

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

LOCATION/ENDROIT: CRYSTAL PALACE CONVENTION CENTRE
MONCTON, NEW BRUNSWICK

DATE: TUESDAY, JUNE 15, 1993

VOLUME: 2

"for the record..."

STENOTRAN

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ROYAL COMMISSION
ON ABORIGINAL PEOPLES

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Moderator Darrell Paul

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1 Moncton, New Brunswick

2 ---Upon commencing at 8:30 a.m., on Tuesday, June 15, 1993.

3 **MODERATOR DARRELL PAUL** Good morning,
4 ladies and gentlemen. Welcome to day two of this session
5 on the Royal Commission on Aboriginal Affairs.

6 I would like to call on Elder Margaret
7 LaBillois to say the opening prayer. Margaret.

8 --- **Opening Prayer**

9 **MODERATOR DARRELL PAUL:** Just a quick
10 couple of remarks. We have a busy schedule today and we
11 are going to be pressed for time. So what we are going
12 to do is: The presenters are going to make their
13 presentations to the Commission in the time allotted.
14 The Commissioners and myself will ask a few questions at
15 the end of each presentation.

16 At the end of the day, if you look on
17 your agenda, there will be an open forum from 5:30 to 6:00.

18 We have to be finished by 6:00. So at that time, if
19 anybody has any points they would like to make, or bring
20 up, or to ask any questions, they can do so at the end
21 of the day.

22 So with that, the first presenter this
23 morning is from the Native Council of Canada. The

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1 presenter was originally Bob Groves, but in his place is
2 going to be Mr. Ron George. Ron.

3 **RON GEORGE, NATIVE COUNCIL OF CANADA:**

4 Thank you, Mr. Chairman.

5 First of all, I would like to thank the
6 people whose territory we are on, and I would like to thank
7 you for inviting me to make a submission during Round III.

8 We in the Native Council have the duty
9 to represent non-reserve Aboriginal peoples, both status
10 and non-status, as well as Métis people from Labrador to
11 B.C., and in the North West Territories. We are therefore
12 vitally concerned with every one of the sixteen areas
13 within your mandate.

14 We decided, however, to focus much on
15 our intervenor research work on one area that we felt was
16 most in need of solutions, self-determination for
17 Aboriginal peoples in Canada's larger urban centres. Not
18 because this is a main constituency. The people we
19 represent live in the bush, in small hamlets and in rural
20 areas as well. But we felt, collectively, that the need
21 in larger urban centres is great, growing and has been
22 ignored for far too long.

23 I would like to really highlight this

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1 particular issue here. It seems that most people have
2 the impression, and it is being given by media reports,
3 that Native Council of Canada is only interested in the
4 urban peoples.

5 The fact is, the Indian Act has left out
6 people who simply don't live on reserves, and those people
7 live not just in urban centres but all over Canada in rural
8 and remote areas. So that is one thing that I want firmly
9 established with this Commission.

10 The statistics are clear and compelling.
11 Native People in the cities are the fastest growing
12 population amongst Aboriginal peoples overall, and the
13 fastest growing in Canada as well.

14 Native People in the larger urban
15 centres has grown enormously over the past decade. They
16 now count about 400,000, almost half the total population
17 of Aboriginal peoples. This is a 61 per cent increase
18 over the 1986 figures, compared to a 41 per cent growth
19 for the total Aboriginal population in the same period.

20 Taking into account growth of the
21 population and inflation, federal expenditures for
22 non-reserve Aboriginal peoples declined 120.7 million from
23 1986/87 to 1992/93. As we all know, the Federal Government

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1 reserved its largest cuts for this fiscal year, so that
2 the total decline will top 250 million by next spring.

3 Provinces have not and do not make up
4 the federal short-fall. Most provinces spend the vast
5 bulk of their targeted funds on reserve, just like Ottawa
6 does. The result is an enormous demand for services,
7 infrastructure and representation, coupled with
8 entrenched inaction and cutbacks from governments.

9 A year ago the Royal Commission hosted
10 a National Round Table on urban issues, and you saw and
11 heard how crucial the services such as housing, friendship
12 centres and child and family support really are. You also
13 witnessed how tenuous the support for these services are.

14 Not only in the Provincial, Municipal or Federal
15 Governments, but in the rural and reserve-based Indian
16 and Métis political organizations as well. You asked,
17 quite rightly, for Aboriginal peoples to provide answers
18 about how we want to organize ourselves to deal with
19 identity issues and our relations with non-urban
20 communities, how we can deal with costs, economies of
21 scale, and about the authorities and scope of urban
22 Aboriginal Governments.

23 A year ago we had cause to hope and we

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1 were prepared to answer questions with enthusiasm.
2 Despite everything, we remain hopeful and committed. Last
3 year we were on a verge of a breakthrough agreement and
4 we were talking then about implementing the inherent right
5 with a guarantee of equity of access for all Aboriginal
6 peoples. Just the kind of leverage that urban Aboriginal
7 people have been demanding for over 20 years.

8 Remember that it was 20 years ago that
9 a group of young leaders named Ed Burnstick, Roy Little
10 Chief, Nelson Small Legs Junior and others formed the
11 Calgary Urban Treaty Indian Alliance. It was taken down
12 a long dead-end road of promises until the Department of
13 Indian Affairs pulled the plug and killed its hopes. It
14 killed more than hope. The price paid by Nelson Small
15 Legs Junior, and the hundreds of other victims since then,
16 is not forgotten.

17 We had hope last year. Now, a year
18 later, most of the services our volunteers have managed
19 to patch together over 20 years have been cut back to
20 starvation levels. This makes people mad. Despite a
21 backlog of over 100,000 people, the federal budget has
22 cut by 100 per cent to zero the availability of new
23 Aboriginal housing units off-reserve for next year. All

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1 off-reserve housing is cut back by the end of this fiscal
2 year.

3 First the Federal Government makes 17
4 different categories of non-status Indians, forces them
5 away from their homes, creates an off-reserve housing
6 program to the Department of Indian Affairs to further
7 entice people off- reserve, then it says you can't return
8 to your communities and then it cuts off one of the most
9 successful programs that the off-reserve peoples have
10 experienced over the last few years.

11 A place to live like any other Canadian
12 person expects and then they cut that off. Then they start
13 cutting off all of the budgets for the support groups that
14 are out there making these things possible. Then they
15 start cutting off Native Person's liaison programs,
16 cutting back education, cutting back communications as
17 soon as Tories got into power. Great, you take the land
18 away from the people, you take their culture and language,
19 force them off- reserve with those programs and then later
20 on take those away. That is a fine way to treat tax paying
21 citizens. The difference between treatment of brown
22 taxpayers and white taxpayers is the size of the Grand
23 Canyon in this situation.

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1 A 100 per cent cut, zero new housing for
2 the most ill-housed and ill-supported population in Canada
3 is now zero. Why?

4 Friendship centres, Native women's
5 groups, half-way houses, Aboriginal child and family
6 service agencies, representative organizations and many
7 others have received cuts of at least 10 per cent. Some
8 face cuts of up to 40 per cent in one year for both federal
9 and provincial agencies. This is on top of cuts that equal
10 50 to 80 per cent over the past decade. The latest federal
11 budget promises even higher cuts, up to 20 per cent, for
12 the future. Why?

13 People are made, but they are going to
14 get even madder. Just this April, the Federal Government
15 told the NCC that its proposal for legal recognition of
16 Aboriginal Authorities outside of the Indian Act system
17 was something provinces had to agree to first. Ottawa
18 will not move until provinces say it is okay. Why?
19 Provinces have a monopoly in this area, we were told,
20 because of something called "91.24". Something that could
21 more honestly be called "catch 22".

22 People are very mad, and it gets worse.
23 Just last month, less than three years after the Sparrow

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1 decision by the Supreme Court, the Fisheries Department
2 caved into pressures from white political action
3 committees targeting certain B.C. Cabinet Ministers.
4 They pulled out from any effort to reach negotiated
5 solutions for Aboriginal fishing rights. Instead, the
6 government is preparing an illegal delegation of fisheries
7 policy to provinces. They want provinces to hand out so
8 called "communal" licenses for the Aboriginal fishery
9 without any consultation with our organizations, without
10 any agreements with us, the people who hold the rights
11 in the first place. Why?

12 All these things have happened in the
13 last few months. Why has the Federal Government decided
14 to cut-back Aboriginal expenditures off-reserve? Why is
15 the government running scared and back-peddalling on
16 commitments and undertakings reached only last year? Why
17 is the Federal Government adopting a clear policy that
18 Aboriginal issues, at least off-reserve, are a provincial
19 responsibility?

20 Why is this happening in 1992, the United
21 Nations International Year of Indigenous Peoples? Is this
22 what is meant in Canada by the slogan towards a new
23 partnership. Some partnership.

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1 I am being told my some people, Native
2 and non-Native, to turn the other cheek, to let it slide
3 and hope for a better deal from the next government. I
4 am being asked to give it a pass, hold my nose and wait
5 for a change of government. I am not going to wait around
6 for a better deal. We are demanding a new deal, a new
7 deal for Aboriginal peoples.

8 Our people will not wait for solutions.
9 The people are the solutions and will make their own way.
10 That is self-government. That is self-determination.

11 The people will not wait for a Band
12 Chief, a Regional Chief or a National Chief, not for a
13 local, provincial or national president, not for Ottawa
14 and not for a province. They will march with their feet,
15 as they did last weekend, and they will act.

16 I just finished a cross-country caravan
17 with a substantial number of grass roots people who paid
18 their own way because they were tired of waiting for chiefs
19 and elected officials on or off-reserve to address their
20 issues. They wanted to march with their feet, as it were,
21 as it states in this report. We stopped in Calgary,
22 Regina, Saskatoon, Winnipeg, Kenora, Thunder Bay, Sault
23 Ste. Marie and were met by people in their urban centres.

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1 They all had the same story.

2 They are not really interested in
3 hearing about some national meeting, bands, organizations
4 or otherwise, talking about things that have no immediate
5 concern to them. They are worried about children living
6 off the streets. They are worried about the real issues
7 that happen off-reserve. They are worried about the real
8 way of life, living under bridges in the urban centres.

9 They know something is wrong. It is a system that
10 excludes them. They fall between the federal, provincial
11 cracks, something that could have been settled by the
12 Charlottetown Accord. That is what these people were
13 worried about.

14 Some of these people gave their
15 testimony, in the meeting we had this weekend, about how
16 they were sexually abused, right from the day that they
17 were adopted or fostered out, in their foster homes and
18 the residential schools and so forth, and living on the
19 streets from the age of nine simply to make their living
20 from prostitution. That is a shameful way for this country
21 to treat the First Peoples. Because of the policies of
22 the Indian Act and so forth, these little children have
23 no recourse. Shameful, the Year of the Indigenous Peoples

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1 1993.

2 In the meantime, the old national policy
3 continues to be implemented. A national policy of
4 assimilation and of apartheid. If you want to be an Indian,
5 go back to your reserve. If you want to be a Métis, go
6 talk to the provinces. If you want to live in town, become
7 white and join the only game in town, our game.

8 This is a solution, of course, and the
9 Commission is looking for solutions. Assimilation is a
10 solution, so is deportation, so is termination, so is
11 detribalization and so is the Indian Act called
12 "civilization".

13 This solution reinforces what has been
14 the public policy since 1876, to assimilate Native People,
15 to break up our traditional governments, to turn us into
16 immigrant farmers and to eliminate the Native problem for
17 evermore. That was the national policy of Sir John A.
18 McDonald and it has not been repealed.

19 Aboriginal people are here, in all of
20 Canada, to stay. We aren't going back to some far away
21 land where non-Native people won't be troubled by us.
22 This is our homeland. We are staying. It is our home.
23 This won't be pushed out, not again. We have no where

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1 to go. It is not like we are English and we can go return
2 to England, or French where we can return to France. We
3 are from here. The bones of our ancestors are in the earth.
4 The spirits are around us.

5 This is our home and yet we are living
6 under a colonial system that divides us into different
7 categories, 61-A, 61-B, 61-C, 61-D, 61-E, 61-F, Section
8 2, Section 7, Indians north of 60, Indians south of 60,
9 Métis, non-status. It is incredible. It is just shameful
10 how this government is treating the First Peoples of this
11 country.

12 The most damaging is to these young
13 children who live off-reserve in urban centres. I am not
14 down-playing the situation on reserves either because the
15 situation there is not favourable either, but at least
16 they have some support from the government. The people
17 off-reserve who pay the taxes are being treated in the
18 most despicable fashion.

19 We demand respect for who we are. We
20 are and want to be Wet'suwet'en, like me, or Micmac, like
21 my Vice-President Bill Fraser, or Métis or Ojibwa or
22 Gwitchen or Cree or Mohawk. We want to be at home. We
23 are tired of being treated like foreigners in our own land.

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1 We will not accept being strangers, having to adapt to
2 somebody else's rule book. We have rules, we have laws,
3 and by the Creator, we want them respected.

4 As you can tell, I have a lot of concern
5 about what has happened since last fall. We may have time
6 to explore this some more, but I have three other objectives
7 today.

8 First, I want to give you some views on
9 your paper "Focusing the Dialogue". You asked for a
10 considered response and you deserve one.

11 Second, I want to focus on some core
12 issues that seem to be getting less attention than they
13 deserve in your internal work and in your dialogue with
14 others.

15 Finally, I want to talk about getting
16 things done. How are you going to get your recommendations
17 implemented? How does this goal affect what you do from
18 here on in? In light of what has happened over the last
19 eight months or so, none of us can avoid this issue. We
20 have to consider the question of strategy.

21 "Focusing the Dialogue From Touchstones
22 to Recommendations". The Commission is to be thanked for
23 your work to date. Your reports and interim commentaries

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1 are proving useful and important. From the NCC
2 perspective, there are irritants and biases of the normal
3 type in how the Commission operates, and then some.

4 For example, an uninformed reader of
5 Commission Reports might think that the only Métis People
6 in Canada are based in the west and organized as the Métis
7 Nation. This is wrong and needs to be corrected. If it
8 is not, your recommendations will be distorted and less
9 than useful.

10 There is also a habit in some Commission
11 documents, and perhaps it is thinking, of referring to
12 non-reserve Indians, particularly the NCC's constituency,
13 as "urbanites", as if we do not also come from and represent
14 First Nations' communities. We represent urban Indians
15 and Métis, but also rural and remote communities as well.

16 We are equally human, equally Aboriginal and equally
17 responsible and concerned for our collective futures.
18 We represent peoples and nations as well, from a
19 status-blind perspective. Status-blind means we don't
20 recognize those numerous distinctions that I went through,
21 the 61-A, B, C syndrome. All we ask is that the Commission
22 respect this.

23 So unless people from this organization,

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1 the Commission, move away from the stereotype references
2 that the Indian Act has brought on us for so long, like
3 using terminology like urbanites, and treating the Native
4 Council of Canada constituency as if they are not
5 legitimate, then we see that the Royal Commission is
6 falling short in its mandate.

7 These are human feelings. The
8 Commission is made up of individuals. Individuals have
9 visions and they have agendas, and I stress agendas. We
10 are human as well and we have faults. Our people number
11 in the hundreds of thousands but they are scattered, and
12 our leadership poorly resourced and often unrecognized.

13 But there are expectations and they are
14 high. You are a Royal Commission, the only one to come
15 along for a few entries at least, and maybe our last chance
16 to see some truth and justice. So I apologize if we have
17 to set some standards that may seem to be obvious ones,
18 as if you may not actually share them.

19 What are my standards? I think they are
20 reasonable ones for the Commission and for the Canadian.

21 Your purpose is to mobilize facts and
22 ideas for change, not to ratify the status quo or build
23 upon the failures of the past. You don't want to squander

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1 existing capacities for progress, but you have to be able
2 to fish or cut bait on so called initiatives that are little
3 more than dead-ends.

4 It is in the interests of everyone that
5 Indian, Inuit and Métis societies be recognized as and
6 develop viable socio-economic and political units within
7 Canada as a federation. When I refer to societies, I mean
8 nations, not bands, or local communities, or non-profit
9 organizations, although the survival of one necessarily
10 implicate the other.

11 Ideologies, Aboriginal or
12 non-Aboriginal, and partisan views, while a valid part
13 of your field of study, should not be allowed to dominate
14 the implementation of the solutions that you identify.
15 If the Royal Commission on Aboriginal peoples does not
16 speak beyond the horizons of partisanship and entrenched
17 interests, it will have failed.

18 Starting with these goals means that
19 some solutions and some options for the future are just
20 not on, even those with champions behind them. The
21 Commission is not meant to please everyone, it is not in
22 the business of political negotiation. The Commission
23 is meant to provide a blue print of legitimacy for a range

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1 of goals and the solutions that can lead to these goals.

2 The Commission needs, as well, instruments for adjustment
3 and dispute settlement, methods to test whether your
4 solutions are working or not as they are implemented.

5 We all know that assimilation, what was
6 proposed 125 years ago and continued 25 years ago in the
7 white paper, has never been repealed as public policy.
8 It wasn't repealed and nothing has replace it. Now is
9 the time to replace assimilation as the main goal of
10 national policy.

11 There are still folks out there who think
12 that assimilation, by that name or any other, is the
13 solution. This attitude, this agenda, has to be rejected.
14 There are too many people involved, over half a million
15 by anyone's count. Do these people have less of a right
16 to self-government and self-identity than any other
17 Aboriginal group or community?

18 My three modest assumptions also mean
19 we have to come to grips with the Indian Act, at long last.

20 Ten years ago an all-party Committee of the House, with
21 Indian participation from the Native Council of Canada,
22 Assembly of First Nations and the Native Women's
23 Association of Canada, rejected the Indian Act as a basis

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1 for reform. But the Indian Act has not remained stagnant
2 while the rest of us sought wider change. The Indian
3 Act was amended in a major way in 1985. The original idea,
4 set out in 1984, was to eliminate discrimination and
5 restore some equity in band membership rules. That idea
6 was agreed to by the House of Commons, but died in the
7 Senate. Then the Federal Government added an element of
8 what it called "self-government" by proposing local
9 control over membership. This led to almost half the bands
10 in Canada passing, what many people now look back on as
11 a death sentence, restricted band codes that may terminate
12 membership entitlements for as many as 50,000 people who
13 received only conditional membership from Ottawa. Just
14 as all of the Aboriginal national leaders were fighting
15 against conditional rights in the Constitution, the Indian
16 Act and band leaders were opting into a conditional system
17 of local citizenship.

18 Now, who I call the Apartheid Senator,
19 Walter Twin, a 39 member band in an effort to keep out
20 300 members as a result of C-31, is before the courts trying
21 to overturn this law. What does Mr. Mulroney do but reward
22 him with a senatorship. A reward, I think, to further
23 entrench this apartheid law and system.

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1 We have now created a new category of
2 bandless Indians. More internal refugees to add to the
3 hundreds of thousands of non-status and non-reserve
4 Indians cut off from collective recognition. Think of
5 that. Some Indian people, with only a little prodding,
6 acted just as narrowly and with just the same kind of
7 short-term thinking that many Native People like to
8 complain that only non-Natives are liable to do. That
9 is what happened and it means the Indian Act becomes one
10 of your major challenges.

11 So it doesn't matter. It just seems
12 like the colour has changed from white to brown, as to
13 who the oppressor is the case of these band codes. People
14 who think that they know what is good for you and make
15 decisions on your behalf without your participation. That
16 is the situation between on and off-reserve people. That
17 is the direction it is going with, as I will be speaking
18 to later in this presentation, about the Indian governments
19 bills.

20 To make matters more obvious, three
21 proposals from some Indian Act Chiefs became widely
22 publicised earlier this year as an effort to build
23 self-government on the backs of the Indian Act. This is

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1 what I was referring to. I am not going to set out my
2 concerns with these proposals here, they have already
3 slipped back between the buckskin curtain, with a planned
4 return sometime next year. Some of the changes being
5 proposed may also be useful ones, but the point remains.

