we are in a position from a solid  
2 planning base to share with you our thoughts on some of  
3 the fundamental questions raised in your discussion paper  
4 number one, "Framing the Issues."

5                   You ask how Aboriginal self- government  
6 will lead to political and economic self- sufficiency.  
7 Self-government, by definition, is political  
8 self-sufficiency. This does not mean that it is all  
9 encompassing. Certainly not immediately, but  
10 potentially, over a period of time, Native people will  
11 make the important decisions that affect their day-to-day  
12 lives. Neither does this mean that Native self-  
13 government will be financially self-sufficient. In this  
14 regard, we will not be unlike every municipality and most  
15 provinces of Canada. What we do expect is that Native  
16 government will be allowed to subsist partially on its  
17 own resources, supplemented by a transfer of resources  
18 from senior governments.

19                   In additions to a transfer of tax points  
20 based on the current level of taxes paid by Natives, we  
21 see three other sources. First, since we are the original  
22 owners of the land, we think native government should  
23 receive a small portion or a portion of the annual value

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1 of the resources extracted and gathered from the lands  
2 and waters of Canada. Second, there will be--there will  
3 need to be a block grant similarly to equalization payments  
4 when the responsibility for major programs is assumed.  
5 Finally, there should be compensation to Native  
6 government, in lieu of compensation to individuals for  
7 longstanding alienation from their lands and systematic  
8 injustices to them as a people. Such compensation should  
9 take the form of a productive land base in the case of  
10 the Native Council of P.E.I.

11 As to economic self-sufficiency, some  
12 of the items I have just discussed will set the Native  
13 government down this road. Economic self-sufficiency for  
14 people is different. We have been trying to make two  
15 points with senior governments in this regard. First,  
16 the Native Council has tried to acquire economic  
17 development funds from Canada Manpower and C.E.I.C. Every  
18 time one of these new programs is announced, such as LEADS  
19 or LEAP, and Community Futures, NCPEI applies, but we have  
20 yet to be successful for one very simple reason. The  
21 Native Council represents Natives who live off reserve.  
22 They do not live in one municipality or community but  
23 are scattered across P.E.I. among the general population.

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1 All the C.E.I.C. programs define community as a group  
2 of people living in one contiguous geographic area, so  
3 the Native Council and its membership have never qualified.

4 The same reasoning has applied for financing of Area  
5 Industrial Commission by the government of P.E.I. The  
6 Native Council, as an Aboriginal government, would change  
7 this by defining community according to their  
8 understanding of community and using transfer payments  
9 to help people not places.

10 In another context, we have been  
11 critical of Native economic development and the Canadian  
12 Aboriginal Economic Development because they ignore  
13 reality, not only for Natives but the reality of most  
14 Canadians. The purpose of these programs is to assist  
15 entrepreneurs or anyone who would be self-employed. But  
16 statistics show that less than 10 percent of all Canadians  
17 are self-employed and these fall into two main groups:  
18 they are mainly either highly trained or long-experienced  
19 professionals or they are untrained people who work on  
20 own account for low wages.

21 The Native Council membership are not  
22 highly trained nor have they experienced--experience as  
23 business operators. We believe it is unreasonable to

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1 expect an economic change in the life of a people by  
2 treating them as entrepreneurs and holding them to the  
3 standard commercial terms of equity, risk and payback.  
4 Over a period of years there may be a few who will succeed  
5 this way and then may well become alienated from their  
6 people.

7                   If a Native government is established,  
8 the rules of economic development will be directed more  
9 to establishing or buying businesses for which the criteria  
10 will be survival, experience and collective returns.  
11 Subsequent to that period, Native people in P.E.I. may  
12 become individual owners, managers and better trained,  
13 better skilled workers. In the meantime, governments  
14 should help by providing employment in the Public Service  
15 at the same ratio as other Canadians. Fourteen percent  
16 have public sector jobs in P.E.I. compared to 1 percent  
17 of Natives. These jobs build the economy of a people  
18 slowly by improving employment habits, providing much  
19 needed experience and exposure to technology, increasing  
20 incomes, helping to establish an individual and common  
21 equity base. Employment in a Native government will  
22 suffice as well.