6 Why did we reject the Indian Act as a platform for the
7 future ten years ago, only to find ourselves spending all
8 of this time engaged in Indian Act reform, and opting in
9 and opting out, in alternatives and debates over whether
10 an existing band membership has the right, or legitimacy,
11 to control the future of a First Nation?

12 Nobody is proposing a referendum on this
13 matter. If they did, I suspect that these changes would
14 be rejected, but rejection is not the answer. The answer
15 must lie in the action, in affirmation, and in hope for
16 a future that is not making the reverse assumptions of
17 those I have set out.

18 Our three assumptions make it clear that
19 some major economic decisions have to be set out to provide
20 Aboriginal peoples with lands and resources. It is not
21 possible to support the right of self-government for the
22 existing reserve communities, for the north and the
23 mid-north and in rural areas, without providing the

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1 essentials for survival.

2 In some urban areas land will not be
3 required, at least not in the conventional sense of
4 exclusive lands or reserves. But resources and lands will
5 be needed, and they will not be found in the current land
6 claims' policies of the Federal Government. They might
7 be found in a land reform policy. We might find them in
8 the Canadian Bar Association's proposal for a land
9 acquisition process for reserveless Indians and Métis.
10 They might also be found in a simple acceptance that human
11 communities, to live, must have something to work with
12 in the way of lands and resources.

13 Why is it, after all is said and done,
14 that only Native communities are prohibited from growing
15 normally? Why do we have to go to court for 20 years to
16 prove what everyone else takes for granted?

17 So my assumptions are not neutral. They
18 point in very clear directions, which I hope the Royal
19 Commission shares. Above all, don't skirt the issues.
20 You are not going to be thanked by us for taking out patents
21 on political correctness rather than addressing hard
22 issues. Painting rosy pictures is not what we need. We,
23 and you, face major hurdles. We don't need any more new

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1 ones placed in our way. If you accept these assumptions,
2 and I think you do, then let's focus on how to get around
3 the major hurdles we all face.

4 I have already told you, in private, that
5 urban Aboriginal issues are not having an effective
6 influence in this Commission's work. We need a special
7 forum or round table to make up for the limited exploration
8 in last June's round table. Your own report makes this
9 obvious. You asked a lot of questions but you
10 offered few opportunities for answers and solutions. That
11 is fair enough, but who is going to listen now? What
12 opportunity for dialogue will the Commission provide?
13 I have asked for a convention of urban Aboriginal
14 representatives after Round IV, and I hope that the
15 Commission will heed the call.

16 As I mentioned, that cross-country tour
17 I have just finished certainly demonstrated from the street
18 people that there is a need for more resources for them.

19 I mean, these people are living on the streets. They
20 are worrying about a roof over their head everyday. The
21 last thing on their mind is: Where are they going get
22 money to make a presentation to the Royal Commission.
23 So there has to be special efforts. There has to be

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1 recognition that these off-reserve peoples, who are being
2 cut back by government continually, have to have special
3 consideration when it comes to preparing for Royal
4 Commission submissions. Otherwise, the mandate of this
5 Commission will have missed its mark. Otherwise, we will
6 simply be accepting the status quo of those who can, will,
7 those who can't, too bad.

8 Our research is focused on Aboriginal
9 self-government in the larger urban centres. I cannot
10 prejudge the outcomes of these studies. They involve
11 on-site research in Vancouver, Saskatoon, Winnipeg,
12 Thunder Bay, Montreal and Halifax, led by people with the
13 confidence of the local urban movements. We will provide
14 legal, financial, socio-demographic and political models
15 for your consideration, as well as the views and visions
16 of the people most affected. The people involved are full
17 of enthusiasm and hope. They are taking frustrations and
18 politics in stride.

19 But this is all for the autumn. Today
20 I want to focus on the framework for analysis and
21 recommendations that you and your fellow Commissioners
22 will be starting to map out this summer.

23 While the statement of goals set out in

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1 "Focusing the Dialogue" is fine, we see the approach of
2 the Commission in refining solutions as overly
3 conservative. Each segment of your report sets out a
4 theme, followed by some fundamental elements, and
5 concluded with some examples of what you think are model
6 solutions.

7 In regard to relationships, the theme
8 of relationships is too one-sided. The objective must,
9 surely, be to enlist the desire of non-Natives to learn
10 about Native People, and Natives to learn about
11 non-Natives. Can the Commission help in making it
12 acceptable to view relationships, like treaty rights, as
13 bi-national, as a two-way street? Can the Commission
14 advance the need for Aboriginal people to know about
15 themselves, and not only about other Canadians?
16 Aboriginal peoples must learn about other Canadians, and
17 be open to learning and sharing their unique contributions
18 and visions for the future. But to do this they must know
19 their own histories.

20 We are trying to do something about this
21 area of education. We notice that after ten years of
22 having Aboriginal and treaty rights affirmed in the
23 Constitution, nobody, least of all governments, had

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1 thought to produce a simple guide to aid ordinary people
2 in accessing these rights and making them real.

3 That would include members of the media,
4 who still make uninformed statements and false
5 assumptions, because of the lack of knowledge of the
6 situation that has transpired in this country for the last
7 125 years. The reference to the Native Council of Canada
8 representing non-status Indians, for instance, is a common
9 mistake made by the media.

10 After all that has transpired in this
11 country, in the International Year of the Indigenous
12 Peoples, it seems essential that this shortcoming be
13 addressed. That the simple history of what has taken place
14 under the noses of Canadians has to be put into the history
15 books, in a document or some kind of format that Canadians
16 can absorb so that these false assumptions will cease to
17 be perpetuated by bureaucrats and the media.

18 So the NCC has provided seed money to
19 the Aboriginal Foundation for Research, Education and
20 Economic Development, a foundation that we started to
21 assist off-reserve groups and other underfunded groups
22 to educate and provide economic advancements,
23 non-governmental source of funding. We are trying to help

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1 ourselves. No thanks to the government. We have decided,
2 through this foundation, to produce a handbook on being
3 Aboriginal in Canada, a kind of survival guide. The
4 foundation is now working on the handbook and hopes to
5 see it in the hands of tens of thousands of Native and
6 non-Native peoples by early 1994 to provide them with a
7 common basis for understanding and for action.

8 In regards to self-determination, the
9 basic framework set out by the Commission under the heading
10 of "self-determination" is sound, but more innovative
11 thought has to go into fleshing out the elements needed
12 for successful solutions. The potential for federal
13 framework legislation, for example, is a lot broader than
14 is usually thought. So is the need for the fiduciary
15 relationship to be grounded in concrete laws and policies
16 rather than the current practice of laws being challenged,
17 one at a time, and replaced in a patch-quilt approach.

18 The NCC has proposed, as well, that
19 Parliament can and should pass legislation that provides
20 government departments with a mandate to recognize and
21 negotiate with Aboriginal authorities, and to set out some
22 common terms for dispute settlement. Our recent proposal
23 for an Aboriginal Authorities Act could be explored more

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1 directly by the Commission.

2 And, I stress here, what we would be
3 doing, in this instance, is simply recognizing all of these
4 non-profit societies, and programs, and service delivery
5 agencies that have been in place since the first time the
6 off-reserve peoples began to organize, even before 1969.

7 They have been out there thriving by virtue of volunteer
8 community members living off-reserve, who had a vision
9 and resolved to try and make the lives better off-reserve,
10 in spite of all of these archaic and colonialistic laws
11 that are keeping us divided from our on-reserve brothers
12 and sisters.

13 We do, as I mentioned, not recognize the
14 different categories. Where do you think that our
15 constituents come from when we assist them in our
16 off-reserve authorities and entities? They come from
17 reserves, and yet we are continually being pitted against
18 our on-reserve brothers and sisters by the ongoing
19 on-reserve, off-reserve funding formulas that the Federal
20 Government continues to put in front of us. As
21 Mazenkowski's budget has recently done, it has cut us off
22 even further.

23 So simply recognizing the authorities

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1 off-reserve, and in the case of the lower mainland of
2 Vancouver where I am most familiar, these authorities have
3 been signing protocols with bands in the area of housing
4 and child care and have been working very smoothly and
5 cooperatively to look after their members who live in urban
6 centres, who we have been looking after with little or
7 no assistance from any organization or governments up until
8 the signing of these protocols.

9 So there is a method by which on and
10 off-reserve authorities can work, will work, and are
11 working, if there was a method by which it could be done
12 officially, i.e., the Aboriginal Authorities Act being
13 passed. It could be done through fiscal arrangements such
14 as the arrangements that are made between Canada and the
15 provinces, where the Federal Government gives monies to
16 Prince Edward Island, New Brunswick, and all of these other
17 provinces who do not have enough of a tax base. If transfer
18 payments to those underfunded and poor provinces is good
19 enough for them, it is certainly good enough for Aboriginal
20 peoples, especially when we pay taxes off-reserve as well.

21 The NCC has proposed that the Parliament
22 can and should pass legislation that provides government
23 departments with a mandate to recognize and negotiate with

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1 Aboriginal authorities.

2 We would note as well that the Commission
3 should be keeping close track on emerging discussions
4 between Aboriginal leaders and provincial and federal
5 representatives on frameworks for self-government. The
6 Commission has been invited to join us in a two-day session
7 in Inuvik, a month from now, where we will spend time in
8 trying to define the kinds of options that are feasible
9 and the elements that each option, to be successful, should
10 contain.

11 Regarding self-sufficiency, the
12 Commission may have struck a wrong chord in setting out
13 the issue of self-sufficiency. The chapter on this topic
14 misses an important point. This issue is about the
15 responsibilities of our people to provide for each other.
16 This means finding and developing resources. It means
17 redistributing wealth and paying taxes to ourselves. It
18 will also mean how to retool existing expenditures to make
19 them serve our interests, just as the interests of all
20 Canadians are supposed to be reflected in how their tax
21 dollars and common resources are spent. The Commission
22 should not be so shy about stating the obvious and dealing
23 with some practical solutions.

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1 Two months ago, for instance, the
2 Province of New Brunswick repealed the tax immunity dollars
3 for off-reserve peoples. When they did the consultation,
4 did they go and talk to the people that it was going to
5 affect? No, they went and talked to the Band Chiefs, and
6 made the decision in absence of the off-reserve peoples.
7 That is no way to build a future government, a cooperation
8 such as was discussed around the Charlottetown debates.
9 That kind of thing has to end. It has to be addressed.
10 You can't continue to push it away because it is something
11 that is not a popular topic.

12 Aside from grappling with the issue of
13 taxes, an obvious point of departure is to have Aboriginal
14 peoples directly involved in making decisions about how
15 money is being spent. Tom Siddon recently suggested an
16 Aboriginal Parliament for this function. I don't know
17 what Mr. Siddon really meant by this, but the NCC proposed,
18 last year, a national legislative body called the House
19 of First Peoples that could have a variety of functions,
20 including that of providing accountability for federal
21 expenditures. This is still a viable and pragmatic
22 approach that should be implemented and it does not need
23 to wait for any constitutional amendment. Perhaps we

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1 could name our House of First Peoples, the House of Common
2 Sense.

3 Outside of Ottawa's direct Aboriginal
4 Affairs' budgets, much of what affects Native peoples,
5 is not accounted for in Parliament, but in transfers to
6 provinces. This is dealt with behind the scenes by
7 administrative arrangements. The provinces have never
8 been required to meet conditions for Aboriginal specific
9 expenditures in how they spend the resources they acquire
10 through transfers. That is why the NCC joined several
11 provinces two years ago in fighting the arbitrary withdraw
12 by Ottawa of its agreements under the Canada Assistance
13 Plan. Native people were the ones who ended up paying
14 for this restraint measure. So we have also proposed
15 direct Aboriginal representation in the negotiation of
16 CAP and Established Program Financing, the
17 intergovernmental five year plans that govern fiscal
18 federalism. This could lead to two kinds of measures,
19 conditional transfers where regional Aboriginal
20 organizations must be full partners in expenditure
21 management, and the development of a formula for direct
22 transfers to Aboriginal governments and agencies. The
23 Royal Commission should stress the need for this approach

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1 as well.

2 As for the healing, the Commission has
3 struck the right tone here. Healing within our
4 communities and families is the surest way to
5 self-determination. Aboriginal peoples are, in the end,
6 only too aware of the damage we ourselves do to each other
7 and to our children as we stumble along trying to avoid
8 the traps others have made for us. The longer we delay,
9 the more our children must pay with the loss of their
10 innocence and hope at stake.

11 Again, throughout the caravan that came
12 across Canada from east and west --

13 **MODERATOR DARRELL PAUL:** Ron, if I just
14 might interject here a little bit. Our time is limited
15 and your presentation is fairly lengthy and is taking up
16 time that is going to run into somebody else's time. So
17 I wonder if you could maybe summarize from here on or try
18 to keep within the time allotted.

19 **RON GEORGE:** Why don't I just submit
20 this in writing then and just leave it open for questions.

21 **MODERATOR DARRELL PAUL:** You could do
22 that, and at the end of the day in the open forum --

23 **RON GEORGE:** We came here at the

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1 invitation of the Royal Commission to provide solutions,
2 and I think that is what we are trying to do here, and
3 to make some clarifications along the way. I think I have
4 the right to do that without interjection by the Chair.

5 We do have a time frame that is plenty. We have two hours
6 that were agreed to. Unless something has changed, I
7 intend to stay within that limit.

8 **MODERATOR DARRELL PAUL:** Well, we are
9 pressed for time and we have a full day, and we have to
10 hear from others as well.

11 **RON GEORGE:** Well, somebody should have
12 explained that to us before we started.

13 **MODERATOR DARRELL PAUL:** These are my
14 instructions as the Chair.

15 **RON GEORGE:** Do we not have two hours?

16 **CO-CHAIR RENÉ DUSSAULT:** Well, we are
17 going to check with our staff what happened because we
18 were not told that. Obviously it is not scheduled for
19 two hours on the agenda.

20 What I suggest is that we still go for
21 15 minutes, and then we break to meet with our staff to
22 see what the situation is.

23 **RON GEORGE:** Well --

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1 **CO-CHAIR RENÉ DUSSAULT:** Because
2 obviously it was not the understanding that it would be
3 two hours. I realize that you presented us with a
4 substantial brief this morning.

5 **BOB GROVES, NATIVE COUNCIL OF CANADA:**
6 Maybe, Judge, I could just fill in. At the Commission's
7 request at the NCC meeting on April 20th -- requested an
8 interim submission by the NCC, and we had two choices,
9 Vancouver or Moncton, on the basis of the amount of time
10 that was available. John Moriseau said: Better Moncton
11 because you can have a clean two hours. Until this
12 morning, that was the understanding. It was confirmed
13 as of yesterday. That is why the submission is structured
14 the way it is.

15 **CO-CHAIR RENÉ DUSSAULT:** Obviously
16 there was a bug somewhere. My suggestion is still valid,
17 that we run for another 15 minutes, and we break for a
18 short coffee break, and we are going to sort this out.

19 **GRAHAM TUPLIN, NATIVE COUNCIL OF PRINCE**
20 **EDWARD ISLAND:** I had a presentation to make this morning.

21 It is just a brief one, and I have 45 minutes. I can
22 table my presentation, allot my time to NCC because I will
23 be sending in my presentation by the end of the month to

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1 the Commission. That will give more time to the NCC. If
2 that is all right with you.

3 **CO-CHAIR RENÉ DUSSAULT:** Well, it looks
4 certainly very helpful. I would not like, though, to
5 preclude you to say a few words to the Commission. Let's
6 make this 15 minutes and we will have a short break and
7 we will try to accommodate the needs of everybody. Thank
8 you.

9 **RON GEORGE:** Well, I must say, I am
10 pretty disgruntled with the turn of events here. It was
11 at your request that we do this, so we prepared accordingly.

12 It just reinforces the concern that I raised earlier about
13 the ability for off-reserve people's voices to be heard.

14 The length of this presentation was to
15 reflect the inability of those people, that I am talking
16 about, living under bridges to be able to plug into the
17 system.

18 Since you have given me this new turn
19 of events --

20 **CO-CHAIR RENÉ DUSSAULT:** I would like
21 to be clear here. We already gained --

22 **RON GEORGE:** We have spent at least five
23 minutes debating this issue now, and if we were allowed

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1 to continue the problem wouldn't be here now.

2 **CO-CHAIR RENÉ DUSSAULT:** My suggestion
3 is that you go on and then we break for 15 minutes. We
4 have already gained an additional 40 minutes and we are
5 going to try to make it possible for you to be heard fully
6 because we are, as you know, very much interested in having
7 you here and we just want to organize our schedule in a
8 way where people will feel comfortable. Thank you.

9 **RON GEORGE:** Okay. At this point,
10 then, I am going to register our official chagrin at the
11 treatment that we have just received.

12 Also, at the last hearing on healing,
13 which was something that we were the impetus for, we weren't
14 even mentioned. So I caution you to cease to continue
15 this type of treatment because the Commission is supposed
16 to be for everyone and we were trying to do our best to
17 cooperate. Again, for people who are the least able to
18 plug into the system due to the lack of resources and the
19 continued treatment by the government. So I will
20 continue, thank you.

21 As for the healing, the Commission has
22 struck the right tone here. Healing within our
23 communities and families is the surest way to

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1 self-determination. Aboriginal peoples are, in the end,
2 only too aware of the damage we ourselves do to each other
3 and to our children as we stumble along trying to avoid
4 the traps others have made for us. The longer we delay,
5 the more our children must pay with the loss of their
6 innocence and hopes at stake.

7 This theme needs to be broadened and made
8 the centre of the circle. Where does the healing begin
9 and end? In the family, and in personal relationships,
10 not in the rhetoric about self-government, or power, or
11 financial accountability. It starts and stops in the
12 family, the home, the lodge, the clan, between persons
13 linked by common responsibility and common destiny. I
14 think this touchstone provides its own answers to anyone
15 with ears to listen and a heart to feel.

16 In particular, we think it is worth
17 taking a new look at Aboriginal rights and Aboriginal
18 governments by taking the family as the basic unit of both
19 and investing resources at that level in order to advance
20 the cause of healing and self-determination. All
21 Aboriginal communities are rooted in family structures
22 and in family systems of the dispute settlement that must
23 be strengthened if the communities are to find peace and

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1 the capacity to move forward.

2 Your major task is to find a way to
3 implement recommendations. We have spent a fair bit of
4 time in defining frameworks for implementation. Our last
5 effort was during last year's Constitutional negotiations
6 on self-government, when we got all governments and
7 national Aboriginal organizations to the point of
8 agreement.

9 My concern, and it is my greatest concern
10 about this Commission, is that you can come up with the
11 perfect set of principles, you can define with great
12 clarity a framework and an action plan, but it is all
13 largely academic unless and until the climate for change
14 is in place.

15 We were forced to become as much a part
16 of negotiating the Canada Clause, the recognition of
17 Quebec, and the issues of federal, provincial power
18 divisions and national institutions as we were the focal
19 point of discussions on self-government. This meant that
20 we, as Aboriginal leaders, were asked to take collective
21 responsibility for all elements of the new Canada, not
22 just for our slice of the pie.

23 Secondly, the sheer fact of amending the

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1 Constitution gave us an ability to convince Canadians to
2 really believe that change was happening in a significant
3 way. Making change believable is probably the most
4 significant value of amending the Constitution. If you
5 change that, everyone believes that change has come for
6 good. There is no looking back.

7 Can the Royal Commission come up with
8 a scenario that can take the place of these two essential
9 ingredients? All Royal Commissions face this challenge
10 to some degree, but since October of last year you face
11 it in spades. We all hoped two years ago that your focus
12 could be on matching up the vast but disorganized expertise
13 of our people, Aboriginal and non-Aboriginal, with a
14 framework of goals that the Constitutional process would
15 provide ready-made.

16 But we cannot assume that Legislatures
17 and First Ministers and Leaders will be primed and
18 motivated like they were last year, nor can we assume that
19 there will be any chance to build an integrated reform
20 movement. We might be faced with a process that carves
21 off Aboriginal solutions as "special" or "first in line",
22 and this might preclude trade-offs and invite the politics
23 of envy.

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1 The Commission will also need help if
2 it wants to avoid being added to the same dustbin of history
3 that has greeted most Royal Inquiries and Commissions.

4 One thing that might help you in engaging
5 the wisdom and judgment of those who have gone before you.

6 Since 1960 there have been dozens of Royal and other major
7 Commissions of Inquiry in Canada and dozens of provincial
8 Royal Commissions. Some of these have even focused on
9 regional Aboriginal on northern issues, but few have ever
10 had success in seeing their core recommendations being
11 acted upon.

12 We have done a study on all these
13 Commissions. Some were looking at fundamental elements
14 of Canadian politics, such as the economy and bilingualism.

15 Others were looking at key Aboriginal issues, such as
16 northern development and Indian land policies. But I can
17 be pretty sure in guessing that many of the Commissioners
18 and senior staff who worked on them have formed judgments
19 about how not to go about getting recommendations
20 implemented. About this time next year, I strongly
21 suggest that you bring a cross-section of these people
22 together to gain their advice about how you might fare
23 better.

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1 Another strategy for getting your
2 solutions implemented is to avoid organizing your
3 recommendations by unconnected theme or by any narrow idea
4 of who the Aboriginal peoples are. I am the first to admit
5 that the Inuit might be the exception. But for most
6 Indians and Métis, the solution will be in the process,
7 and the processes will overlap. Are they open? Are they
8 available to the people? Do Native people have local
9 control and a real democratic say in the result? Is there
10 a timetable that everyone can share and believe in? These
11 are the basic questions.

12 My point is that organizing your agenda
13 by the process and the timetable involved may allow the
14 Commission to be truly pragmatic by forcing the issue of
15 implementation. Instead of asking what self-government
16 should look like, say how and when it should be implemented.

17 Instead of asking what land claims or rights mean, state
18 when and how land rights and needs should be met. Instead
19 of asking whether or why Native languages and cultures
20 should survive, propose concrete measures to implement
21 this goal, set out over a defined time frame for action.

22 "Affirming Prior Agreements". In the
23 short-term, whether through interim reports or for

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1 immediate action after 1994, the NCC proposes concrete
2 affirmation of the positive and uncontroversial agreements
3 reached in 1992, along with a strong recommendation from
4 the Commission to denounce the futile and harmful
5 responsibility wars currently being waged over non-reserve
6 Aboriginal people. This affirmation would include
7 implementation of the areas of political agreement untied
8 to any need for constitutional reform, including treaty
9 rectification, Aboriginal representation in the House of
10 Commons, Aboriginal role in the appointment of judges,
11 etcetera.

12 "Making the Fiduciary Relationship
13 Concrete". In the mid-term, the NCC proposes that the
14 single most important act of any government would be to
15 express a commitment to its fiduciary obligations by
16 reflecting its seriousness in legislation to pass a
17 Fiduciary Obligation Act that would codify the already
18 judicially approved standards that tell us when a fiduciary
19 obligation exists, and the obligations of governmental
20 agencies, including Aboriginal ones, in meeting those
21 duties.

22 "Constitutional Preparations". The
23 timing of your report and the existing requirements for

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1 a Constitutional Conference on the amending formula by
2 1997 point to a major opportunity to set a clear progressive
3 constitutional agenda. To spark dialogue, the NCC reminds
4 the Commission of its own, the AFN's and Premier Ghiz's
5 proposals for a National Treaty. The need may be broader
6 now, for a national covenant, but such a vehicle seems
7 essential.

8 The long-term strategy for the year 2001
9 and beyond must embrace economic and socio-demographic
10 trends and opportunities. Our recommendations are more
11 tentative here, but they point to the need for the 100
12 or so Aboriginal Nations that can be organized for
13 significant autonomy to be the essential planning units
14 for the Aboriginal order of government with a program of
15 resource reallocation on the basis of natural growth needs
16 and socio-cultural sustainability.

17 My final remarks speak to challenges
18 that are specific to our situation, the non-reserve Indians
19 and Métis peoples, in the hope that they will become major
20 platforms in your analysis.

21 One million Aboriginal peoples live in
22 Canada, but only 350,000 of these live on lands that are
23 effectively owned or controlled by Aboriginal peoples.

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1 That is an effect of colonization. There is no short way
2 around the fact, Aboriginal peoples have been stripped
3 of the basic tools of collective, social and economic
4 survival and growth. The question is, what to do about
5 it.

6 The last five years point to a new
7 reality, governments in perpetual deficit and under
8 constant pressure to withdraw from both old and new
9 expenditures. How Aboriginal self-government is to
10 emerge in this climate is one of the biggest challenges
11 facing the Commission, not only in the technical sense,
12 but in the sense of mobilizing public opinion.

13 This means that you, as federal Royal
14 Commissioners, are already destined to be caught up in
15 a battle over whose responsibility it will be to implement
16 your recommendations.

17 The challenge is that confederation has
18 operated on the assumption of two orders of government.

19 This assumption is what sets the stakes, the players and
20 the rules of the game. This assumption must be overturned
21 swiftly, not gradually. If gradualism is the approach,
22 then we will be limited to three practical alternatives
23 for self-government, federal reserve enclaves, provincial

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1 delegated authorities or some condominium approach where
2 local Native leaders have to dance to both Ottawa and their
3 provincial capital to get a road build, more land for
4 housing, a curriculum changed or have a sick child receive
5 decent health services.

6 If we want to break with the two-order
7 assumption, then how are we going to generate a willingness
8 to change quickly enough so that the current alternatives
9 we are facing, all based on the two-order model, do not
10 become entrenched and unchangeable.

11 I can't say that such a willingness now
12 exists in either Ottawa or in all provincial capitals.
13 This is your dilemma. It is our tragedy if it cannot be
14 resolved.

15 Thank you.

16 **CO-CHAIR RENÉ DUSSAULT:** Just before
17 breaking for a coffee. You provided us with two appendices
18 or additional documents, one is entitled "Fiscal Relations
19 and Arrangements", "Aboriginal Patterns and Trends for
20 Answers". Could you just explain what is involved in it?

21 **RON GEORGE:** I will leave that to Bob
22 Groves because he has been working with our intervenor
23 program and the team that is working on this. I have been

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1 somewhat removed with my other duties so I will leave it
2 up to him to answer the technicalities.

3 **BOB GROVES:** Very quickly.

4 First, Fiscal Relations and
5 Arrangements document was prepared actually for an
6 intergovernmental meeting several weeks ago. That was
7 held the First Post-Charlottetown Intergovernmental
8 Meeting on Aboriginal Affairs. It does provide a summary
9 of where things are going, and some of the suggestions
10 we have put to intergovernmental circles, which would be
11 of use to the Commission.

12 The Second document is entitled
13 "Jurisdictional Capacity of the Provinces and Aboriginal
14 Self-Government". One of the critical issues being, at
15 the moment, provinces being faced with enormous
16 off-reserve, non-reserve Indian and Métis population
17 demands, communicational demands, demands for rights, as well
18 as for program services in government.

19 Some of them are panicking. So one of
20 the usual ways they respond is to say that they don't have
21 a jurisdiction, they don't have a capacity, they don't
22 have responsibility. So what we did was prepare a legal
23 analysis of where we thought, in fact, they did have

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1 capacities, and in what way they could be exercised. If
2 this was a wise thing to do, leaving aside the policy
3 question.

4 Then a little chart is at the end
5 providing some of the pigeonholes for implementing
6 legislation that provinces, in fact, can get involved in
7 against the kind of process agreements that could lead
8 to those implementing acts.

9 There was a third document, actually,
10 that has been tabled with you as well. We just didn't
11 give them to you because they are too heavy and they would
12 clutter up the table. We have done an analysis of the
13 three Indian Act alternative legislation bills that were
14 prepared, and they are all contained in here. Some of
15 them are labelled secret, so some of you get to enjoy that.

16 As well as a legal analysis done for us. This is not
17 the opinion of the NCC, this is a legal analysis prepared
18 for the NCC, but we have shared this with everybody for
19 their own analysis.

20 So we will also provide that to the
21 Commission. I know that you are looking at that as well.

22 **CO-CHAIR RENÉ DUSSAULT:** Thank you very
23 much.

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1 I suggest we take a five to ten minute
2 break and we will resume for question period and
3 discussion. Thank you.

4 --- Break at 9:53 a.m.

5 --- Resume at 10:11 a.m.

6 **MODERATOR DARRELL PAUL:** So what we are
7 going to do is have a question period on the last
8 presentation. After that, we will go into the Native
9 Council of P.E.I. for ten minutes or so. If we need to,
10 we will go on until 12:30, and at that time we can break
11 for lunch.

12 Have the Commissioners any questions?

13 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

14 First of all, I would like to thank you
15 for this presentation that is, what ever we could call
16 it, some kind of progress report towards the presentation
17 that the Native Council of Canada will be submitting to
18 the Commission next fall.

19 If makes a big difference for us to
20 receive this brief this morning, even if it does not
21 represent the final research and thoughts of the Native
22 Council of Canada. To get some kind of progress report
23 that is quite frank, genuine and also to have those

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1 appendices is very useful to us.

2 I think you are aware that we are dealing
3 with very difficult issues here, and you are certainly
4 right when you said to the Commission that the Commission
5 should address those issues quite squarely.

6 I would like to start with asking you
7 for some clarification on the data of the population
8 because since the figures of the census came out last March,
9 in many of the presentations, whether friendship centres
10 or other organizations in the cities or in the rural areas,
11 that off-reserve data is used in a way that could be
12 misleading. Frankly, we would like to know your point
13 of view on that.

14 According to the census, as you said,
15 there is over a million and two thousand people who reported
16 having Aboriginal origins. According to the survey made
17 by Stats Canada, and this is a figure we have for the first
18 time, out of these million people there are 625,000 people
19 who stated that they were of aboriginal identity.

20 I suppose that there are all kinds of
21 views in between those two figures. The Commission will
22 have to deal with those because that will be the data on
23 which we are going to rely, the most recent one.

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1 When you say in your brief on page one
2 that the count is about 400,000 people, an increase of
3 61 per cent, off-reserve. Of course, we know that there
4 is this distinction between origin and identity. When
5 you take the figure on the registered Indians and those
6 who live on reserves, it is not clear. I think it is
7 important in the minds of the public, of course,
8 identifying as an Aboriginal person. This is the
9 strongest criteria.

10 Obviously this figure is much lower when
11 we take out of the 625,000 people, the people who live
12 on reserves, it does not give 400,000. Could you tell
13 us where you stand on that? What is your view on the data
14 that came out from Stats Canada?

15 **RON GEORGE:** Well, we are presently
16 completing and analysis on the last census figures. There
17 are a number of factors that appear immediately. The
18 questions, up until the present time, haven't been
19 conducive to getting the kind of information that can be
20 used, along with other issues like Oka, the Charlottetown
21 Accord process, which raised the level of awareness for
22 Aboriginal peoples.

23 It is the point where they would begin

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1 to identify as Aboriginal since they see that they are
2 stakeholders or that it is not politically sensitive to
3 identify as Aboriginal people.

4 In regards to the analysis, again, my
5 assistance, Bob Groves, will be able to give you more
6 technical data of some of the analysis that have taken
7 place already. Vic Valentine is the person that has been
8 doing the work for us from Carleton. He and Bob have been
9 working closely on this, so Bob would be willing to explain
10 the technical aspect.

11 **BOB GROVES:** Well, you ask a very
12 crucial question for the Commission. I know that you have
13 a team working on data under Andrew Signer, and Professor
14 Valentine, for our part, is working on a committee with
15 him.

16 Professor Valentine has a nice way of
17 wrapping it all up by saying that there has been census
18 violence for 125 years against Aboriginal people. From
19 1891 to 1941, the census, in fact, did ask peoples origin
20 in terms of being Indian, Inuit and half-breed.

21 The term Métis did not appear until 1981
22 because half-breed was a term that was in federal
23 legislation. In 1981 a question was asked, but of course

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1 the first time there wasn't consultation on this. The
2 question was asked in way and it basically said: When
3 your forefathers first came to this country what were they?
4 What origin were they? It asked you, North American
5 Indian, Inuit and Métis. Kind of a strange way to ask
6 the question about First Peoples. You had to kind of
7 figure out, well, were they Métis when they first came
8 to Canada. So it is a hard one.

9 There has been controversy over the
10 figures. Of course, there is a million of Aboriginal
11 decent. It is the only population of which that question
12 is asked. For example, there has been a practice we have
13 noticed in the last 30 years of a very rapidly growing
14 identification in Quebec respondents to questions of
15 national origin, to answer 85 per cent Québécois. When,
16 in fact, Québécois is not even in the category. It asks
17 for origin in the context of French, or Belgium, or English
18 as in England, French as in France because people use the
19 census in their own way.

20 The only question to be asked about
21 self-identification was asked in a survey in 1991. In
22 a survey response of, basically, 20 per cent of the
23 respondents, who themselves were 20 per cent of Canadian

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1 public. In other words, 20 per cent of the Canadian public
2 was asked the Aboriginal origin question. Of that, those
3 people who said yes, were surveyed, 20 per cent, roughly,
4 of them were surveyed. Mostly on-reserve, less
5 off-reserve. About 50,000 off-reserve and about 70,000
6 on reserve.

7 And then, of course, that is where you
8 get the figure 630,000. Now that may well be statistically
9 accurate, it may not be, but at the very least we know
10 that we cannot say much about the figure because there
11 is not trend. The question was not asked in 1986, it wasn't
12 asked in 1981. There was a question asked in 1986, but
13 it was never released or published.

14 So we end up with this debate over
15 whether there is really a million or 630,000 Aboriginal
16 people. I guess the short answer is that there is at least
17 400,000 who have uncertain identity. There are 630,000
18 who have clear identity. The figures also show, for
19 example, of the 511,000 status Indians in the country,
20 only about 420,000 reported as being self-identified as
21 Indian.

22 Now that is an interesting statistic,
23 but what does it really tell us. It tells us that people

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1 use the census for their own purpose. Of course, we have
2 to remember that Statistics Canada, questions that are
3 asked in each census, are approved by Cabinet for reasons
4 that it should be understood, they are political. They
5 are political considerations for how you ask questions,
6 and why, and if you ask questions. It wasn't until 1981
7 that the question was really even asked for the first time.

8 So we will provide the Royal Commission
9 with our own statistical analysis that we started producing
10 last year and that we have been doing versions of all the
11 way along. But, as you know, it won't be until August
12 of this year that a useable data release comes out on the
13 post-census survey in 1991, which is roughly eight months
14 late.

15 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

16 What we know for sure is that in December
17 1991 there were over 500,000 registered Indians, out of
18 which 300,000 or 400,000 were living on reserve. So that
19 means that at least 200,000 status Indians live
20 off-reserve. In addition, there is the Métis situation
21 which is not clear. There is overlap, of course, Indian
22 and Métis.

23 So we would certainly appreciate to have

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1 your analysis of those figures because the criteria of
2 self-identity is at first site certainly stronger than
3 the origin. I think everybody appreciates that. So these
4 figures are important because they cover the whole range
5 of research, and will be important for the recommendation
6 of the Royal Commission.

7 The second element has to do with what
8 you said in your brief about self-identity on page 6.
9 Of course, this is one of the touchstones for changes in
10 focusing the dialogue, that alongside of
11 self-determination through self-government, economic
12 self-sufficiency, self-identity, personal and collective
13 is important. Of course, we are talking about an economic
14 base that could come from territories, from royalty on
15 resources, from all economic development ventures.

16 When you say that we didn't get it all,
17 and you speak about some kind of equalization payment,
18 I would like to clarify what you have in mind because
19 further in your brief you talk about Aboriginal people
20 participating in the discussion between the feds and the
21 provinces on the Established Programs Act and the
22 equalization payments.

23 Some people advocated an Aboriginal

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1 province in Canada having in mind exactly that. That
2 province would receive equalization payments like many
3 provinces do in Canada, in particular in eastern Canada.

4 So that will make it easier because it goes within the
5 framework that is already there.

6 But, obviously, when looking at the
7 variety of people across the country and the political
8 situation among the various nations, and among various
9 people, it is one model. It might be useful for getting
10 equalization payments as a province, but there are other
11 questions that are raised by this model.

12 You were talking about the situation of
13 off-reserve people, rural areas, small cities and major
14 cities. You say that we were not thorough enough in our
15 notion of economic self-sufficiency. Could you expand
16 on that and tell us a bit more of what you have in mind?

17 **RON GEORGE:** We mentioned that simply
18 to highlight the fact that there seems to be reticence
19 to get into the discussion of taxation and so forth. We
20 think that because it is not an issue that a lot of people
21 are sympathetic to -- obviously if you are on a reserve
22 and you don't pay taxes, it is not something that you are
23 going to get a lot popularity from by discussing it. If

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1 you talk non-taxation to non-Indians, again, it is an issue
2 that is not going to receive sympathy from the general
3 public.

4 But that shouldn't be a reason for not
5 discussing it. There has to be some discussion on
6 resourcing, on taxation, who administers that taxation,
7 regardless of the fact that it is not a popular issue.
8 There still has to be a discussion about resourcing.

9 We think one of the indications of how
10 it is not being handled well was the example I was using
11 regarding the issue here in New Brunswick, where the people
12 it was affecting, i.e., the people living off-reserve,
13 when the taxation issue was repealed, or the non-taxation
14 was repealed, isn't the way to go. There has to be a forum
15 by which that can done.

16 I personally don't, myself, have the
17 answer. We are looking for ways of dealing with it, but
18 the Commission must come to grips with that. That was
19 the essential reason for doing that.

20 **BOB GROVES:** If I could just jump in and
21 supplement. The key issue, of course, facing people
22 without a territorial base is how they acquire territorial
23 base, or the equivalent, in terms of economic development

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1 capacity. There is lots of models.

2 The Passamoquoddy and Penobscot people
3 of the Eastern U.S. states in Maine, for example, rather
4 than choosing large reservation type approach to settling
5 a claim in the 70's and 80's, approached it from an economic
6 development point of view and took trusts and trust lands
7 for utilization as a resource base. That can be done,
8 especially in provinces like New Brunswick where you have
9 a fair amount of natural resources that have been used
10 as, I guess to be blunt, economic plunder for the elite.

11 It has been an internal empire for fairly
12 wealthy interests who are close to government and receive
13 very beneficial arrangements with regard to stumpage fees,
14 royalties, tax holidays, and all of which are innovative
15 ways that one can approach self-government, as well,
16 whether it is on-reserve, off-reserve, or both on and
17 off-reserve.

18 The New Brunswick case that Chief George
19 references, it strikes us as a little bit funny that a
20 province that not only signed Charlottetown Accord, agreed
21 to it, but even ratified it, in terms of the referenda.

22 It didn't have the thought that if they are going to repeal
23 a taxation immunity provision for non-reserve income, that

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1 they at least should take the money that is raised and
2 put in a self-government fund for expenditure, because
3 at the moment they are not spending a dime.

4 They are spending about 20 or 30 thousand
5 dollars on off-reserve self-government in this province,
6 and that is absurd. And yet they are going to make about
7 two million, assuming they go ahead with this measure,
8 mostly from off-reserve residents who have status cards,
9 who formerly had a legal immunity under provincial law,
10 based on a federal immunity under federal law, which
11 Premier Hatfield had extended to include all status Indians
12 in the province, not just those earning income on-reserve.