23                   Of course, this will require more land

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1 and resources under the control of Aboriginal people.  
2 We have been discussing this for many years and we have  
3 gradually brought the governments around to think they  
4 may safely transfer land for economic purposes. This  
5 makes us believe their citizens will see the justice and  
6 desirability of this as well. We would like to have land  
7 for other purposes, such as residence and social and  
8 cultural needs, but are prepared to accept the most  
9 land--that most land can have municipal uses--multiple  
10 uses.

11 In terms of resources, we believe a  
12 method and framework such as discussed above will be  
13 acceptable to Canadian people, especially when experience  
14 shows great benefits at little additional cost.

15 We believe there are two kinds of  
16 accountability. The Native Council of P.E.I. is a  
17 federally structured, democratically constituted  
18 association. Its successor government would have the same  
19 attributes. Women participate in governance as  
20 executive, as board members, as advisors and employees.

21 All regions are represented on the board and we have  
22 regional officers and outreach for certain functions.  
23 All major decisions go to the board monthly or bi-monthly,

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1 directors come--direction comes from an annual assembly  
2 of all members, and at large elections are held bi-annually  
3 for executive positions.

4                   This is accountability to the members  
5 for properly representing their interest, for doing what  
6 we can to assist their well-being, and for using the  
7 resources they contribute carefully.

8                   The Native government, we expect, will  
9 also be accountable to the senior governments who will  
10 be supplying the bulk of operating resources. We are aware  
11 of the form of accountability that provincial governments  
12 give to Canada for the many program functions in public  
13 welfare, economic development and a number of other shared  
14 jurisdictions and shared cost programs. We also accept  
15 that Native Council should be accountable to the Canadian  
16 people through their governments to continue to act  
17 honourably and democratically toward all Native people,  
18 honouring the Charter of Rights and Freedoms, language  
19 laws, environmental restrictions and other codes for the  
20 general good.

21                   Mr. Chairman and Commissioner, we  
22 believe the foregoing establishes the framework and sets  
23 an appropriate tone for Native government. In our

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1 negotiations, we have held consistently to those  
2 principles and assertions. It is our intention that the  
3 Native Council of P.E.I. would evolve into the off reserve  
4 native government of P.E.I. and that such continuity will  
5 ensure the principles are followed.

6                   We have discussed a list of programs and  
7 services that are a priority for our people. We have also  
8 indicated that some services should continue to be operated  
9 by senior governments, possibly under contract. Such an  
10 arrangement would be put in place in order to ensure that  
11 experienced and efficient operations continue, but in a  
12 way that ensure appropriate influence and control by our  
13 people.

14                   It seems to us that every Native  
15 government will want to define a different division of  
16 powers, unique to its members and responsive to their  
17 special circumstances. We expect we will evolve as we  
18 gain experience and others gain confidence, but we are  
19 very reluctant at this time to put any clear definition  
20 on the extent of our governmental undertakings and I thank  
21 you for this time. If there's any questions, I'll be glad  
22 to respond.

23                   **CO-CHAIR GEORGES ERASMUS:** On the point

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1 about the Native Council becoming the government, do you  
2 see any changes to the institution en route to becoming  
3 government, or do you just see it functioning the way it  
4 is right now and just assuming governmental jurisdiction?

5 **MR. GRAHAM TUPLIN:** Oh, no, I think I  
6 see very many changes that have to take place in order  
7 to be representative of all people. I think the way we're  
8 structured now, it's only a limited number of people speak  
9 at our annual assemblies on the issues and I think we have  
10 to find a way so that all people can speak, can get a voice  
11 at elections and to begin to develop their own programs  
12 for their own communities.

13 **CO-CHAIR GEORGES ERASMUS:** Do you see  
14 another level of government or other forms of government?  
15 I mean, rather than or in addition to the province-wide  
16 Native Council, would you also see local governments or  
17 regional throughout the Island?

18 **MR. GRAHAM TUPLIN:** That may be  
19 necessary at some point in time as we evolve, yes, because  
20 I think it's quite possible that some communities  
21 in--either in the east or the west end of the province  
22 would have--it would become necessary for them to at least  
23 start to develop service agencies in--to some extent.