13 So Aboriginal taxation of Aboriginal
14 citizens is a key issue, but also it triggered off by the
15 issue of provincial taxation and federal taxation, because
16 at the moment Aboriginal peoples are paying several
17 hundreds of millions in taxation, even those who are living
18 on-reserve, but it is indirect taxes that they are paying
19 it through, whether it is the GST or various services taxes.

20 **CO-CHAIR RENÉ DUSSAULT:** Just to push
21 a bit on this issue. Last June, Mr. George, you appeared
22 before the Commission in Toronto and, of course, the mood
23 was different because the negotiation was on the

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1 constitutional side of things.

2 You mentioned that this apartheid policy
3 of the Indian Act should be abolished. You certainly
4 realize that one of the difficulties is that the way the
5 Federal Government, at this point, is performing its
6 fiduciary duty through the Indian Act and through the
7 financing that goes to the bands on reserves.

8 There is nearly five billion dollars
9 that is spent there every year for status Indians. I
10 understand that it makes the situation very difficult for
11 non-status people not living on-reserve. I think
12 everybody in this country appreciates that there can't
13 be another five billion dollars added overnight in the
14 present fiscal situation. It makes the situation
15 difficult among Aboriginal people, status and non-status
16 Indians.

17 When you say in your brief that the
18 Commission should avoid the political correctness pitfalls
19 and address the real issues. This is certainly a very
20 very burning and difficult issue.

21 The way the system has been built is that
22 the Métis were never recognized as such, and the
23 off-reserve, whether status or non-status Indians, also

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1 were never recognized, in terms of special financing.
2 They were not recognized by the government as under the
3 responsibility under 91.24, before the Charlottetown
4 Accord. So this is certainly the crutch of the matter
5 that the Commission has to address.

6 When you are talking about, on page 9
7 of your brief, sharing the resources under
8 self-sufficiency. I would like you to give us your
9 thoughts. I know it is not an easy subject and that you
10 would not want to take from others. On the other hand,
11 we have to have a clear view as to what will be possible,
12 at the end, in terms of financing self-government,
13 including in the cities.

14 Could you tell us a bit more about that?
15 What are your views on this difficult issue, but
16 fundamental one?

17 **RON GEORGE:** Well, for sure the Indian
18 Act has to -- we can't continue to use the Indian Act as
19 a measuring stick of Aboriginal and treaty rights. That
20 is one of the major impediments towards trying to deal
21 with all Aboriginal peoples.

22 The Ket'semotorin (PH) have formed a
23 federation of hereditary chiefs to oversee the management

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1 of our territories simply to reaffirm something that has
2 been there for thousands of years. What has taken place
3 is: That affirmation is taking back the control from the
4 band system as to how the lands and resources within that
5 territory are managed. It would also take into
6 consideration those people who have been left out of this
7 process by virtue of the Indian Act and so forth.

8 We have defined plans on how to deal with
9 those kinds of things. So what I am saying is: In order
10 for the issue to be really dealt with, we have to think
11 of people in terms of who they are as nations, instead
12 of having them defined by the Indian Act.

13 Now to get into technicalities of what
14 has taken place now. What we don't need are people, like
15 me, who are being counted by my band in order for the per
16 capita payments to be paid to my band without me taking
17 the benefits from my being part of the head count, along
18 with the 650 other people who are also being counted.

19 Maybe it is not that high, but the status
20 Indians who live off-reserve and who are band members don't
21 receive any of the, I guess we could call them, tax credits
22 or statistical count for the purpose of getting transfer
23 payments from the department.

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1 So there has to be a better way to include
2 the off-reserve people. That is why the Native Council
3 of Canada negotiated those three equal access clauses into
4 the Constitution regarding our right to be part of any
5 self-government negotiations wherever we live, whether
6 it is within our territories or in the urban centres.

7 The equal access to our Aboriginal and
8 treaty rights, based on the rights recognized through
9 Sparrow, Sewi (PH) and so forth, and the equal access to
10 the treaties we have been denied, up until now, regarding
11 pre-confederation, presently were the treaty land
12 entitlement and the Northern Flat Agreement, are leaving
13 out those people who live off-reserve.

14 So those are the issues that we are
15 concerned with, that the Indian Act is being used as a
16 barometer or measuring stick to define those rights. We
17 want to have a clear definition of fiduciary
18 responsibility, and since the Federal and Provincial
19 Government seemed unwilling to do that, that is why one
20 of three orders of government was agreed too so that we
21 ourselves, and by we I mean not Indian Act bands but
22 nations, can decide who their members are and deal with
23 them.

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1 As an interim measure, we met with four
2 Cabinet Ministers, through our Cabinet process, asking
3 for other ways of dealing with our resourcing problem by
4 way of using tax credits, perhaps. Number one,
5 off-reserve organizations are cut-off from cut-back on
6 funding. It is done because our categorization has
7 advocacy groups. In other words, political groups. Yet
8 we have no resource base. The only recourse we have is
9 society's act situations.

10 I kind of get my back up when people say,
11 all of our sudden we are going to have a five million dollar
12 budget for off-reserve people. That isn't quite true.
13 We do pay taxes, and we have these entities that are out
14 there already, and it is simply a change of management,
15 as opposed to reallocation of new dollars.

16 That coupled with the fact that there
17 are millions and millions of dollars being spent negatively
18 through keeping people in jail. I mean, it cost \$50,000.00
19 to \$60,000.00 to keep somebody in jail, a year. Two people
20 kept out of jail would pay for one prison liaison officer
21 that is cut-off at the end of this month.

22 I mean, those are the types of things
23 that we are talking about, making these new arrangements.

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1 Again, the contrast is clear to everyone who can see that
2 the transfer payments made to Prince Edward Island are
3 a matter of course. People take that for granted, but
4 when it come to transferring payment to us, to manage our
5 particular concerns, questions are raised. Why?
6 Obviously it is the stereotypes that people continue to
7 drag into the picture.

8 Métis were never recognized, but have
9 always paid taxes, and there is no consideration for how
10 that might fit into their game plan on self-government.
11 So the equal access clauses are there.

12 We have to quit using the Indian Act as
13 a barometer, start recognizing us as who we are as nations,
14 and if we happen to live away from our nations, there must
15 be accommodation and fiscal arrangements made for those
16 people wherever they live.

17 Again, they are there as volunteers now.
18 If we are not going to be funded on the basis of being
19 advocacy groups, why can't we have the same ability to
20 raise funds as the NDP parties, the Liberal parties, all
21 of the political parties that are there, and are considered
22 non-Aboriginal groups, I guess. If they can receive tax
23 credits, so can we.

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1 Those are some of the concerns that we
2 have and some of the recommendations that we are putting
3 forward. There are others with a little more technical
4 nature that Mr. Groves, in his studies, will be able to
5 elaborate on.

6 **BOB GROVES:** Just a very quick point
7 following your questions.

8 We circulated to the Commission, last
9 year, background materials, and I think they should be
10 reviewed again. Your questions, themselves, are common
11 ones, and they are the ones that are going to be burning
12 issues. We heard them last year as well.

13 The assumption, for example, that Métis
14 were never recognized is not the case. Métis were
15 recognized first in federal legislations in 1905 and the
16 St. Paul de Métis settlement in Alberta, before Alberta
17 existed as a province. So they have had federal
18 recognition, of course, in the 1870 Manitoba Act, as well.

19 In pre-confederation arrangements in Ontario and, of
20 course, in the British Colonial Territory of Labrador.
21 There is all sorts of history recognition.

22 The Indian Act, as we said, is a false
23 barometer. It actually doesn't say anything about

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1 fiduciary in it. The fiduciary relationship is not
2 defined in the Indian Act. It is completely independent
3 of the Indian Act, but it is triggered by some things in
4 the Indian Act, in law, by virtue of certain decisions
5 that are put in, as you know. Therefore, you can't use
6 the defining terms of the Indian Act to define the fiduciary
7 or the monetary issues.

8 Of the five billion dollars that is spent
9 currently by the Federal Government, only about, I would
10 say, 900 million is linked directly to Aboriginal and
11 treaty rights. The rest is statutory payments the
12 provinces are obliged to provide, and the Federal
13 Government provides for on-reserve residents at provincial
14 rates or less, usually less, and discretionary
15 expenditures such as post-secondary education, and
16 uninsured health. Things like this that are similar to
17 provincial programs.

18 There is next to no money, actually,
19 spent on Aboriginal and treaty rights implementation, and
20 that, I guess, is our real point which is: If you implement
21 self-government and Aboriginal treaty rights, you need
22 implementation plans and financing agreements with regard
23 to how to pay for those and the implementation of that.

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1 Just like as you do with land claims, comprehensive land
2 claims in Northern Quebec or anywhere else. That is the
3 normal course of doing things, working out financing
4 against an implementation plan. That is what is used in
5 the normal course of events.

6 As long as you use the Indian Act as the
7 test, however, you will never get to that point. As for
8 the five billion dollars more that it might cost -- that
9 was raised last year as you know, in the context of
10 constitutional discussions. Even Joe Clark, I think,
11 stomped on that and said it was no basis for that, and
12 it was fear mongering by simulcontence (PH) within certain
13 federal agencies. That was the Federal Constitutional
14 Affairs' Minister saying that, not the NCC.

15 For the vast majority of the question,
16 is not that there is no infrastructure or no capital, or
17 no resources. The resources are there. It is a question
18 of controlling them, directing them and designing them.

19 **CO-CHAIR RENÉ DUSSAULT:** Just to be sure
20 that the situation is clear and that what is before us
21 is this. Apart from post-secondary education benefits
22 that are available to status Indians who live off-reserve,
23 there is a cap now, but still, health benefits that are

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1 also available through the medical services branch, the
2 major benefits are for those who live on-reserve.

3 We realize that it is a lasting trend
4 that people are moving from the reserves to the cities.

5 This is not likely to change in the coming decades. The
6 reason why benefits are attached to the reserves, those
7 who live on-reserve by the Indian Act, is to contain the
8 spending. We heard over and over that treaty rights should
9 be on people, and should follow people when they move out
10 of the reserve. That is the major plea that is made to
11 us. The resistance or the reason why the Indian Act was
12 not built that way is certainly a matter of costs.

13 So the Commission has to address that
14 very issue being cost sensitive because, obviously, we
15 are talking about implementation and we have to look at
16 the situation of the cost that will be involved in our
17 recommendation.

18 At one point we have the four corners
19 and we address the centre because -- we could skirt around,
20 state principles -- there are treaty rights that should
21 be recognized first, and then respected, in terms of
22 benefits.

23 When you mention that the Indian Act

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1 should be abolished and the apartheid policy should be
2 erased, it means not necessarily to do away with the
3 reserves as lands that are there, but with the benefits
4 that are attached with being on the reserve.

5 The question for the Commission about
6 the future for young people -- we have to recommend a system
7 that will be in the right direction and beneficial for
8 young Aboriginal people in this country. The real
9 questions is, of course, if we don't take into account
10 the cost and the money, and we say the money should flow
11 wherever people go, and on, and on -- it is one thing to
12 say that everybody recognizes that if the money could be
13 put to more productive use, and if we could stop the earth
14 turning at one point, and say that the cost of hosting
15 people in provincial jails, and the welfare money that
16 is paid should be put to employ people and to get them
17 productive, it is obvious.

18 The difficulty is to move from here to
19 there because you can't change the world like that
20 overnight, and the transition means funds. You were
21 saying that, in the present situation, you would work
22 towards a new goal where in ten or twenty years the money
23 will be directed in a much more efficient fashion.

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1 What I am saying is that it is very
2 important that an organization like the Native Council
3 of Canada address that issue, like the other organizations,
4 across the country. The Commission has to do it and we
5 don't want to be left alone.

6 What is the system of the future, not
7 only as such, as a matter of principle, as a matter of
8 rights, but also taking into account the fiscal
9 responsibility. That is not easy because very often we
10 hear that the settlers took our lands so they owe this
11 to us, but at the end we understand what is meant by that,
12 but it does not give a technical blueprint to move towards
13 implementations.

14 I know it is not easy to merge or to match
15 principles, and the funding, but we will have to do that.

16 So we are really at the core of the work of this Commission.

17 **RON GEORGE:** Well, first the
18 clarification about post-secondary benefits. Inuit as
19 well, even though they are not status, are included.

20 We can point to some examples already,
21 like the four school boards in Ontario, for instance.
22 The anglo and franco protestant school boards, and the
23 anglo and franco catholic school boards have separate

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1 fiscal arrangements that they can make. Depending on
2 whether you are anglo or franco, or whatever, you decide
3 which way your tax dollar goes. So precedents of that
4 nature are already there.

5 The Armed Forces, for instance, do not
6 cease to be Canadian, or considered to be Canada, and
7 continue to receive benefits as taxpayers of Canada when
8 they serve in Cyprus, or Germany, or wherever, in the
9 peace-keeping areas. We will probably have a period of
10 transition dealing with the public employee unions by
11 trying to dismantle the Department of Indian Affairs.
12 It can understandably have a bit of a problem, and it will
13 probably be done by attrition to transfer the monies of
14 the new management from non-Indians to Aboriginal people
15 in that situation. We understand the difficulties and
16 sensitivities there. Again, we have to go back to our
17 Authorities Recognition Act as one suggestion. I
18 know the Gitsanwotoda (PH), and I can only speak on their
19 behalf since I am a hereditary chief that has input into
20 the discussion. We have definite ideas on how to manage
21 our resources. Again, we will treat our off-reserve
22 people as Canada treats their armed forces when they are
23 away from their territories. They don't cease to become

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1 Wetsoden (PH) simply because you don't live within the
2 22,000 square miles of that defined territory. You don't
3 cease to become a treaty descendent simply because you
4 move away from a boundary that the government recognizes.

5 As soon as you step across that boundary doesn't mean
6 that you cease to become beneficiaries of a treaty.

7 So those are the kinds of realities that
8 have to be considered and recognized. I understand your
9 question as: How does that come about in a way that the
10 public can understand it? Well, it is simply a matter
11 of changing management. You know, the dollars are there.

12 Even if there are new dollars, other Canadians take for
13 granted the expenditures that we are discussing.

14 Again, I go back to the transfer of
15 payments made to P.E.I. or New Brunswick. Those are taken
16 for granted, but when it comes to making new arrangements
17 by removing colonialism and putting into place a new
18 system, the question always comes up as how much will it
19 cost. Well, we are taxpayers and we hope to make other
20 arrangements when we agree to our self-government or
21 management of our lives.

22 Those just have to be considered and the
23 stereotypes have to be removed. We also have a right to

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1 determine our future and determine how that takes place
2 through fiscal arrangements and otherwise.

3 I don't know if I answered your question.

4 I don't know if I got the gist of your questions.

5 **CO-CHAIR RENÉ DUSSAULT:** Well, I will
6 say it another way. Very often we are told that the Indian
7 Act defines, and you said, 6.1, 6.2, C, and on, and on.
8 All of those definitions are quite artificial and that
9 the reason why it is done, most of the time, is for financial
10 consideration. Registering for status Indian is done for
11 that purpose, not for another purpose. To define
12 who is an Indian person for the sake of governance and
13 membership is one thing, but when there are benefits
14 attached or programs, then the problem comes, if the
15 definition is left wide open.

16 So it brings us back all of the time to
17 this question of linkage between that kind of legislation
18 and the money that is spent through programs. It is the
19 crutch of the matter.

20 It is very difficult to deal with that
21 only as a matter of principle without making the linkage.

22 That is the main reason why nothing is done in terms of
23 implementation of reports of Commissions or task forces.

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1 We have to deal with that.

2 **RON GEORGE:** If I could further
3 elaborate. Again, I will go back to my system, the
4 hereditary system.

5 We see the value of all of our members
6 because the system is strengthened by the number of people
7 who contribute to our economy. If I lived here in New
8 Brunswick and there was a function taking place that
9 affected my clan, which is the Bear Clan, I can still
10 contribute from afar and be a functioning member of the
11 Bear Clan. We know that our strength is in the numbers
12 that we have.

13 We certainly will not be able to exercise
14 our form of government if we use the Indian Act because
15 then that will exclude the majority of our members. We
16 know that. So by including all of our members for who
17 they are, as we have for thousands of years, our system
18 is intact and functioning. We have a definite economy
19 that is there. The resources that we use from our
20 territory is available to all of us whether we choose to
21 be there or not. That is how it works. It doesn't have
22 to be remassaged, it doesn't have to be redefined, or
23 anything. It is already there. It is just a simple matter

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1 of recognizing it.

2 That is what self-government is. It is
3 the inherent right. It doesn't have to be given to us.
4 It is there and it has been there. It is to our benefit
5 to recognize all of our members because that is what makes
6 the system work.

7 **BOB GROVES:** You are asking also a
8 question about the public perception of the Indian Act,
9 whether rightly or wrongly defining people, but as a
10 constraint on cost. It isn't, as you yourself have said.
11 The Indian Act has got nothing to do with the financial
12 expenditures. It is not a Financial Expenditure Act.
13 Almost all of the expenditures are handled under different
14 legislation like the one I just quoted, the Financial
15 Administration Act.

16 The Indian Act, its perception is on both
17 sides. Maybe that is the problem, and it is a myth.
18 For example, the myth that, at one time in the recent past,
19 most Indian people, forgetting Métis and Inuit now, lived
20 on-reserve. Reserves are very recent creation, and so
21 they were created around minorities.

22 The other point I think, and it is set
23 out for you in the financial background materials, is that

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1 if you look at the figures, there is \$7,439.00 per capita
2 expended by the Federal Government on the on-reserve
3 population in constant dollars last year. About 80 per
4 cent of this is controlled in the sense that it is spent
5 by band administrations and tribal administrations, which
6 are made up of groups of bands. So it is about 80 per
7 cent controlled.

8 On the off-reserve side, the per capita
9 is \$539.00. So less than 10 per cent. Of that, about
10 10 per cent is controlled by off-reserve Aboriginal peoples
11 who are being targeted. In fact, there is more of that
12 expenditure control by on-reserve bands than off-reserve
13 people in the areas of education, for example.

14 So the real questions is not the total
15 numbers. The question is the percentage of control and
16 where is the rest of that money on the off-reserve side.

17 Obviously there is going to be additional costs because
18 you can't have the housing conditions you do on-reserve
19 in Manitoba. This is just intolerable. You can't have
20 them, as well, in many urban communities, urban skid-row
21 communities. You can't have that either.

22 In terms of total cost, you are really
23 talking not about total cost, you are talking about

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1 control. Right. So where is the 70, or 80, or 90 per
2 cent of the control for federal expenditures, and where
3 is the rest of the control regarding provincial
4 expenditures. That, it seems to me, is the key issue.

5 **CO-CHAIR RENÉ DUSSAULT:** I don't want
6 to enter into a technical discussion here. I have a last
7 point, I could put it to you even if Mr. George is not
8 here, on self-government on page 15. It is talking about
9 the role of the Commission. You are saying instead of
10 asking what self-government should be like in cities, for
11 example, and how and when it should be implemented. You
12 say, instead of, put your own thoughts.

13 So the approach we took so far was to
14 have those three or four rounds of hearings, to have the
15 intervenor funding programs, to make sure that we would
16 have the best shot. We started with a very wide mandate.
17 We didn't want to constrain that, and to design our view
18 of the world in our Ottawa offices.

19 We wanted to get as much as possible,
20 in terms of solutions, from the people who would have to
21 manage self-government, and on, and on. Obviously, at
22 the end, we are going to try, we don't know the format
23 yet, to test the direction on some basic recommendations

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1 with both governments and Aboriginal organizations.

2 It would have been much easier for us
3 to make conceptual design at the outset and test that.
4 I think we would have been told very rapidly, you are not
5 performing your mandate, you are not really consulting
6 us as to what is our views. So it goes to the root of
7 the Commission process. I would feel very uneasy at this
8 point to come up with a model of self-government in cities,
9 for example, without receiving your full brief in early
10 fall. So that is the situation we have been in.