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1 I'm not sure yet how far that would go and it would mainly  
2 depend on the people in those areas.

3 **CO-CHAIR GEORGES ERASMUS:** So you see  
4 the Native Council evolving to being a legislative body?  
5 That's the annual meetings or that--which would become  
6 the legislative body or--and the present leadership would  
7 be the executive arm?

8 **MR. GRAHAM TUPLIN:** Maybe I'll leave  
9 that to Tom and maybe he can just go on to that question  
10 if he wants. You want to take that on, Tom?

11 **MR. TOM CONNERS:** I think you have to  
12 keep in mind--

13 **CO-CHAIR GEORGE ERASMUS:** You've got  
14 the answers?

15 **MR. TOM CONNERS:** No, I do help and do  
16 some thinking about it. No, I think that the--you have  
17 to look at the Native Council of P.E.I as really a very  
18 small group of people in itself; although they're  
19 distributed across the Island, there's still only six to  
20 eight hundred of them in total, so it would be pretty  
21 difficult to have other governments on a regional basis.

22 But it would depend on what kind of services are being  
23 delivered: if there were municipal services, it might be

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1 necessary to have a branch or something like that. But  
2 as Graham said, the idea of them having offices, I think  
3 they would still be governed through the central authority  
4 of the Native Council but they could have a lot of freedom  
5 on a federative basis.

6                   The Native Council annual assembly is  
7 just that now: it's all the members of the Native Council,  
8 and it could not take on the nature of a legislative body,  
9 the annual assembly couldn't. But there is a board of  
10 directors and certainly they could take on that role, and  
11 the executive is also housed in the same place, so that  
12 from the centre it could be uniformly operated.

13                   **CO-CHAIR GEORGES ERASMUS:** Okay. In  
14 relation to the land and resources that you would say you  
15 would need, is there now some kind of process that you've  
16 plugged into or are you in the same situation as many  
17 Aboriginal people in the Atlantic that really has no land  
18 claim process that--

19                   **MR. GRAHAM TUPLIN:** We're in the exact  
20 same position. I believe through our discussions and  
21 negotiations with the--at the tripartite level, we're  
22 making some progress, as I alluded to in the report, but  
23 I think they're far from being finalized. I think there's

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1 some possibility of getting an economic base. Whether  
2 we can also develop a residential base, that's still  
3 uncertain.

4 **CO-CHAIR GEORGES ERASMUS:** Okay. Want  
5 to check and see if Viola has any further questions or  
6 comments.

7 **COMMISSIONER VIOLA ROBINSON:** You've  
8 been engaged in self-government negotiations with the two  
9 levels of government for two years--or five years, you  
10 say, and is this an ongoing process now, still?

11 **MR. GRAHAM TUPLIN:** Well, I think that  
12 the term that they use in these tripartite discussions  
13 is totally wrong. It's not self-governing negotiations,  
14 you're really only talking about programs and services;  
15 you're not talking about rights or treaties or anything  
16 else in that process. And I believe in order for--to  
17 advance any further than it is right now, even though it  
18 has been continued over that period of time, they must  
19 start to talk about Aboriginal rights, treaty rights and  
20 land specific for Aboriginal people.

21 **COMMISSIONER VIOLA ROBINSON:** Are  
22 you--when you talk about this model of self-government,  
23 it's more than just a delivery of services?

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1                   **MR. GRAHAM TUPLIN:** Oh, for sure.

2                   **COMMISSIONER VIOLA ROBINSON:** You're  
3 talking about land and you're talking about jurisdiction:

4                   **MR. GRAHAM TUPLIN:** Yes.

5                   **COMMISSIONER VOILA ROBINSON:** Do you  
6 have any idea--or I don't know if you told us or not, how  
7 you're going to achieve this now, since the Accord is gone  
8 or the constitutional--that framework is not-- won't be  
9 there now. Do you see yourself achieving or going ahead,  
10 proceeding, with the existing framework that you have now  
11 under this self-government arrangement or whatever?

12                   **MR. GRAHAM TUPLIN:** Well, I look at it  
13 positively even though that the Referendum proved No across  
14 Canada nationally, that on P.E.I. in particular, we're  
15 the highest in the Yes category of that referendum, and  
16 not only that but all provincial leaders, the federal  
17 leader as well as the territories and the Aboriginal  
18 leaders, supported that package, and I think there's many  
19 principles that are built into the Accord that can be still  
20 achieved without a constitutional entrenchment. So I see  
21 us advancing, yes, and I believe many of the things that  
22 we now have in place, such as housing, outreach, fisheries  
23 and many of the things that we're trying to achieve will

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1 eventually be constitutionalized and recognized as a form  
2 of self-government for Aboriginal people.

3 **COMMISSIONER VIOLA ROBINSON:** Are you  
4 going to be basing your right to self-government on the  
5 treaties in any way or how--

6 **MR. GRAHAM TUPLIN:** Personally  
7 speaking?

8 **COMMISSIONER VIOLA ROBINSON:** Well,  
9 does the Native Council of Prince Edward Island--

10 **MR. GRAHAM TUPLIN:** As the Native  
11 Council of P.E.I.? I think the Native Council of P.E.I.  
12 has always taken the position that we have Aboriginal  
13 rights.

14 **COMMISSIONER VIOLA ROBINSON:**  
15 Aboriginal rights?

16 **MR. GRAHAM TUPLIN:** Yes. And that we  
17 also have the Treaty of 1725 and the ratification of 1752.  
18 We also believe that the Royal Proclamation speaks in  
19 our favour and that we are a unique people within Canada  
20 and that all we have to do, and we firmly believe this,  
21 that all we have to do is exercise our rights.

22 **COMMISSIONER VIOLA ROBINSON:** That's  
23 all for now. Thank you.

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1                   **CO-CHAIR GEORGES ERASMUS:** Just going  
2 back to your sources of funding there. I noticed that--  
3 something I just didn't--hadn't noticed originally.  
4 You're expecting--you thought one way of funding,  
5 originally, would be a small portion of the annual value  
6 of the resources and extracted and gathered from the lands  
7 and waters of Canada rather than P.E.I.? You're looking  
8 at the whole country from coast to coast to coast as a  
9 source of annual--

10                   **MR. GRAHAM TUPLIN:** I don't think that  
11 was really meant to be or at least thought of in that sense  
12 but it's not outside the realm of possibility either.  
13 If you're looking at equal funding across Canada, and  
14 that's really what's happening now within the provinces,  
15 you have more funding coming from the federal government  
16 into P.E.I. than some other provinces, and it shouldn't  
17 be out of the realm of possibility for Aboriginal peoples  
18 from P.E.I. to receive the same considerations.

19                   **CO-CHAIR GEORGES ERASMUS:** Well, I  
20 understand that in relation to transfer payments and then  
21 block grants, but when you are actually talking about a  
22 portion of the return from the annual resources.

23                   **MR. GRAHAM TUPLIN:** I think we're

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1 speaking specifically of P.E.I. when that was mentioned.

2 **CO-CHAIR GEORGES ERASMUS:** Yeah, I  
3 would have thought, yeah.

4 **MR. TOM CONNERS:** But, nevertheless,  
5 P.E.I.'s lands, resources and waters are very limited.  
6 If there aren't enough there, then they would have to be  
7 shared across the country in the same way that everyone  
8 else is going to be sharing.

9 **CO-CHAIR GEORGES ERASMUS:** But don't  
10 you get that through the transfer payments, equalization  
11 grants?

12 **MR. TOM CONNERS:** But there we've  
13 specifically identified a kind of a royalty and a royalty  
14 could be pooled across the country and apportioned out  
15 on the basis of what's required to run the government.  
16 I don't see any real inconsistency there. If there was  
17 not a big enough pool from the P.E.I. lands and waters  
18 then it would have to be apportioned from the others.

19 **CO-CHAIR GEORGES ERASMUS:** Okay. Do  
20 you want to go to your other presentation?