11 This process was discussed a year and
12 half ago when we met with all of the provincial
13 organizations and national organizations, and were told
14 to really enter into a genuine dialogue and to get the
15 solutions from the people. Of course, we know at the end
16 we will have to put this together and do our homework,
17 but we feel that we would preclude the whole process in
18 doing it at this point while we haven't received yet those
19 major briefs and thoughts that comes from the intervenor
20 funding program.

21 So could you tell us a bit more where
22 you stand on that because I am not clear.

23 **RON GEORGE:** Well, I understand what you

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1 just finished saying. Of course, you can't do it in
2 mid-stream, but we just didn't want this to go the way
3 other Royal Commission recommendations were made, and
4 aren't followed for lack of some very decisive and specific
5 recommendations of how, when, why and where.

6 If we offended you, it wasn't that
7 purpose that we had in mind. It is just that it is
8 something that had to be said, and we are saying it, and
9 we are hoping that the outcome at the end of you Commission
10 is what we suggest here. So it was something that had
11 to be put on record. It is not to say that you are not
12 going to do it. If you are asking for an interim analysis,
13 that was one of them.

14 **CO-CHAIR RENÉ DUSSAULT:** So certainly
15 we are looking for words for some models of self-government
16 within the urban settings and rural areas.

17 **RON GEORGE:** Which is what we are doing
18 now with our intervenor process.

19 **CO-CHAIR RENÉ DUSSAULT:** Thank you.
20 Viola.

21 **COMMISSIONER VIOLA ROBINSON::** Thank
22 you.

23 I did have a number of questions, but

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1 I don't think I will get to them all. Before I start,
2 I do want to sincerely apologize for the mix-up here this
3 morning. I don't know what happened, but certainly I just
4 want to assure, and this will go on the record, that when
5 the intervenor participants make their presentations
6 during the fourth round, we will ensure that all groups
7 are given adequate time.

8 The reason for that is that the task that
9 is before us here, before the Commissioners, such as
10 myself, in working with the Aboriginal people is not taken
11 lightly. I think the vision for the future of our people
12 is in the hands of this Commission. I don't say that
13 lightly. I think that is the way it is, and we have to
14 do things very very thoroughly.

15 This is just a preliminary presentation
16 here and you are going to be making your other presentation,
17 but the next time there will be assurances that there will
18 be adequate time for everyone because we are relying very
19 heavily on the work that you are doing, and we are relying
20 very heavily on the kinds of information that you are going
21 to provide us with.

22 Having said that, I do want to say that
23 I think the information you have given us here this morning

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1 is very helpful. You have given us a lot of good
2 information.

3 Before I go any further, I will end there
4 with that, I just want to say that, in our travels, and
5 going to the urban communities, and travelling across
6 Canada, there is an awful that we have heard from urban
7 people and from people who are falling between the cracks.
8 The same people we are both talking about now.

9 You mentioned somewhere here in your
10 brief, and it is mentioned, as well, in our urban report,
11 the issue of status-blind. You made reference to it here
12 saying that you do see things as a status-blind
13 organization. You don't make any differentiations
14 between status or Métis, or people who are non-status,
15 or whatever. That is an issue that we are grappling with.

16 There are some organizations in this
17 country who clearly do see not as status-blind, but do
18 want separate jurisdictions or separate ways of dealing
19 with their people. For instance, the Métis very clearly
20 don't even want to lumped in with the Aboriginal people.

21 I am talking about the Métis in the west, and we will
22 get to that a little later because I want to ask about
23 that as well.

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1 Then you have a lot of service delivery
2 groups too that are situated in the larger major urban
3 centres who are saying, you know, we deliver to certain
4 people, and we don't think we can have a status-blind
5 organization. This is the reality, and these are the
6 things that we have to try to deal with. Then there are
7 others saying, no, we will deliver and we recognize anybody
8 who is not situated in a reserve boundary, or what have
9 you, and we think they should be.

10 I think that situation has to be
11 clarified in our minds because it is difficult for this
12 Commission to make recommendations when you have so many
13 different perceptions and so many different views that
14 are coming forward. I think we are going to need some
15 help on how we are going to work these out.

16 Going back to the last subjects that you
17 were discussing here, between my Co-Chair, and yourself,
18 on the issues of resourcing and the recommendation on
19 self-government that we will have to make. It is true.
20 Any recommendations that we come forward with are going
21 to have to be supported by the public.

22 The country is not in a very good state
23 of affairs at the moment, and it doesn't seem to be

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1 improving as far as economically and socially, not only
2 for Aboriginal people but for non-Aboriginal people as
3 well. There are cuts being made all of the time, not only
4 to the Aboriginal groups but to the non-Aboriginal groups
5 as well.

6 So we are going to have to have some very,
7 very strong support. We are going to have to have some
8 very strong data and information that is going to support
9 the kinds of recommendations that we make.

10 Having said that, I think we are going
11 to need very clear precise models of resourcing and models
12 of self-governance or service delivery groups, especially
13 for the off-reserve. I understand, from what you have
14 said, that you are working on that, but I can't stress
15 enough the importance of that. There are ways.
16 We have to be very, very clear because we have to sell
17 these, and we are the ones that are going to have to defend
18 these recommendations.

19 I am glad to see that you are working
20 on the handbook. I think that is something that will be
21 very, very useful, and helpful too, if they will go along,
22 side by side, with our publications and with the kind of
23 work that we are doing. I think it will be very, very

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1 helpful and useful.

2 The Métis situation is one that I just
3 heard very recently, as recent as, I think, a week or two
4 ago, that there is a confederation of Métis people in this
5 country. I hadn't heard of it before. I am just surprised
6 that I hadn't heard of it before. It came up in, at least
7 my hearings, British Columbia.

8 As well, I heard there were Métis in the
9 Yukon which I had never heard of either before. This is
10 getting to be quite the issue for us. I knew there were
11 Métis, other than the western Métis, that the Government
12 of Canada doesn't recognize outside of the Prairie Métis.

13 Unfortunately, that is who they seem to
14 be talking about when they talk about Métis in the
15 Constitution of Canada. So we are going to need a lot
16 of work done on that.

17 There are a lot of things that you have
18 talked about here. I guess, we could really talk about
19 them at some length, but given the time. I think you have
20 covered a lot of things that I wanted to raise already.

21 You have certainly given me enough information in your
22 responses to the Co-Chair.

23 Another thing I want to bring to your

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1 attention, as well, is when you alluded to what you perceive
2 as nationhood in this country for Aboriginal people, and
3 you perceive the Indian Act. We have heard that, and we
4 hear it quite a bit across the country. Everybody is
5 talking about the Indian Act, how it hasn't served any
6 purpose for anybody other than governments themselves.

7 There are also some groups in Canada who
8 also do not want the Indian Act removed. The only thing
9 they see is a protection for their resources, and
10 administration is the Indian Act. The Chief and Band
11 Council system, and Indian Act system is the only system
12 that -- a lot of these evolved out of the Indian Act, so
13 I guess it is something that they really don't want to
14 let go of. They really don't want to see that happen.
15 There have been many agreements that have evolved and come
16 out of the whole Indian Act, and that has been good for
17 some communities in this country.

18 So we have these two different
19 perspectives coming towards us. By coming, I mean told
20 to us on an on going basis. We are having difficulty with
21 that as well. So I want you to bear in mind that we need
22 all of the help we can get to help, as we saw, these kinds
23 of issues.

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1 Other than that, I am not going to say
2 anymore because I know that you will be making your
3 presentation in the fall, and at that time we will all
4 be there to question and look at what information you have.

5 Thank you.

6 **RON GEORGE:** If I may, I could elaborate
7 on a few of those points.

8 In regard to the groups that aren't
9 status-blind, I simply go back to how our system works
10 where our wealth is dependent on our resource base. As
11 a matter of fact, my nation had five clans in it until
12 smallpox and influenza decimated our numbers, and it became
13 a matter of amalgamating two clans in order to increase
14 the resource base.

15 By simply recognizing the system that
16 we have, our ability to raise our own resources will
17 continue. The status-blind becomes something that is the
18 norm anyway. If we start saying that we can't recognize
19 that person because he is status, or he is someone who
20 is from somewhere else, or she is from somewhere else,
21 that kind of defeats the purpose, and the basis of our
22 governing ourselves, and the use of our resources.

23 So adoption is, in fact, being the way

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1 to increase your resource base. We have a system whereby
2 that takes place. The Father Clan adopts the spouse in
3 the event that they are a non-nation. If you come into
4 our nation and you are Micmac, then my Father Clan would
5 adopt you in order for you to become a part of that nation,
6 and thereby strengthening the resources base of the Father
7 Clan.

8 So those are the alternatives that we
9 are proposing. They make a lot more sense than trying
10 to carve out your little turf, or your power base,
11 regardless of whether that is conducive to your resources
12 base or not. I mean, that is the situation.

13 I know I have read your reports where
14 you have groups that want to serve exclusive memberships.
15 That begs the question of where they are going to get
16 their resource base if they are exclusive. But that is
17 their business. I hope they can answer your question.

18 For our part, we certainly see power in
19 numbers, and certainly see the intent in the spirit of
20 the Aboriginal people in general by not excluding your
21 members. If you are going to call yourself a nation, you
22 must act like one and include all of your members. That
23 is the basis of most nations, which is to look after all

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1 of its members and do away with these artificial
2 definitions.

3 So it becomes an economy of scale.
4 More specifically, our housing corporations that are set
5 up depend on numbers. There is a good example of how that
6 could work. Now that the Federal Government has
7 completely cut-off off-reserve housing, that is going to
8 render them useless. They are going to die a slow death
9 because they just don't have the numbers to maintain the
10 overhead as inflation starts eating into their fee for
11 service structures.

12 So we can look forward to slum-landlords
13 taking over these housing corporations off-reserve now,
14 and then where are the nation's descendants going to be
15 when they move away from their nations.

16 The Métis Confederacy is a simple
17 explanation. They are regarded, by some, as living
18 treaties. Two feet in both nations, non-Aboriginal and
19 Aboriginal. So they are there as living treaties; living
20 examples of how two nations have come together. I like
21 that analogy that was given by one of our Métis members
22 at a congress of Aboriginal peoples meeting preceding the
23 Charlottetown process.

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1 So the confederacy came out of the need
2 to make sure that, yet again, another group of people will
3 not fall through the cracks, i.e., the way the Métis Nation
4 Accord seemingly causes some people to fall through the
5 cracks. My friend, Frank Palmater, here from New
6 Brunswick is not included in that Métis Nation Accord,
7 nor is my friend Gary Gould from New Brunswick, or my
8 friends over in Labrador, or in Quebec.

9 So it was seen as a need to make sure
10 that these people will not be excluded in anything. It
11 is an informal structure. It is not one that has a
12 constitution or anything like that. It is simply to
13 accommodate all people who are Métis, who want to make
14 sure that their rights aren't being negotiated out of
15 existence, or negated by a Métis Nation Accord, or
16 something like that. It is a confederacy, informal as
17 it is, to simply get together to discuss issues that affect
18 them, when they arise, as they have done with this Métis
19 Nation Accord.

20 As to Indian Act bands that want to
21 maintain their status as Indian Act bands, that is great,
22 if that is what they want, but that shouldn't be the only
23 option, and presently that is the only option. You are

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1 either an Indian Act band or you are nothing. We are saying
2 that there must be accommodation for other forms of
3 government that people may want to have recognized,
4 including the inherent right.

5 If people have lost their inherent
6 governance through assimilation, or something, then they
7 must go to something. If it is an Indian Act system, well,
8 that would be their choice, but it shouldn't preclude other
9 groups from pursuing their own inherent governments.

10 **MODERATOR DARRELL PAUL:** Thank you very
11 much, gentlemen.

12 If there is a Mrs. Binda in the audience,
13 there is a message at the registration desk. You can pick
14 it up there.

15 **CO-CHAIR RENÉ DUSSAULT:** Just before
16 you leave, thank you very much for sharing this with us.
17 We will be expecting you in September.

18 **MODERATOR DARRELL PAUL:** Next on the
19 agenda is the Native Council of Prince Edward Island, Mr.
20 Graham Tuplin.

21 **CO-CHAIR RENÉ DUSSAULT:** Good morning.

22 **GRAHAM TUPLIN, NATIVE COUNCIL OF PRINCE**
23 **EDWARD ISLAND:** Good morning, Madam Commissioner, Mr.

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1 Commission, Chair, ladies and gentlemen.

2 First, I want to thank you again for
3 providing the Native Council of P.E.I. with an opportunity
4 to address issues of concern regarding Native
5 self-government. We met also in Charlottetown and
6 Halifax.

7 The Native Council of P.E.I. is now
8 preparing, through the assistance of your intervenor
9 program, a study and report on self-government outlines,
10 and a structure, for off-reserve Natives.

11 Needless to say, we have followed your
12 work very closely and studied your reports. We continue
13 to have confidence that something concrete and good will
14 result from your work. Naturally we are especially
15 hopeful that, at long last, the plight of off-reserve
16 Indians and Métis will be properly addressed.

17 In the second part of my presentation
18 I will be addressing that issue in more detail. I will
19 also suggest that your commission the issue of equity of
20 access as a fifth touchstone for the consideration of
21 governments within the Aboriginal societies.

22 During the days when it seemed that the
23 Charlottetown Accord would provide a means to reach that

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1 goal, we began to consult with our membership about their
2 hopes and aspirations, and how best to attain them and
3 protect them. With the failure of Charlottetown we
4 paused, and now we are taking a somewhat different tact.

5 Instead of looking in, we decided that it was time to
6 look out. The kinds of things that we want to do under
7 self-determination are not new, nor are they done by
8 governments only. We identified many agencies operating
9 at some remove from governments, and with varying degrees
10 of independence from government financial support. We
11 decided that it would be useful to consult with such
12 agencies to help us identify appropriate limits for Native
13 self-government.

14 To date we have discussed these issues
15 with over 20 key agency representatives. These include
16 boards of education, family service agencies, legal
17 advocacy and education groups, cultural societies,
18 economic development commissions, fishermen's
19 associations and general activist societies.

20 We are asking these people their opinion
21 concerning the appropriate place and style of Native
22 self-government in their field. We are asking if there
23 are aspects which we should not endeavour to do, for any

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1 reason, and we are asking about any form of help, such
2 as training, that they can and would afford us.

3 Despite the failure of the Charlottetown
4 Accord, and the opinions of some among our Nations, and
5 the Native people's leadership, that this spells the end
6 of Native self-government, we have had an excellent
7 response among those we have talked to. We have been told
8 there is a continuing need and an important place for our
9 efforts in almost every field, even by otherwise
10 competitive agencies. We have been given good advice
11 about how to structure our campaign, and our subsequent
12 governing model. We have been offered assistance in many
13 forms, including training, advice, collaboration and even
14 resources. We are very encouraged by this. A report of
15 our consultation will be sent to the Commission at the
16 end of June.

17 Mr. Chairman, ladies and gentlemen,
18 despite the encouraging news I have just reported to you,
19 you are looking at a worried and frightened man. Despite
20 that good reception I just reported, I fear that some Native
21 groups will be left out when self-government is finally
22 achieved, and I fear that off-reserve Indians, Métis
23 outside of the Prairie Region and Native women everywhere

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1 will be among those cheated.

2 When the Native Council of P.E.I. began
3 discussing self-government, first under the framework of
4 First Minister's Conference, later under the tripartite
5 negotiation process and, finally, under the Charlottetown
6 Accord, the phrase "equity of access" was always on our
7 mind, and always on our lips. We heard it said by our
8 allies and echoed by the other sides of the table. We
9 always knew what it meant. It meant that all Aboriginal
10 people in Canada would be treated equally in regard to
11 their rights, in regard to programs and in regard to
12 self-determination as a people. To some, the phrase
13 referred mainly to gender equality, but this has never
14 been a problem for the Native Council of P.E.I.'s
15 membership, nor I believe to most non-reserve peoples,
16 where women share equally in governing.

17 But the more we work on all these related
18 issues, and the more we see and hear of Government of Canada
19 activities, the less we are confident that equity of access
20 will be readily achieved. Almost every background
21 document or basic research we examine, almost every step
22 forward for Natives, somewhere in Canada still applies
23 to status Indians on reserves.

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1 Despite the 1991 census data, in the
2 hands of the Federal and other Governments, showing that
3 status Indians on reserve represent only about one-third
4 of Aboriginal people, governments still maintain the false
5 position that they are solving the Indian problem by
6 dealing with that group. Unfortunately for the
7 governments, just like those reserve residents, we will
8 not, we cannot go away.

9 I want to give you a few examples to
10 illustrate my point.

11 The Native Council of P.E.I. is
12 currently engaged in negotiations concerning a native
13 fishery. The negotiations are generously funded by the
14 Department of Fisheries and Oceans. The P.I.E. Bands have
15 already signed agreements, but that is of little
16 consequence to us. At our first negotiating session, and
17 in the first draft of a contribution agreement, we were
18 presented with material referring only to bands. The
19 Department had no framework established to deal with
20 non-band governing bodies. Yet the Native Council
21 membership alone includes two-thirds of the Native
22 population of P.E.I., according to the 1991 census.

23 Another example concerns the Canada

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1 Employment and Immigration Commission Pathways to Success.

2 This is not considered by any participant to represent
3 a self-government mechanism or approach. Yet it could
4 include such elements, if done properly, and at no
5 additional cost, and with no commitment to rights by any
6 party. In most provinces Native people have not
7 participated in Pathways. In P.E.I. one band and
8 ourselves have refused to participate. Why?

9 For the simple reason that the structure
10 adopted by CEIC, without consultation and without our
11 permission, gave status Band Chiefs decision making
12 authority over the hopes and aspirations of people who
13 have shunned and fled their authority for 50 years, and
14 who Chiefs, in their turn, were pleased to see gone.

15 Similarly, ladies and gentlemen, I am
16 a status Indian. Many of the members of the Native Council
17 of P.E.I. are status Indians, and everyone of our members
18 must be able to document Aboriginal ancestry. As a status
19 Indian I am nominally affiliated with a certain band and
20 reserve, but I have not lived on that reserve since my
21 youth, and I enjoy neither government privileges, nor
22 access to benefits from that band. Nevertheless, since
23 I am a paper member, the band receives government

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1 sustenance for me. I would much prefer to designate the
2 Native Council of P.E.I. to act as my government, be my
3 representative and my channel to benefits such as education
4 and health support. But the Government of Canada has
5 unilaterally and wrongly determined that its
6 constitutional responsibility applies to Indians on lands
7 reserved for Indians, rather than Indians and land reserved
8 for Indians. What does the phrase "equity of access" mean
9 to me, and my people, in that circumstance?

10 Concerning health, Native Council
11 members have tried unsuccessfully for years to gain equal
12 access to such services as our reserve brothers and sisters
13 enjoy. But the Medical Services Branch of the Department
14 of Health and Welfare was set up just to serve them. We
15 cannot even address that agency with the hope of getting
16 an answer. Still, the model that the branch is using to
17 develop control over the delivery of health services to
18 bands is a good model, and one that we would endorse, and
19 would like to see extended to us in health and some other
20 fields.

21 In conclusion, I want to point out just
22 this. Off-reserve Indians, and other Aboriginal people
23 are disheartened by the unequal treatment that we receive

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1 everyday. We realize that much of the problem results
2 from the federal- provincial squabbling that goes on over
3 jurisdiction, or the attempt to escape jurisdictional
4 responsibility, done in the name of financial
5 responsibility. But there are two groups caught in the
6 middle of that mean and destructive squabble. It is us,
7 and it is the Canadian taxpayer. We pay too much for
8 services that do not work, and we also pay the costs of
9 the fighting.

10 We are trying to get our message out,
11 and we hope Canadians will hear and comprehend. I believe
12 this Commission should also hear, and recommend, if you
13 cannot do more. I repeat, we cannot go away. The Canadian
14 people will be more than disappointed if, after all this,
15 the Aboriginal issue is only one-third solved.

16 There is also four recommendations that
17 I would like to make at this time to the Commission. That
18 being, that the Royal Commission on Aboriginal Peoples
19 make some special efforts to ensure that the voices of
20 the two-thirds of Native people who are not status Indians
21 and who do not live on reserve be heard and heeded.

22 Two, that the Government of Canada stop
23 its policy of cutting funding to those groups that are

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1 not bands, not northern and not DIAND supported. Equity
2 of access must begin with equal chance to be heard.

3 Three, the Government of Canada and the
4 provinces take a problem-solving approach to the
5 jurisdictional issue; one that (a) would recognize the
6 wasteful expense of not settling it, (b) would recognize
7 the responsibility to be fair, rather than legalistic,
8 (c) would not be resolved at the expense of, but rather
9 to the benefit of Native people, and (d) would be open
10 to the notion that Aboriginal people want to continue to
11 share and contribute to Canada.

12 Four, that the Royal Commission on
13 Aboriginal Peoples should add equity of access to its list
14 of four touchstones.

15 Thank you.

16 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

17 I understand that you are going to
18 provide us with your full brief later on. When do you
19 --

20 **GRAHAM TUPLIN:** By the end of June.

21 **CO-CHAIR RENÉ DUSSAULT:** By the end of
22 June.

23 **GRAHAM TUPLIN:** Yes.

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1 **CO-CHAIR RENÉ DUSSAULT:** Okay. This
2 project is on the model for self-government?

3 **GRAHAM TUPLIN:** Yes.

4 **CO-CHAIR RENÉ DUSSAULT:** For P.E.I.

5 **GRAHAM TUPLIN:** Yes.

6 **CO-CHAIR RENÉ DUSSAULT:** For the
7 Province of Prince Edward Island?

8 **GRAHAM TUPLIN:** Province of P.E.I.

9 **CO-CHAIR RENÉ DUSSAULT:** Yes, for the
10 situation there.

11 **GRAHAM TUPLIN:** Yes.

12 **CO-CHAIR RENÉ DUSSAULT:** I have one
13 questions on the Pathways program. I realize that, from
14 the census data, there is one band in your province, in
15 P.E.I., and the number is 459 people living on the reserve
16 itself. I realize that the figure for P.E.I. of Aboriginal
17 origin is 1,665 and identity, 550.

18 I would like to understand why bands,
19 and also the Native Council for P.E.I. decided not to use
20 the Pathways program. What you said is that it is because
21 the program gives authority to the Chief, but it is not
22 clear from your report. Did the band participate in the
23 Pathways program in P.E.I. or did you both refuse?

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1 **GRAHAM TUPLIN:** The Lennox Island Band
2 is part of Pathways, so are Aboriginal women.

3 **CO-CHAIR RENÉ DUSSAULT:** So they did?

4 **GRAHAM TUPLIN:** Yes, but the Native
5 Council of P.E.I. and the Adoogoud (PH) Band have not
6 joined.

7 **CO-CHAIR RENÉ DUSSAULT:** There is two
8 rather small entities. You didn't try to come to an
9 agreement as how it should be used, or was it not possible
10 after 50 years of living apart?

11 **GRAHAM TUPLIN:** We tried many times to
12 come together on it.

13 **CO-CHAIR RENÉ DUSSAULT:** Yes.

14 **GRAHAM TUPLIN:** Unfortunately they are
15 listening to the bands and the Chiefs and they are not
16 listening to organizations such as the Native Council of
17 Canada, nor ourselves, Native Council of P.E.I.

18 **CO-CHAIR RENÉ DUSSAULT:** But you were
19 not able to work this out with the band itself?

20 **GRAHAM TUPLIN:** No.

21 **CO-CHAIR RENÉ DUSSAULT:** The
22 relationship is cut-off?

23 **GRAHAM TUPLIN:** Well, when they don't

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1 want you there on the reserve, they don't want any part
2 of you. They like it when they control you, but they don't
3 like it when you are out of their control. I guess, that
4 is for P.E.I. and Lennox Island Band that holds quite true.

5 It is very difficult to work under those circumstance.

6 I don't believe that any of us,
7 particularly the political leaders, that are asked to sit
8 around this table have the expertise to review proposals
9 or programs that are submitted, and to make those types
10 of recommendations. I think you have to have an expertise
11 in order to look through these types of proposals, and
12 you also have to know the community that you are dealing
13 with.

14 I am not familiar with the Lennox Island
15 Band, even though I am a member of that band on paper.
16 I haven't live there since 1950. So I don't really know
17 how it operates, what its needs are, what its aspirations
18 are. Therefore, I don't believe I am able to sit there
19 and make a decision on what that band should receive and
20 should not receive.

21 I believe, if you are talking about
22 self-government, self-government should be for that band
23 and that band alone, or for the Native Council of P.E.I.

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1 and that alone.

2 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

3 Viola.

4 **COMMISSIONER VIOLA ROBINSON:** How many
5 bands are there on P.E.I., Graham?

6 **GRAHAM TUPLIN:** There are two bands and
7 four reserves.

8 **COMMISSIONER VIOLA ROBINSON:** How come
9 the other band is not participating though?

10 **GRAHAM TUPLIN:** For the same reasons
11 that we are not.

12 **COMMISSIONER VIOLA ROBINSON:** They
13 don't have the expertise?

14 **GRAHAM TUPLIN:** They don't have the
15 expertise and they don't think it is the way to go. I
16 think the only way to go with Pathways is separate funding
17 for each band and for off-reserve organizations.

18 **COMMISSIONER VIOLA ROBINSON:** The other
19 point I wanted to raise with you is that you talk about
20 adding another touchstone here, calling it equity of
21 access. I am just wondering, when you look at the four
22 touchstones, in my view anyway, which are renewing the
23 relationship and self-determination, and

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1 self-sufficiency, and healing, those four touchstones are
2 meant to be a part of the whole Aboriginal society of
3 Canada. That is one point.

4 You talk about the equity of access.
5 I am going to ask you, and you are probably going to wonder
6 why I am asking you, what do you mean by equity of access?
7 Because to me, equity of access is equity of access to
8 what? For instance, is it enough just to say equity of
9 access? I think that is the question I am trying to raise
10 here.

11 Because right now, the way Canada deals
12 with equality is through the, first of all, I guess, the
13 Charter of Rights and, secondly, out of that they have
14 implemented such things as the Human Rights Act and,
15 thirdly, they have implemented things like the Employment
16 Equity Act. Is that what you are talking about in equity
17 of access? Do we need more of that to ensure some equality
18 in service delivery or equality in political structures?
19 What kind of mechanics do you see providing the equality
20 of access?

21 **GRAHAM TUPLIN:** That is a fairly lengthy
22 question, but maybe to shorten it up a bit, and the lengthy
23 answer will come in our report.

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1 I think when you are dealing with equity
2 of access, it means that everybody should have an equal
3 opportunity to any funding or programs that are made
4 available.

5 If you look at Quebec and the rest of
6 Canada, for example, I think Quebec and the rest of the
7 French communities across Canada have equity of access.

8 Like on P.I.E., the French receive more money than we
9 do for language. They get more funding in every area,
10 yet they are equal with the other French people across
11 Canada. They are able to get to those programs.

12 Unless that begins to happen within the
13 Native community or the Aboriginal community there will
14 never be equity of access. I believe it only can happen
15 if there is going to be legislative changes that have to
16 take place to ensure that it takes place, not by nice words
17 spoken by a Prime Minister or a Minister. It has to come
18 down through legislative changes and policy changes within
19 those departments.

20 We know that employment equity has not
21 worked in Canada. If you look at the figures for
22 Aboriginal people working in the public sector,
23 particularly with government, things have not changed even

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1 though they keep harping on it all of the time. If you
2 walk into any Federal Government office in Charlottetown
3 or in Summerside, or anywhere in P.E.I., you will not see
4 Native people working, except in DVA offices. So it
5 is very limited to what that really does for Native people,
6 and the same holds true with equity of access.

7 **COMMISSIONER VIOLA ROBINSON:** Well, I
8 thank you for that.

9 Again, like I said before, there has to
10 be a very clear process of equity of access. What you
11 would like to see. There is this perception out there
12 by a lot of non-Aboriginal people in this country that
13 equity of access means bringing people up equal to the
14 existing society. We are all equal, but you can't have
15 anymore than I do. That is a big difference from the
16 rights' situation. That is a dispute that goes on even
17 in the fishing now with the fishing rights.

18 So you don't have to answer that now,
19 but I just want to bring that to your attention. We have
20 to know.

21 **GRAHAM TUPLIN:** Well, I think another
22 perfect example, Viola, is that if you look across Canada
23 even at land claims and treaties, and the differences that

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1 are made between the treaties, whether it is
2 pre-confederation, post-confederation, south of 60, north
3 of 60, and if Aboriginal people are going to be equal within
4 Canada then they have to receive equal treatment from the
5 Canadian Government. Equal recognition.

6 Now if everything was the way it should
7 be, I really have no particular problem who speaks on my
8 behalf, or who provides programs and services for our
9 people, but when you have bands that don't look beyond
10 their nose, and have rejected people for generations only
11 because they haven't lived on that reserve, yet want to
12 accept money from the Federal Government for servicing
13 those very people that they have rejected, then something
14 is wrong.

15 The Federal Government does the very
16 same thing when it denies people the rights in their
17 treaties. Why is the treaty of 1725 and 52 different from
18 any treaty across Canada. In there our rights are
19 guaranteed. Land is supposed to be there. People talk
20 of bands now having land for Indian people. Well, those
21 reserves are not the land that was in those treaties.
22 All of P.E.I. is still under that treaty. It has never
23 been sold, never been traded. It belongs to Indian people,

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1 yet when we try to apply for our land claims we told, no,
2 it doesn't apply to P.E.I. There is no room there for
3 us.

4 Now the simple thing can be, if the
5 governments were willing to do something, that land can
6 be set aside on P.E.I. for Aboriginal people living
7 off-reserve, whether it be for residential purposes,
8 economic development or other reasons. They have just
9 set a number of acres aside on P.E.I. for blueberry farming.
10 That was done very expeditiously when they saw that money
11 could be rolling into the province. But when it is talking
12 about Aboriginal people getting an equal share of land
13 for P.E.I., with an equal opportunity in economic
14 development, it doesn't happen.

15 This Commission has to ensure that
16 something like this takes place.

17 **COMMISSIONER VIOLA ROBINSON:** Thank
18 you.

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

21 **MODERATOR DARRELL PAUL:** Thank you,
22 Graham.

23 Next on the agenda is the New Brunswick

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1 Aboriginal Peoples Council, Mr. Frank Palmater and Gary
2 Gould. Gentlemen, could you please come up.

3 So what I ask you gentlemen to do is to
4 make your presentations and then the questions will come
5 right after you two are finished. Which one of you wants
6 to go first? Frank.

7 **FRANK PALMATER, PRESIDENT OF NEW**
8 **BRUNSWICK ABORIGINAL PEOPLES COUNCIL:** Good morning, Mr.
9 Chairman, Viola. I would like to pay hommons (PH) to our
10 Elder before we start. Good morning Aunt Margaret, how
11 are you?

12 It is indeed a pleasure for me to be here
13 today in Moncton, New Brunswick to present to you, the
14 Royal Commission on Aboriginal Peoples, the thoughts,
15 ideas and convictions that we, the New Brunswick Aboriginal
16 Peoples Council, have developed and advanced over the past
17 twenty years in respect to your four touchstones of change.

18 Joining me today is Gary Gould, a past
19 long-term President of the New Brunswick Aboriginal
20 Peoples Council, who presently advises me and provides
21 much needed and valued insight on Aboriginal people and
22 affairs. I am sure that most of you know Gary and have
23 had the opportunity of discussing many of the current

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1 Aboriginal issues with him in the past. The New Brunswick
2 Aboriginal Peoples Council is fortunate to have him as
3 a member, and I am very pleased to have him joining me
4 today in this presentation.

5 Let me begin by, firstly, welcoming you
6 on behalf of the membership of the council to the territory
7 of the Micmac people. As a member of the Micmac nation,
8 let me say that I hope your journey here was a safe one,
9 that your stay will be enjoyable and may your trip home
10 be uneventful and safe. Again, on behalf of the Micmac
11 people and the membership of New Brunswick Aboriginal
12 Peoples Council, welcome to our lands.

13 Honourable Commission members, I have
14 been following with great interest the discussions,
15 deliberations and proceedings that you have undertaken
16 over the past two years. I have been following these not
17 only because of my vested interests as an Aboriginal
18 person, and as President of the New Brunswick Aboriginal
19 Peoples Council, the political voice and advocate for
20 off-reserve status, non-status and Métis people in New
21 Brunswick, but also because of my long held personal views,
22 thoughts and concerns as a Canadian citizen.

23 In my role as President of the New

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1 Brunswick Aboriginal Peoples Council, I am only too well
2 aware of, have lived with, seen and heard, the deplorable
3 social, economic and political situations that Aboriginal
4 people are faced to live with each and everyday. I am
5 sure that you are also aware of these problems which express
6 themselves in the daily struggles, strife and abuses that
7 are all too common amongst my people.

8 As a concerned Canadian, it is my strong
9 belief that we as a nation must join together to do
10 something urgently to deal with and correct the many
11 mistakes of the past which have been inflicted upon and
12 are perpetuated against the descendants of the first
13 citizens of the land we call Canada. Hopefully what we
14 will offer you today in the form of solutions,
15 recommendations to your touchstones of change will be of
16 use as you search for means by which Aboriginal and
17 non-Aboriginal people can find accommodation and a way
18 to co-exist in this country that has so much to offer.

19 However, before advancing to you my
20 possible solutions, which I feel are capable of being
21 accepted by the majority of Canadians, I must caution you
22 that what I will say may not be readily acceptable to those
23 who run the risk of losing power, a power born out of

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1 colonial vestiges of the past and which, in some cases,
2 are being readily promoted by both Aboriginal and
3 non-Aboriginal power barons who's basis of power depends
4 entirely on maintenance of this status quo. Hopefully,
5 and I say this with the greatest respect, you will have
6 the courage and fortitude necessary to advance workable
7 options that the majority of Aboriginal people and
8 Canadians see as necessary and which can be supported in
9 contemporary society.

10 The first touchstone, the relationship.
11 This touchstone of change is of most urgent necessity
12 and, while I understand the essence of your theme, I firmly
13 believe that what we need is not a new relationship, but
14 a return to the relationship that was the basis and
15 understanding of the co-existence model, that was the
16 understanding that my ancestors and non-Aboriginal people
17 entered into in pre-confederation treaty times.

18 While I am fully aware that the situation
19 at that period of time was based upon Aboriginal people
20 being a military might and the majority population, which
21 forced colonial authorities to recognize our rights and
22 nationhood, it nevertheless provided a model of
23 co-existence that could be useful today.

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1 Indeed, the past 300 year of neglect and
2 denial of the original agreement to co-existence has led
3 to many of the problems we find in Aboriginal communities.

4 While we, the Aboriginal people, had wished to maintain
5 these original terms in our treaties, the dominant society
6 instead chose to abandon them.

7 However, due to our strong held
8 convictions and our heart felt knowledge that our treaties
9 provide an answer to the problem of the relationship
10 between our peoples, the New Brunswick Aboriginal Peoples
11 Council, firmly recommends the following:

12 That the Royal Commission clearly state
13 that, whereas the Aboriginal people being the first people
14 to occupy this land, and the first to govern themselves
15 on it, have an inalienable Aboriginal treaty right which
16 has been recognized in treaties, the Royal Proclamation
17 1763, the constitution and in law.

18 Whereas Aboriginal people and
19 non-Aboriginal people agreed through these instruments
20 to co-exist on this land, that the Royal Commission on
21 Aboriginal people recommend to the Federal Government that
22 a national treaty of renewal be entered into between
23 Aboriginal and non-Aboriginal Canadians.

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1 Principles that need to be recognized
2 and reaffirmed in this treaty would include the follow:

3 (1) A recognition of our fundamental
4 right as First Nation descendants. (2) A recognition that
5 our treaty rights, rights to our cultures, languages,
6 traditions, values and spirituality are fundamental
7 principles of the nation. (3) A recognition of our right
8 to self-determination. (4) A right to co-exist with other
9 Canadians.

10 I am going to turn the microphone over
11 to my co-presenter now, Gary Gould, for the next two
12 touchstones.

13 **GARY GOULD, SKIGIN ELNOOG HOUSING**
14 **CORPORATION:** Thank you very much, Mr. President. The
15 next touchstone is self-determination.

16 I need not repeat the numerous
17 statements or comments that you, the Royal Commission,
18 have all too frequently heard regarding the right of
19 self-determination or self-government, nor will I advance
20 to you the deeply felt feelings of anguish and frustration
21 we have in respect to the death of the Charlottetown Accord,
22 other than to say that, for the N.B.A.P.C, we feel we have
23 missed an ideal opportunity to begin to immediately advance

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1 from time consuming debates and arguments, about the
2 essence and basis of this right, to much needed and serious
3 negotiations on the mechanics of how it would be developed
4 for the off-reserve Aboriginal people of New Brunswick.

5 Having said this, I do not want you, the
6 Royal Commission, to feel that we have abandoned the notion
7 of self-government. Indeed, if anything is clear to us,
8 as a result of recent events and cut-backs to our funding
9 levels and therefore our ability to service the social
10 needs of our people, the imposition of the provincial sales
11 tax on off-reserve people in New Brunswick, without having
12 the fundamental right to represent our interests in the
13 legislatures, is the need even more for the recognition,
14 and finding a means by which self-government can be
15 accomplished.

16 The concept that the New Brunswick
17 Aboriginal Peoples Council has advocated for
18 self-government has been around for the better part of
19 a decade now, and is comprised of several elements, layers
20 of tiers. It is based upon recognition of historical fact,
21 needs of the people and contemporary reality.

22 Historically it is obvious that
23 Aboriginal peoples' right to self-government flows from

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1 the very fact that our ancestors were here when the Europeans
2 arrived and were self-sufficient, self-regulating
3 societies. As well, historically and legally, the rights
4 of Aboriginal people have found recognition in both
5 international and domestic law, and are clearly both
6 constitutionally protected Aboriginal and treaty rights.
7 Therefore, it should come as no surprise to Canadians
8 that Aboriginal people wish to define for themselves their
9 rightful place at the table, and have recognized their
10 right to consent to how they wish to govern or be governed.

11 In regards to the need for
12 self-government, it is clear that the failures of past
13 policies, which were either deliberately or
14 unintentionally aimed at either assimilating our people
15 or at making us equal citizens, have failed miserably.
16 Aboriginal people have resisted these colonial policies
17 and, as a result, live in deplorable social conditions
18 and have been marginalized off to the side of the Canadian
19 political process. Their rights have too often been
20 neglected or simply been run rough shod over.

21 I am amazed that Aboriginal people
22 continue to believe that they can find accommodation within
23 the system and, for the most part, have avoided the pitfalls

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1 of violence that we see in other areas of the world.
2 However, Aboriginal people, for the most part, have made
3 a choice to pursue self-determination within the context
4 of and confines of confederation. I support this. What
5 governments need to recognize is the support for and
6 demands by Canadians in general, who see the need to find
7 accommodation for Aboriginal self-determination.