21 **MS. BRENDA LESLIE:** Good afternoon, Mr.  
22 Chairman and Commissioner. The Native Council of Prince  
23 Edward Island has been in operation for over 15 years

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1 representing the social, cultural, and economic interests  
2 of the Native--Island Natives who do not live on reserves.

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

4 You're not going to present all of this word by word,  
5 are you?

6 **MS. BRENDA LESLIE:** It's been shortened  
7 a little bit. You have the longer version.

8 **CO-CHAIR GEORGES ERASMUS:** Okay because  
9 we can read it some other time. If you could just summarize  
10 what's there, to highlight the major points you want us  
11 to--

12 **MS. BRENDA LESLIE:** That might take a  
13 few minutes if that's okay with you?

14 **CO-CHAIR GEORGES ERASMUS:** Sure.

15 --- Whereupon hearing is recessed at 4:34 p.m.

16 --- Upon resuming at 4:35 p.m.

17 **MR. GRAHAM TUPLIN:** Mr. Chairman, maybe  
18 what we could do is just do the introduction and lead-in  
19 on the purpose of the study and then go back to the  
20 conclusions and, as you read through it yourselves, if  
21 there's any statistical questions that you may have, we'll  
22 try to respond to, and we'll try to allude to the situation  
23 that's now presently on P.E.I. Is that okay?



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1                   **CO-CHAIR GEORGES ERASMUS:** Sure.

2                   **MR. GRAHAM TUPLIN:** So just do the  
3 introduction and the purpose of the study, then stop.

4                   **MS. BRENDA LESLIE:** The Native Council  
5 of Prince Edward Island has been in operation for over  
6 15 years, representing the social, cultural, economic  
7 interests of Island Natives who live on reserves. For  
8 more than a third of that period, Native Council has been  
9 engaged with senior governments in process of negotiating  
10 self-government for its members. Law and justice  
11 structures, designed for an operated by natives, is on  
12 the agenda of those discussions.

13                   The Prince Edward Island Native  
14 population is considered to be similar to Native people  
15 throughout Canada. In its experience with the justice  
16 system, they are thought to be over-representated in terms  
17 of violations, arrests and incarceration. At the same  
18 time, they are thought to be under-represented in the legal  
19 profession, justice system officials and the correction  
20 system. Despite having lived under white man's justice  
21 for over 400 years, it remains an alien system.

22                   In the self-government negotiations  
23 process, or even in absence, the Native Council would be

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1 seeking to develop a plan and specific programs by which  
2 the Native Council and its member could reduce the  
3 incidence of conflict with the law and the resulting social  
4 programs.

5                   The Native Council undertook to do a  
6 study to develop specific information to propose a report  
7 and a plan to assist Native people to participate more  
8 actively and positively in justice system and to reduce  
9 the conflict with law. The study was conducted with the  
10 major assistance of the Law Foundation of Prince Edward  
11 Island and by the federal Department of Justice.

12                   Purposes of the Study: Four specific  
13 objectives were stated in the study proposal, supported  
14 by the Law Foundation:

15                   Number 1. To research the extent of  
16 Aboriginal involvement in the P.E.I. Criminal Justice  
17 System and compare with involvement for other groups and  
18 with Aboriginals in other provinces.

19                   Number 2. To develop a plan of action  
20 for greater Aboriginal involvement in criminal justice  
21 system in a positive way.

22                   Number 3. To ensure that the programs  
23 covered by the plan are useful to the target group and

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1 appropriate for the Aboriginal community.

2                                   Number 4. To share the results of the  
3 study.

4                                   The study is intended to provide hard  
5 evidence to confirm the need for Native justice structures  
6 and help to identify their nature. It would also result  
7 in--I can't make out that word--acquisition of basic  
8 documents to begin an Aboriginal Justice Resources Centre.

9                                   Excuse me for the delay, Mr. Chairman.

10                                  In conclusion, the purpose of this paper  
11 has been to confirm the need for Native justice structures  
12 under a self-government framework and to identify their  
13 nature. Such structures may include Aboriginal Justice  
14 Resource Centre for P.E.I and the Maritimes. The  
15 structure and activities would also result in reduced  
16 incidence of Natives in conflict with the law.

17                                  In Canada and in P.E.I., there is a  
18 number of Native organizations engaged in various areas  
19 of self-government including legal activity. Although  
20 still dependent upon generosity of the federal government,  
21 the Native Council at least has established a solid  
22 institutional base. As far as its self- government  
23 negotiations process and based on their research, earlier

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1 activities and its assessment of needs, the Native Council  
2 intends to develop its role in the justice system.

3                   As we have shown, there remains little  
4 evidence and no memory of Micmac customary law in regard  
5 to criminal justice. Unfortunately for both Micmac and  
6 white society, the cultural drift will continue to be  
7 toward more acculturation. Due to recent events, we  
8 should anticipate that this will be slowed and will become  
9 under greater control of Native people. Not only have  
10 Native people lost their law but to a large extent they  
11 have lost interest in it. For example, among elders and  
12 teachers, Native law now means, at best, Native people  
13 advising the justice system or Native enforcing and  
14 administering white law. Among offenders interviewed,  
15 there was no confidence expressed in Native police and  
16 Native courts were thought to have utility only in minor  
17 cases. Court workers, while useful, are thought to be  
18 more valuable in counselling to prevent offenses rather  
19 than intervening in court cases. Intervention by elders  
20 was considered worthwhile. In short, what we see is not  
21 a return to application of native justice but some  
22 appreciation of existing Native cultural values based to  
23 whatever extent they may be on traditional forms. Natives

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1 want to revise other traditional aspects of their culture  
2 as shown by their interest in Native support groups in  
3 prisons that are based on Native spirituality.

4                   A basic issue must be solved. It is to  
5 define the nature and the extent of jurisdiction of the  
6 Native system. While the onus will be on the Native  
7 governments to do this, existing legal systems will have  
8 to learn to be flexible and responsive. Since, in this  
9 region, customary law is unknown and is not expected to  
10 be of any real effect, Native people will have the  
11 difficult task of defining their own middle way. Thank  
12 you.

13                   **CO-CHAIR GEORGES ERASMUS:** Could you  
14 just mention some of the information in the middle? Why  
15 the conclusion is such that it came to--there was no  
16 evidence of the Micmac traditional involved, and is that  
17 also evident throughout the Atlantic overall or is it  
18 particular primarily--

19                   **MS. BRENDA LESLIE:** It is evident in  
20 P.E.I. The offenders that I have interviewed have  
21 requested and support groups for the Native people in  
22 prisons, long-term or short-term, more or less long-term,  
23 and they do not have their traditional values but are

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1 looking for ways to be tried by their own people on their  
2 own reserves if they live on reserves.

3 Others feel that a Native court worker  
4 would be helpful, you know, with the justice--with their  
5 offenses. Now I've quite a--I interviewed 15 offenders.

6 **CO-CHAIR GEORGES ERASMUS:** Could you  
7 just move the mike over a little bit?

8 **MS. BRENDA LESLIE:** Sorry. I  
9 interviewed 15 offenders and I'd say anywhere from five  
10 to ten elders or traditional people on customary law and  
11 there was--well, the offenders did not know anything about  
12 customary law or their customs as Micmac.

13 **CO-CHAIR GEORGES ERASMUS:** So you  
14 talked to five elders. Were you making a distinction  
15 between whether they were a status, non-status, or were  
16 you--

17 **MS. BRENDA LESLIE:** They were status,  
18 yeah, they were status. I was talking as status or  
19 non-status. The traditional people I have talked to are  
20 status and who live on reserves and who have given, you  
21 know, given me information on customary law as they have  
22 been told by their elders and grandparents, et cetera.

23 **CO-CHAIR GEORGES ERASMUS:** Do you think

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1 this is reflective of the overall Micmac community in  
2 P.E.I., the five elders that you went to talk to?

3 **MS. BRENDA LESLIE:** The elders that I  
4 spoke to were not from P.E.I. There was a few I spoke  
5 to on P.E.I., but were not familiar with the customary  
6 law that the Micmac people practice before European  
7 contact. They remembered R.C.M.P. and Indian agents and  
8 that sort of thing so they couldn't give me too much on  
9 customary for Micmacs and how it was practised.