8 On the issue of reality, the New
9 Brunswick Aboriginal Peoples Council fully recognizes the
10 fact that we are living today, not prior in colonial times
11 or even prior to contact. We recognize that we must share
12 the land, resources and common institutions of this land,
13 if we are to survive and flourish as a special group of
14 Canadian citizens. Also, we are ever so cognisant that
15 we are a minority in most of the country. As a result,
16 our notion of self-government has been developed to enable
17 us to co-exist, and needs only to find accommodation and
18 expression.

19 The elements of our self-government
20 would involve both the rights of individuals and
21 collectives. It would also be based upon responsibility
22 and sharing elements which go hand in hand with
23 self-determination.

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1 The individual as a person has the
2 fundamental right to participate and access their rights.
3 No one or group has the power to deny this fundamental
4 right. The individual has a responsibility to participate
5 and to share in self-government.

6 The collective as the fiduciary has the
7 right, in concert with the individual, to speak out for,
8 negotiate on behalf of and protect the individual rights
9 of current and future members of the collective. It also
10 has the responsibility to chose how to govern or be
11 governed.

12 For the New Brunswick Aboriginal Peoples
13 Council, our notion of self-government fully recognizes
14 the existence of federal and provincial institutions.
15 Institutions that, we only know too well, are here to stay
16 and which we earnestly feel must be made reflective of
17 Aboriginal people and self-government. For us, this
18 requires a recognition that one element of Aboriginal
19 self-government necessitates our full and effective
20 participation in Parliament and legislative assemblies
21 as representatives of our collective interests.

22 If Aboriginal self-government simply
23 means local forms of self-regulation, and not full and

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1 active participation in the legislative process that
2 governs this land, then we feel that we will continue to
3 be marginalized, and our true place at the table will not
4 be found. Therefore, we recommend that the Royal
5 Commission advance the proposition that all Aboriginal
6 people must determine for themselves how they will govern
7 or be governed and that in order for this to fully occur,
8 Aboriginal people must participate as full and equal
9 partners who have a special right to participate in the
10 legislative institutions of this land.

11 In respect to the funding of
12 self-determination several options are open for
13 consideration. They could either be used independent of
14 one another or together.

15 The first option would be land claims.
16 Land claims could provide resources to Aboriginal groups
17 for self-government to occur. Land, resources and
18 monetary compensation would enable Aboriginal people
19 effected to resource their institutions.

20 The second option is treaty renovation.
21 Treaty renovations similarly to land claims could enable
22 some, if not all, of the necessary elements of
23 self-government to occur, land, resources and monetary

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1 compensation.

2 A third way would be an Aboriginal claims
3 royalty. The Aboriginal royalty could provide and
4 independent and assured source of revenue. It also could
5 set aside the contentious issue of land claims and enable
6 the Federal and Provincial Governments the ability to
7 gather and allocate, in an equitable manner, resources
8 to Aboriginal governments. It would be based upon a
9 percentage of the gross or net value of renewable resources
10 gathered from the lands and waters of Canada.

11 A fourth way would be the Aboriginal
12 transfer payment. While we tried unsuccessfully, during
13 negotiations that led up to the Charlottetown Accord, to
14 have Aboriginal governments treated similarly to
15 Provincial Governments by having section 36 of the
16 Constitution amended. The New Brunswick Aboriginal
17 Peoples Council feels that this concept should not simply
18 be abandoned. If we are to assure true self-government
19 then we must have confirmed and have assured levels of
20 financing.

21 Similarly, we could look at block
22 transfers and/or conditional grants. Block grants,
23 following the established program financing model, would

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1 be best suited for social programs such as health, welfare,
2 education and culture. Conditional grants should be used
3 for areas such as community development, economic
4 development, housing, etcetera. As well, in the initial
5 onset, conditional grants may be more saleable to the
6 general public.

7 The amount of money that would be
8 available should be directly related to the percentage
9 of the Aboriginal population. It may also be wise to
10 suggest, due to the deplorable situation that Aboriginal
11 citizens find themselves in, that an affirmation action
12 fund be made available to Aboriginal governments to allow
13 them to catch up.

14 The touchstone of self-sufficiency.
15 The New Brunswick Aboriginal Peoples Council is glad to
16 see that the Royal Commission on Aboriginal Peoples has
17 drawn the conclusion that Aboriginal self-government and
18 self-sufficiency go hand in hand. The New Brunswick
19 Aboriginal Peoples Council fully agrees with this premise.

20 Indeed, true Aboriginal self-government will be illusive
21 and illusionary unless Aboriginal people have the means
22 by which to effect it.

23 Self-sufficiency will not be an easy

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1 task to accomplish due to the negative impact and history
2 of colonization. Both Aboriginal and non-Aboriginal
3 people have developed learned patterns of thought based
4 almost entirely upon myth, misinformation and the negative
5 impacts of the Indian Act.

6 However, the mistakes of the past must
7 not be allowed to continue and we must jointly work together
8 to break the current bondages of poverty that has and
9 continues to marginalize Aboriginal people to the lowest
10 end of the social economic ladder.

11 This can and must be done to enable
12 Aboriginal people to flourish, survive and prosper as a
13 unique collective in Canada, thereby becoming prosperous
14 contributors to their own institutions and society, and
15 also to those institutions that we hold in common with
16 all Canadians.

17 The New Brunswick Aboriginal Peoples
18 Council has several thoughts on self-sufficiency that we
19 have developed over the past two decade which we feel can
20 assist in beginning to address this question and range
21 from minor adjustments to existing policy and programs
22 to major change to public policy.

23 In respect to existing policy and

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1 programs, I offer the following case study to explain some
2 of the structural impediments to enabling self-sufficiency
3 to occur.

4 In the mid 1980's, the Council began to
5 access the Native Economic Development Program. One
6 element of this endeavour was the Council's development
7 and advancement to Native Economic Development Program
8 of a long-term economic development plan. One strategy
9 involved looking into what we, as a community of interest,
10 could bring to the table to enable long-term viability
11 and self-sufficiency.

12 In respect to this, we put on the table
13 the five million dollars worth of mortgages that our
14 non-profit housing society, Skigin Elnoog, had. It was
15 our intention to create a mortgage company that initially
16 would hold these mortgages and thereby have our
17 corporation, Skigin Elnoog, pay principal and interest
18 to us, rather than to outside financial firms.

19 To make a long story short, we were not
20 allowed to create this institution due to policy
21 restrictions. Not only have we lost several million
22 dollars in self-generated capital, we have lost the
23 opportunity for our own people to participate in their

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1 own financial lending institution. As well, we had hoped
2 that this institution would have held the New Brunswick
3 Aboriginal Peoples Council's own mortgage on its own office
4 building which we build and which was financed by outside
5 interests.

6 Therefore, one recommendation on
7 self-sufficiency that we would advance to the Royal
8 Commission is that wherever Aboriginal groups have
9 advanced viable and proven economic strategies that are
10 aimed at self-sufficiency, and are based upon either
11 internally generated capital or have the ability to involve
12 either their own institutions and/or people in providing
13 investment in their endeavours, that government policy
14 should not only allow this but should actively promote
15 it.

16 The second thought and recommendation
17 that we have respecting self-sufficiency involves the
18 ending of the myth that Aboriginal title does not exist
19 in New Brunswick, that is has somehow been superseded by
20 law.

21 Over the past twenty years, N.B.A.P.C.
22 has, like our brothers and sisters in the rest of the
23 Maritimes, called upon the governments, both federally

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1 and provincially, to either provide clear legal proof that
2 our Aboriginal interest in the lands of the Maritimes has
3 been either extinguished in law or has been appropriately
4 acquired.

5 We are heartened by recent developments
6 in the Province of British Columbia, another area
7 supposedly superseded by law, which appears on the surface
8 to be the beginning of a process to address this issue.

9 However, we expect difficulties since we are such a small
10 minority here in New Brunswick and since we have over 300
11 years of colonial history.

12 However, the evidence is clear that
13 Aboriginal title exists and is an underlying impediment
14 to clear title. We therefore suggest that in order to
15 ensure self-sufficiency for Aboriginal people in the
16 Maritimes that the Royal Commission recommend to the
17 Governments of Canada, federally and provincially, that
18 they immediately recognize the existence of Aboriginal
19 title in the Maritimes, and begin to identify an
20 appropriate mechanism by which this outstanding issue can
21 be addressed with the underlying intention of providing
22 self-sufficiency to Aboriginal people.

23 The final thought that we have on

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1 self-sufficiency relates to the question of taxation.

2 The New Brunswick Aboriginal Peoples
3 Council had its original beginnings as a non-status Indian
4 organization. As a result, taxation, or more specifically
5 tax exemption, was not something that our people had
6 benefitted from. Those of us who worked paid income taxes
7 and we all paid the provincial sales tax. Because of this,
8 the Council have never been reluctant to talk about
9 taxation or the paying of taxes.

10 Indeed, the New Brunswick Aboriginal
11 Peoples Council has advanced the need that if we are to
12 be self-sufficient governments, then we must have a tax
13 base. We have seen that recently the issue of taxation
14 has become a topic of some concern for Aboriginal people
15 in the country. However, it is our feeling that tax
16 exemption must end and be replaced by recognition that
17 we must support our own institutions if we are to be
18 self-sufficient.

19 Therefore, we advance to the Royal
20 Commission the following recommendation. Since it is
21 inevitable that Aboriginal self-government will occur as
22 a third order of government in Canada, and since the issue
23 of taxation will have to be addressed, that the tax system

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1 in Canada be restructured to enable individual Aboriginal
2 people to designate a third of their personal income tax
3 to their own institutions of self-government. The
4 remaining two-thirds would remain with the Federal,
5 Provincial and Territorial Governments to pay for those
6 services and institutions that Aboriginal people share
7 in common with other Canadians.

8 I would like to return the presentation
9 now to the President, Mr. Palmater.

10 **MR. PALMATER:** The last touchstone is
11 healing. In regards to you touchstone healing, the New
12 Brunswick Aboriginal Peoples Council is very pleased to
13 see that the Royal Commission has identified that this
14 problem not only impacts upon the individual, but has and
15 shall continue to have deep, profound and serious effect
16 for Aboriginal communities and cultures.

17 The Council fully agrees with the
18 thinking of the Commission and advances the notion that
19 the spiritual, emotional and physical well-being of
20 Aboriginal communities and nations must occur
21 simultaneously with advancements in the well-being of the
22 individual.

23 Indeed, unless these happen together,

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1 little real improvement of any lasting duration will occur
2 to eliminate the deplorable state of affairs Aboriginal
3 people live with, and is seen in the negative indications
4 of poor health, lack of education, high levels of suicides,
5 abuses of all kinds, high levels of unemployment, bad
6 housing conditions and general lack of self-esteem of
7 Aboriginal individuals and their communities.

8 The Council fully concurs that a
9 holistic approach is the appropriate way to address these
10 problems. However, the New Brunswick Aboriginal Peoples
11 Council cautions the Commission that a much broader and
12 more all inclusive concept of holistic must be developed
13 and used. We feel that a holistic approach that is based
14 upon concurrently dealing with both the individual and
15 the community is needed. We further suggest that this
16 be fostered and acted upon for the long-term benefit of
17 Aboriginal people and their communities.

18 Indeed, we see that unless both the needs
19 of the individual and his or her community, community of
20 interest or nation, are dealt with simultaneously, that
21 the current problem of migration from home communities
22 will continue and may well be accelerated. Therefore,
23 a holistic approach that attempts to solve only individual

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1 problems may very well unknowingly continue the
2 assimilation of our people.

3 Therefore, the New Brunswick Aboriginal
4 Peoples Council advances the following recommendation to
5 the Royal Commission, for your consideration, that any
6 holistic approach to self-government must be based upon
7 simultaneously healing the needs of the individual and
8 the community of interest or nation involved.

9 While addressing the subject of healing,
10 the New Brunswick Aboriginal Peoples Council must make
11 mention of the most serious long-term and negative problem
12 that befalls Aboriginal people in Canada and requires
13 healing, the Indian Act.

14 As a group that began as a non-status
15 Indian organization, we have seen and have been forced
16 to live with the negative effects of this malignant cancer
17 and instrument of destruction. Indeed, it is our belief
18 that unless the discriminatory and negative impacts of
19 the Indian Act are appropriately dealt with, then any real
20 healing for Aboriginal people and our nations will not
21 occur.

22 As I mentioned to you in my opening
23 remarks, changed will be difficult due to resistance by

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1 those who want to maintain power. A power born and
2 fostered, in many instances, through the legislation know
3 as the Indian Act, a tool that has and continues to divide
4 Aboriginal people.

5 The New Brunswick Aboriginal Peoples
6 Council would recommend the following as a means to start
7 the healing required as a result of the cancer know as
8 the Indian Act.

9 We recommend that the Royal Commission
10 advance the notion that artificial divisions created by
11 the Indian Act, past and present, must be removed. Indian
12 people must return to true democratic means of power
13 sharing and decision making for their nations and tribal
14 groups. Any problem and/or service advanced to deal with
15 a holistic approach to Aboriginal people must be made
16 acceptable to all members of the group, whether they live
17 in an Aboriginal community or outside of it.

18 I don't have any concluding remarks, Mr.
19 Chairman, our fellow Commissioners, simply because in the
20 fall when we give our final brief to the Royal Commission,
21 those closing remarks will be in there. This is an interim
22 report.

23 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

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1 This is certainly a very interesting brief. We are very
2 happy that you could share this with us mid-course. I
3 will be looking forward to getting the full fledged brief
4 in the fall.

5 A first question, to make sure I have
6 got it right. I understand that the New Brunswick
7 Aboriginal Peoples Council represent -- I would like to
8 be sure as to what you aim to represent. What are the
9 people in this province that you aim to represent. You
10 do not represent status people living on-reserve.

11 **FRANK PALMATER:** No we do not.

12 **CO-CHAIR RENÉ DUSSAULT:** So you
13 represent status people off-reserve or Métis people?

14 **FRANK PALMATER:** Status, non-status and
15 Métis people living off-reserve.

16 **CO-CHAIR RENÉ DUSSAULT:** If I look at
17 the figures from the census, that means about 6,000 people
18 roughly. There are 11,000 people who reported having
19 Aboriginal origin in the province, and 5,700 are living
20 on reserves. So basically that is what we are talking
21 about. Am I right?

22 **FRANK PALMATER:** What you are saying is
23 that the only people that count are status. No. There

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1 is a large number of people who are non-status and Métis
2 Indian people, who live in the Province of New Brunswick,
3 whom we represent.

4 **CO-CHAIR RENÉ DUSSAULT:** What is the
5 figure in your --

6 **GARY GOULD:** Mr. Chairman, for the
7 benefit of using a figure, we will say that the census
8 figures has identified a group of people that have
9 self-identified. There are probably several thousand
10 more that live in the Province of New Brunswick who have
11 not chosen to identify. We don't know the absolute
12 numbers.

13 **CO-CHAIR RENÉ DUSSAULT:** That is fine.

14 **GARY GOULD:** It is safe so say that
15 better than 50 per cent of the total Aboriginal population
16 in New Brunswick resides off-reserve.

17 **CO-CHAIR RENÉ DUSSAULT:** Still we have
18 to work with the data from the census.

19 **FRANK PALMATER:** Then use 6,000 people,
20 Mr. Chairman.

21 **CO-CHAIR RENÉ DUSSAULT:** I didn't enter
22 into the distinction between the origin and the
23 self-identification because it will be lesser than that.

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1 I understand that you speak in your brief
2 on the tax exemption. I am on page 7 of the
3 self-sufficiency touchstone. The paragraph that is
4 central to this page, you say that it is your feeling that
5 tax exemption must stand and be replaced by a recognition
6 that we must support our own institutions if we are to
7 be self-sufficient. Should I read your proposal as
8 saying that the income tax exemption for those living on
9 reserve must end? Could you tell us exactly what you have
10 in mind?

11 **FRANK PALMATER:** Basically, it is this.
12 We do not speak for or on behalf of, in anyway whatsoever,
13 the people who live in Aboriginal communities known
14 throughout the Province of New Brunswick as reserves.

15 **CO-CHAIR RENÉ DUSSAULT:** I understand
16 that.

17 **FRANK PALMATER:** So whatever
18 exemptions, taxation or any other that applied to those,
19 the Council has no opinion. It is up to the Chiefs and
20 the counsellors on those reserves to opinionize you as
21 to what they are.

22 Off-reserve, however, traditionally the
23 people who belong to the New Brunswick Aboriginal Peoples

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1 Council are not new to taxation. I have been paying taxes
2 ever since I have worked, since I was 17. That is some
3 15 or 16 years now. So I am not opposed to paying taxes.

4 My father, all of my uncles and aunts, who live off-reserve
5 have paid taxes. We have paid property tax, gas tax, the
6 whole works. Taxation is something that is a fact of life.

7 **CO-CHAIR RENÉ DUSSAULT:** I understand
8 that.

9 **FRANK PALMATER:** It is not something
10 that you can ignore if you want to have an effective form
11 of self-government. Somehow you must generate finances
12 to keep that government in place, as the Government of
13 Canada does.

14 What our concepts is: Is that if we are
15 going to be taxed, allow us to participate in the systems
16 that collect that tax. If you don't, then we will not
17 have a true voice in that system.

18 **CO-CHAIR RENÉ DUSSAULT:** I understand
19 that. Later in your brief, you say, well, we have been
20 paying taxes, including income tax, living off-reserve,
21 even being status, but we would like that the amount of
22 taxes we pay, one-third, would be used for the setting
23 up of self-government.

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1 **FRANK PALMATER:** No, one-third would be
2 given the individual's choice as to which area he would
3 like those taxation dollars to go to.

4 **CO-CHAIR RENÉ DUSSAULT:** I might come
5 back on that. I am still not clear as to what you are
6 telling us, on page 7, of this self-sufficiency because
7 you are saying that tax exemption must be ended. Is there
8 exemptions at this point for your members?

9 **GARY GOULD:** Well, if I wanted to set
10 up a company -- I am status Indian.

11 **CO-CHAIR RENÉ DUSSAULT:** Yes, but you
12 are living off-reserve.

13 **GARY GOULD:** I am living off-reserve.
14 I have always lived off-reserve. I have no intention
15 of living on reserve.

16 As a taxpaying citizen in the Province
17 of New Brunswick and in the Country of Canada, I pay income
18 tax. A portion of that income tax filters back through
19 the system, through Indian Affairs. You mentioned that
20 this morning about the tax issues. As an off-reserve
21 person, I am not eligible to participate in the electoral
22 process at the reserve and therefore I am taxed without
23 having the right to represent my interests.

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1 I would sooner see myself having the
2 right to designate a portion of my tax base to the New
3 Brunswick Aboriginal Peoples Council for our
4 self-generated funds.

5 **CO-CHAIR RENÉ DUSSAULT:** What you are
6 saying is that by contributing through the general taxation
7 process in the country, some of those monies returned to
8 the bands on the reserves and you are not allowed to
9 participate on this band. That is what you are saying.

10 **GARY GOULD:** Yes.

11 **CO-CHAIR RENÉ DUSSAULT:** It was a bit
12 ambiguous, talking about tax exemption.

13 **GARY GOULD:** It is only ambiguous if you
14 want to perpetuate myths. You know Aboriginal people --

15 **CO-CHAIR RENÉ DUSSAULT:** I think the
16 purpose here is to understand. I just want to be sure
17 that I read you correctly.

18 **GARY GOULD:** But in order to understand
19 we have to deal with the myths, sir, and some of the myths
20 are that Aboriginal people don't pay taxes. There are
21 several studies that have concluded that Aboriginal people
22 who live off-reserve pay somewhere in the area of eight
23 and half billion dollars in taxes.

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1 So we are directly funding, if the figure
2 is five billion dollars for Indian Affairs, the cost of
3 Indian Affairs. What we need to ensure is that Aboriginal
4 people have equity of access to those resources. The
5 current process used through the Indian Act disallows many
6 of us, many of our people, to access programs and services,
7 and we have to design an alternate method.