10 **CO-CHAIR GEORGES ERASMUS:** Did you find  
11 evidence of customary law in other areas outside of the  
12 criminal?

13 **MS. BRENDA LESLIE:** I spoke with one  
14 person and they're practising--right now they have a  
15 program in the works right now and it's called a diversion  
16 program, which they have started. They work also closely  
17 with the court attorney's office.

18 Now the minor offenses that the Native  
19 people do, they are tried on their own reserve through  
20 the diversion program, and if the crime is very serious,  
21 then it goes back to the system now.

22 **CO-CHAIR GEORGES ERASMUS:** So this  
23 diversion program is an interception before they go to

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1 court as opposed to after, dealing with sentencing?

2 **MS. BRENDA LESLIE:** It's up to the  
3 attorney's office and the diversion program. Now, from  
4 what I'm told, there's 12 people sitting on the diversion  
5 program but only three would hand down the sentence, and  
6 sentence usually would, you know, come up to a community  
7 work or apologies, just rehabilitation of their own in  
8 their own base, in their own home.

9 **CO-CHAIR GEORGES ERASMUS:** Well, this  
10 is very, very interesting. Are you taking the next step,  
11 to look at the kind of changes you think need to occur  
12 in the present justice system?

13 **MS. BRENDA LESLIE:** Yes.

14 **CO-CHAIR GEORGES ERASMUS:** Okay. You  
15 might be interested in keeping in touch with us. We're  
16 going to be holding a round table on justice issues in  
17 about two weeks or so, two or three weeks, and we're hoping  
18 to deal with some of the fundamental questions of whether  
19 or not the present system can actually be changed.

20 **MS. BRENDA LESLIE:** We're hoping that  
21 the present system can be changed for our young offenders.

22 We have quite a few young offenders, and when it comes  
23 court-time, they're not represented by a Native person,



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1 they're not helped by any native person. They are directed  
2 to Legal Aid and they're not happy, they're not happy with  
3 Legal Aid. A lot of the people that I've talked to are  
4 really interested in having a Native court worker, a Native  
5 person, a Native lawyer to help them. There was a few  
6 offenders that I spoke to didn't know what their offense  
7 was or how to handle it or who to talk to and, therefore,  
8 were lost and their sentences were severe, like, they  
9 shouldn't have been.

10 **CO-CHAIR GEORGES ERASMUS:** What I was  
11 going to say was that we're going to be looking at whether  
12 or not the present system is fundamentally just unable  
13 to accommodate Aboriginal people, because perhaps at the  
14 root of the system, it's so different from the values and  
15 the culture of Aboriginal people. For instance, the  
16 confrontational nature of the actual courtroom, some  
17 Aboriginal people have said in the past, you know, is so  
18 different from the way that Aboriginal people deal with  
19 things that it may not be able to be changed.

20 So we're going to have a discussion.  
21 We're bringing together judges, both Aboriginal and  
22 otherwise, and some programs, some of these diversion  
23 programs and others that are existing across the country,

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1 six or eight of them, I think. And we're going to take  
2 a look at where that's at plus we're bringing together  
3 people like Murray Sinclair and others who were involved  
4 in the Manitoba Justice Inquiry, and I think we're trying  
5 to invite some people who were involved in a--the Marshall  
6 Inquiry and others. And we're going back down to the  
7 first, fundamental questions, and then we'll deal with  
8 whether or not it's simply a matter of just modifying the  
9 present system or if there really needs to be a parallel  
10 or a separate Aboriginal justice system or systems.

11                   Anyway, we will definitely keep you  
12 informed on that. Viola, did you have any questions?

13                   **COMMISSIONER VIOLA ROBINSON:** First of  
14 all, I want to thank you for your presentation and the  
15 way it's been done up here. It's going to be very helpful  
16 to us.

17                   So I just want to get this clear, that,  
18 I guess what you're saying is that the justice system itself  
19 is--is it the delivery of the justice system or is it the  
20 system itself that needs to be advanced? Like, you know,  
21 there is a justice system and sometimes it's the people  
22 who are in the system who--what makes it difficult. Is  
23 that what you're saying or are you saying that the system

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1 itself is--something wrong with it and--

2 **MS. BRENDA LESLIE:** You put me on the  
3 spot here with the system being a problem, I would agree  
4 there. But the Native people find it is. They're not  
5 told--a lot of the people I've talked to, and when the  
6 time to go to court, they don't know what to say, you know,  
7 plead guilty, plead quilty, or that kind of thing. They  
8 want someone, as a mediator, to explain. And they find  
9 that the justice system has ruled them wrong.

10 **COMMISSIONER VIOLA ROBINSON:** So I  
11 guess then certain--and it's the existence--existing  
12 system that you would like to see reformed or revamped  
13 that would accommodate Aboriginal people?

14 **MS. BRENDA LESLIE:** Exactly.

15 **COMMISSIONER VIOLA ROBINSON:** Some  
16 people are really looking at a parallel system, others  
17 are looking at a real separate system, but if it's just  
18 the present system that needs to be reformed, and, I guess,  
19 and have a better delivery system, including the Aboriginal  
20 people. I guess, you know, that's--I just want to get  
21 that clear and I think you've answered my questions. Thank  
22 you.

23 **MR. TOM CONNERS:** I wonder if I could

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1 just make a couple of comments. I think the problem that  
2 we try to identify or identified in actually looking for  
3 something else is that the Native approach to justice,  
4 being a small community, has been one of conciliation  
5 rather than punishment, and despite the fact that contact  
6 has been lost with the 400-years-ago tradition, there are  
7 still customary ways of the Micmac community, and those  
8 customary ways that may be, in fact, modern, are still  
9 not recognized and are not accommodated by the justice  
10 system so that what we tried to say was that the justice  
11 system has to recognize that we can't go back that 400  
12 years but the justice system, as it exists, still has to  
13 recognize those kind of differences. And the ways that  
14 was suggested doing it were changing the expenditure of  
15 resources more toward prevention of crimes or of people  
16 getting into trouble with the justice system, a diversion  
17 program, if they do get into trouble with the justice  
18 system, and then education on both sides to continue that  
19 kind of--the kind of approach and to continue that impetus.

20

21 **CO-CHAIR GEORGES ERASMUS:** On page 6 and  
22 7 there you talk about relevant comments of an elder at  
23 the bottom of the page and then at the top of the page.

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1 We recently had a trip to see the Navaho, and they have  
2 a whole justice system which is based on the points that  
3 you've just made here, particularly ones about the elders  
4 mediating between adults.

5 It really might be interesting for you  
6 to get your hands on whatever information you can get from  
7 there, particularly their peacemaker courts. Their  
8 concept of justice was to bring tranquillity back, balance  
9 back to the community, and so either elders or else highly  
10 respected leaders were used as traditional--hard to use  
11 judge, really, as the word, was more to bring peace back  
12 to the community. And so the family of their perpetrator  
13 then the family of the victim were brought together and  
14 they discussed until they arrived at a program of activity  
15 or repayment, whatever was acceptable to everybody, and  
16 everyone went away reasonably happy again. Either the  
17 incident might be between neighbours, might be between  
18 family, might be between a husband and a wife, and so forth.

19 But you might find that there is actually more information  
20 there than you realize if you were actually were to  
21 stimulate people's discussion because the kind of stuff  
22 that they're actually mentioning here, you can build a  
23 whole justice system on.

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1                   Anyway, I'd like to thank you for your  
2 presentation and I'm sure we'll continue our dialogue over  
3 the next couple of years. I'm glad you thought of coming  
4 back and keeping us informed of your work. It's excellent.  
5 It's going to be very, very useful to our researchers.  
6 Thank you.

7                   We're going to take about a 35-minute  
8 break. Around 5:30 or so if we could come back, and if  
9 the dancers and drummers are ready, we might at that point  
10 hear and watch the traditional Micmac dancers and drummers  
11 at that point, and then whenever that ends, if it's 15,  
12 20 minutes, half an hour, then we'll get into the mini  
13 round table discussion on youth issues.  
14 --- Whereupon the hearing is concluded at  
15                   4:51 p.m.