8 **CO-CHAIR RENÉ DUSSAULT:** I got it right.
9 What you are saying is that you are contributing, as all
10 citizens in this country, to the financing that comes from
11 Indian Affairs to the status Indians living on reserves?

12 **GARY GOULD:** We are also paying for
13 services since we were off-reserve.

14 **CO-CHAIR RENÉ DUSSAULT:** If we want to
15 call a spade a spade. That is what you are telling us.

16 **FRANK PALMATER:** But don't limit it to
17 that. We are also paying for the Royal Commission.

18 **CO-CHAIR RENÉ DUSSAULT:** Of course.

19 **FRANK PALMATER:** We are also paying for
20 the Prime Minister.

21 **CO-CHAIR RENÉ DUSSAULT:** For
22 everything. Fair enough.

23 **FRANK PALMATER:** We are contributing to

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1 the society that we live in.

2 **CO-CHAIR RENÉ DUSSAULT:** Yes,
3 certainly.

4 The second point, I wanted to get some
5 clarification, was on the undertaking that you have tried
6 to put forward with the mortgage corporation. I am not
7 clear as to what happened. I understand that your
8 organization has five million dollars worth of mortgages.

9 I want to understand what the problem was because being
10 off-reserve you are not governed by the constraint of the
11 Indian Act. So could you give me some clarification on
12 this?

13 **FRANK PALMATER:** Yes, I can. When
14 economic development proposals and programs were first
15 initiated with Aboriginal people living off-reserve and
16 on-reserve, we had an idea that our off-reserve non-profit
17 housing organization, known as Skigin Elnooq, would be
18 able to receive government funding, pay off the mortgages
19 that are at financial institutions now, and rather and
20 pay interest every year, every month, on the loans at those
21 banks, we would pay interest to ourselves. Therefore,
22 perpetuate self-government of our own organization.

23 Another idea, or sub-idea, of this was

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1 that if I wanted to borrow money to mortgage a house, and
2 I had a job and I met all of the criteria, I would approach
3 Skigin Elnoog, who is a self-sufficient mortgage lending
4 institution, and borrow the money to build my home. The
5 interest that I would pay back would go to benefit all
6 Aboriginal people in all economic, education, whatever
7 types of programs that we wanted.

8 Unfortunately, policies within the
9 Federal Government did not allow us to do that. They said:
10 Oh no, we can't give you Canadian taxpayers' dollars to
11 pay out your existing mortgages and then you still collect
12 interest and pay it back to us.

13 Now we think that the major culprit there
14 where the banks who collect the interest that we have to
15 pay them. There is no way on God's green earth, the country
16 we call Canada, that the banks would have stood for that.
17 They just don't like it.

18 **GARY GOULD:** Mr. Chairman, I am the
19 manager for Skigin Elnoog. We have about eight million
20 dollars worth of mortgages outstanding now. At the end
21 of the year it will be about nine million dollars. We
22 are paying somewhere in the area of about \$660,000.00 a
23 year in interest to financial institutions, which is three

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1 times the amount of money that our provincial organization
2 receives.

3 We think that one element of
4 self-government is financial viability. When we started
5 our economic development strategy we said, well, what can
6 we put into it. We said, well, we have got these mortgages,
7 let's create a financial institution that will hold these
8 mortgages and we will pay interest to that institution
9 rather than to the Bank of Montreal, Commerce, TD, whoever
10 was holding the mortgage.

11 We were very, very close to have that
12 accepted until somebody in the Department of Justice came
13 forward with a Treasury Board Minute that would not allow
14 that to happen.

15 We have to contribute and we have to look
16 at what we have as individuals. As Franky said, a second
17 element was individuals. We have a lot of members who
18 have mortgages, their own personal mortgages, and many
19 of them said that they would not mind paying interest to
20 their own institution, rather than to the Bank of Montreal,
21 or to Canada Trust, such as I do, etcetera.

22 **CO-CHAIR RENÉ DUSSAULT:** So what is at
23 stake here, and heard again and again about it, is the

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1 lack of financial institutions. For example, I was in
2 Toronto two weeks ago, and we were presented with a brief
3 where the proposal was the setting up of an Aboriginal
4 bank.

5 Well, it is certainly clearer. When you
6 are talking about policies, you are talking about the
7 banking policies of this country, and that policy is under
8 the Indian Act.

9 The housing society, what exactly is the
10 role of the society at this point? You are not building
11 houses?

12 **GARY GOULD:** Skigin Elnoog is an urban
13 non-profit housing society. There are several different
14 programs that exist in New Brunswick, as in other
15 provinces. We are an urban based housing society. We
16 have never built any units. We have acquired existing
17 homes and apartments out there. We operate under the
18 non-profit criteria. We rent both to Native and
19 non-Native people. Non-Native people pay the going market
20 rents and Native families, who are in need, are subsidized.

21 We deliberate established that type of
22 program back in 1973 because we recognized that our numbers
23 are insufficient. We don't have enough people living

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1 off-reserve or, indeed, enough Aboriginal people, in the
2 total of the Province of New Brunswick, to make it a viable
3 business operation.

4 Our funding for units ends this year,
5 as everybody else's does, but we will be able to exist
6 on our cash flow, it is a business proposition, and we
7 will be able to continue to subsidize Native families,
8 who are members of the Council, in the future who need
9 assistance.

10 One of the points that I want to point
11 out here is that it is not a universally accessible program.

12 There are income requirements. We recognize that we
13 can't help all Native families initially. So we target
14 low income Native families and provide reductions in rent,
15 and operating subsidies for them.

16 **CO-CHAIR RENÉ DUSSAULT:** Last point on
17 self-government. I understand that you are going to
18 present us with some model of what kind of structure it
19 could have in urban settings because you are stressing
20 the importance of participating into the mainstream
21 institutions. That is quite clear.

22 Later on you mentioned that Aboriginal
23 self-government should have their own taxation power.

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1 What can we expect, because the difficulty is to reconcile
2 the notion of self-government where there is no land base,
3 as you know. Are you going to come up with some designs
4 or models?

5 **FRANK PALMATER:** Well, there is one in
6 here, Mr. Chairman, and it is the royalty issue that we
7 mentioned. For every tree cut, for every hole dug, for
8 every fish fished, Aboriginal people being the first
9 recipients of the resource should be given a royalty not
10 because we are poor and we need it, but because that
11 resource is ours. It has never ever been taken away. This
12 is still Indian land.

13 Mr. Irving, and the Irving conglomerate,
14 and Fraser up north, and the New Brunswick International
15 Paper Company in my area, up in Dalhousie, they pay the
16 Provincial Government. If the Provincial Government paid
17 the Aboriginal people a royalty fee that was theirs for
18 every tree, self-government would thus be funded.

19 **CO-CHAIR RENÉ DUSSAULT:** Well, this is
20 certainly a sweeping proposition, but one that would avoid,
21 obviously, the setting up of governmental structure as
22 such. That is the point that you are putting across.

23 **FRANK PALMATER:** It wouldn't avoid it.

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1 It would make the transition much easier.

2 **CO-CHAIR RENÉ DUSSAULT:** When you put
3 that proposal to us, you have in mind an across-the-board
4 solution that would apply across the country?

5 **FRANK PALMATER:** It could. I am not
6 going to sit here and speak for the people who live in
7 Ontario. I don't know if that is their idea, but it could.
8 It is something that could be built on.

9 **GARY GOULD:** Mr. Chairman, the Council
10 has entered into agreement with the Royal Commission to
11 advance a model of self-government, and I believe they
12 are working on that. Indeed, it is not a new model. We
13 have been talking about it for years, and we just want
14 to stress that it is simply not an urban self-government
15 model. It is a much bigger model and it starts off with
16 the nation. There are two nations in the Province of New
17 Brunswick, the Micmac Nation and the Maliseet Nation.
18 All descendants have the right to participate in nation
19 building and in the government of that nation.

20 We recognize that not all of our people
21 live in reserve communities and their must be institutions,
22 social, economic, cultural, educational institutions,
23 that we control both on and off. We also recognize that

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1 there are institutions that we hold in common with other
2 Canadians, Parliament and Provincial Legislatures.

3 To us, it is illusionary to think that
4 issues such as hunting, fishing and trapping are going
5 to be dealt with appropriately by institutions that are
6 simply Aboriginal. You know, because the Supreme Court
7 of Canada has already ruled that conservation can impact
8 on Aboriginal rights, treaty rights. We have to be
9 involved in Parliament and the Legislatures to protect
10 our collective interests as Micmac and Maliseet people.

11 So we are talking about a blended concept
12 of self-government, not simply a stand-alone municipal
13 type of structure or an urban type of society. We are
14 talking about a much more comprehensive and broad notion
15 of self-government.

16 **CO-CHAIR RENÉ DUSSAULT:** Last point.
17 You are certainly aware of the difficulty. Many of your
18 thoughts in your brief rely on self-identification of
19 Aboriginal people, of course, for governance purposes.
20 That is obvious.

21 When it has a bearing on the benefits
22 it is more difficult because, as you know -- and I am taking
23 just about your last example, the general royalty claims.

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1 I don't want to discuss that at length, but I want to
2 raise that this is a major, major technical difficulty
3 to put together the definition, if the method is true
4 self-identification, and the benefits, then it gets very
5 difficult.

6 You would appreciate that many people
7 in a province like this one, or in Quebec, or Ontario,
8 or whatever, could define themselves as having Aboriginal
9 origin to participate into that kind of royalty. I suppose
10 you have thought about it. The solution is not easy.

11 **FRANK PALMATER:** The solution is very
12 easy, Mr. Chairman. We have for the past 17 years been
13 applying that solution to our people. Our people must
14 provide proof of Aboriginal ancestry. They must, in order
15 to be a member of our organization, provide proof of
16 Aboriginal ancestry. They do not receive membership in
17 our organization unless they prove it. It is not, and
18 no, I disagree with you 100 per cent, self-identification.
19 That is a term that governments like to use, not us.

20 **CO-CHAIR RENÉ DUSSAULT:** Okay. I will
21 just give you an example. There was a Métis group in
22 Toronto, two weeks ago, who told us that it should not
23 go further than three or four generations.

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1 **FRANK PALMATER:** That is up to them.

2 **CO-CHAIR RENÉ DUSSAULT:** That is up to
3 them. What I am saying is that this Commission is
4 confronted with -- what is the criteria. We are not
5 talking about government and governance, we are talking
6 about the link to benefits. I think we have to address
7 those issues.

8 **FRANK PALMATER:** Okay. I think --

9 **CO-CHAIR RENÉ DUSSAULT:** That is the
10 fundamental, and if you could come up with additional
11 thoughts and more specific things in your final brief,
12 we would appreciate it, because for the Commission this
13 is central. Very often the frustration from
14 recommendations not being implemented flows from the fact
15 that the principals are there, but the implementation of
16 those principals present very concrete difficulty.

17 That is what I said earlier. The
18 definitions that are there in the Indian Act, most of the
19 time, are there because of financial motivation. So it
20 is difficult to have an open-end system when it is for
21 the participation of the program. You have to know if
22 the program applies to specific people when they are not
23 universal. So we have to address that together.

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1 **FRANK PALMATER:** Okay. I have an
2 answer for that, and my answer is basically this: The
3 Queen of England is the Queen. She will pass down her
4 royal ancestry to her grandson. It doesn't diminish any
5 because he married a commoner. He is still going to be
6 the King of England someday.

7 Why is that Aboriginal people, our
8 ancestry diminishes? Why is that you seem intent on
9 defining who we are? We will decide who we are, Mr.
10 Co-Chair. It is not something that I am afraid to provide
11 to anybody in Canada, my proof of Aboriginal ancestry.

12 The fact that I am a descendant of the
13 people who signed the treaties in this country, is the
14 only thing that I care about. Those treaties are the
15 reason for the Royal Commission. That is it. There is
16 no other criteria that allows us to participate. It is
17 the treaties, and the fact that those treaties are still
18 in place in the Province of New Brunswick today. That
19 is why we are there. That is why the system is still there
20 to protect, or to serve, or to help Aboriginal groups.
21 It is because of the treaties.

22 Who I am, the fact that my mother was
23 a white woman, has nothing to do with the Royal Commission

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1 or anybody else. It is my ancestry and I can prove my
2 ancestry back to my dad who is a status Indian, and my
3 grandmother who got her status back post-humously, after
4 she died. I am not worried about that.

5 Anybody in our organization who goes
6 through and wants full membership as an Aboriginal person
7 must provide that proof. Plain and simple. If they do
8 not, they are not members of our organization entitled
9 to receive the benefits of our organization, i.e., treaty
10 rights. Treaty rights are not something that,
11 because you marry somebody or you are somebody's second
12 cousin, you can give away. You can't. A treaty right
13 is something that was recognized because you were a direct
14 descendant of the First Peoples of this country. The
15 owners of this country. The land has never been bought.
16 The land we are sitting on is still Indian land.

17 **CO-CHAIR RENÉ DUSSAULT:** Thank you.
18 Again, if you could be as specific as possible in your
19 final brief on the issues like that it would be most
20 helpful.

21 **FRANK PALMATER:** It will be very
22 specific. Allow us to decide, not you.

23 **CO-CHAIR RENÉ DUSSAULT:** Again, we want

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1 to be useful here. Everybody tells us that they are
2 looking for implementations and this Commission, of
3 course, will have to come up with solutions that will be
4 understood by the larger public. The principle is quite
5 clear, and has been annunciated to us again and again.

6 When there is a link with specific
7 programs that is when the definition comes. What you are
8 telling us is: Well, these should be left to the various
9 organizations. That is what you told us. When you have
10 a program that applies at the level of the country as a
11 whole, then you have to come up with some kind of
12 understanding of the criteria. It has been the same
13 situation for status Indians within the Indian Act.

14 As you know, for women, for example, who
15 recovered their status, some of your members, through Bill
16 C-31, the amendment to the Indian Act. Different bands
17 took a different approach to the situation.

18 So it is a reality that this Commission
19 has to deal with, and we have to put that together. At
20 the end we will have to put all of the comments together
21 and try to come up with a design that will be workable
22 and acceptable to both sides.

23 So that is the spirit in which I am

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1 putting this discussion to you because we are coming close
2 to the moment where we are going to have to deal with these
3 things from a technical and very specific point of view,
4 and not only at the level of the principles.

5 **GARY GOULD:** Mr. Chairman, I think that
6 one of the big problems that we face all of the time is
7 the confusion. It is a joint a confusion. It doesn't
8 just exist in non-Aboriginal peoples' minds, but it exists
9 in Aboriginal peoples' minds of right and benefit. They
10 are not the same.

11 There are certain Aboriginal and treaty
12 rights that we all have because we are descendants from
13 Micmac or Maliseet people. The right to participate in
14 governance and how we want to be governed is one of those
15 fundamental rights that we all have.

16 We may not all have the same rights to
17 certain benefits, and as governments we are going to have
18 to develop programs that help those in our society, or
19 in our nation, that need more assistance than others.
20 Universality may be one of the principles.

21 I mean, we have grown up with it as a
22 non-status, off-reserve Aboriginal organization. The
23 majority of the programs that we deliver are not

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1 universally applicable to me. I have never benefited from
2 one program, and I have been involved for twenty years
3 in the organization. They are delivered to those people
4 who are socially impoverished in most cases.

5 We see that as one of the essences of
6 self-government, which is to take care of your people.
7 That may mean that some of us are going to have say that
8 we are willing to give up universal access to certain
9 programs to enable us to revitalize and to make our nations
10 healthy again, but that is our right to make that
11 determination, nobody else's. That is my right as a
12 Maliseet, Franky's right as a Micmac, to make those
13 fundamental decisions.

14 There is often confusion amongst what
15 is a right and what is a benefit. As times are going to
16 get tougher, because of the serious financial problems
17 we face as a nation, a lot of programs that are out there,
18 I think, are going to become much more difficult to access.

19 We are going to have to spread around dollars even more
20 thriftfully and more wisely in the future.

21 But that is our fundamental right, but
22 I just wanted to make you know that we know the difference
23 between a notion of right and benefit. That will obviously

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1 come out in our discussions and in our presentation in
2 the future.

3 **CO-CHAIR RENÉ DUSSAULT:** Thank you. We
4 would certainly appreciate it. Viola.

5 **COMMISSIONER VIOLA ROBINSON:** Thank you
6 for your well thought out presentation here. I think you
7 have done a lot of work in that. It is well appreciated.

8 I just want to make reference to page
9 6 when you talk about Aboriginal title exists, and your
10 recommendations, for us to recommend, that the Federal
11 Government recognize existence of Aboriginal title in the
12 Maritimes, as well as the official recognition, I guess,
13 of the treaties.

14 I just want you to know that the
15 Commission is doing work in the treaty area. We are doing
16 a lot of research in that area, and certainly
17 pre-confederation treaties are being looked at. That is
18 one of the mandates that we have. That is certainly a
19 part of our work.

20 Secondly, I was going to ask the question
21 about the tax exemption and then I was going to ask for
22 whom. I guess you have already answered that.

23 There is one thing, the tax base, you

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1 are talking about here, is a form of resourcing or
2 self-sustenance. You talk about Aboriginal people to
3 designate a third of their personal income tax to their
4 own, and you have already said it is only for the
5 constituency of N.B.A.P.C., can I call it, that would do
6 that.

7 Is there enough in that? You made
8 reference to eight million dollars, or somebody made said
9 something about that. I don't suppose you would have any
10 idea the amount of tax base that you are thinking about
11 or that you would be looking at as far as tax for your
12 constituency in New Brunswick? I am just wonder what kind
13 of a base that would be. It seems to me that it wouldn't
14 be all that much, but I guess it would be a start.

15 **GARY GOULD:** Well, it would probably
16 surprise people. I mean, we have never actually gone out
17 and analyzed it. But let's use a hypothetical situation.
18 Let's say that there are 1000 people out there who are
19 paying \$15,000.00 in personal income tax, which is not
20 very much nowadays. One-third of that would be \$5,000.00
21 times 1000. That is five million dollars. That is 20
22 times the amount of revenue that we presently have coming
23 into our organization. That is a fairly substantial

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1 amount, and that is only a small number.

2 If there were 6000 people, I am sure we
3 could find 1000 people out there who are capable of
4 designating \$5,000.00 of personal income to their own
5 movement. It doesn't take very long to start totally up
6 the figures when you start looking at it.

7 You know people and I know people all
8 over the Maritimes who are not all poor. There is this
9 myth that our people are all on welfare and don't pay income
10 tax, and whatnot. That is not quite true. In the City
11 of Fredericton alone there is a fairly substantial
12 off-reserve Aboriginal population that are taxpayers and
13 pay some handsome tax benefits or tax rates, I should say.

14 We think that one of the benefits of this
15 is that individuals could designate, to their band or to
16 another institution, taxation. It can be all done within
17 the existing tax system on the tax forms. It doesn't take
18 a great deal of modification.

19 It is the principle more than anything.
20 Would it be sufficient for self-government. We don't
21 think that it on itself could be. That is why we talk
22 about Aboriginal royalty, about land claims, about other
23 elements, and we think that all of these things have to

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1 mesh together.

2 Similarly, the Province of New Brunswick
3 doesn't depend solely on one method of financing. There
4 is taxation, there is PST, our roads which we are all aware
5 are in need of repair, there is a royalty on gas that we
6 pay, a usage fee.

7 I don't know if Canadians would be
8 opposed to a notion of some sort of royalty payment, maybe
9 a cent a litre on gas that is used in the country, that
10 would go into an Aboriginal fund. There are all kinds
11 of ways to finance Aboriginal institutions of government.
12 What we really need is for governments to accept the
13 principle, and to recognize it, and to get on with providing
14 the mechanisms by which it can happen.

15 We look at all kinds of public opinion
16 poles and Canadians say: Do something. I think that the
17 Royal Commission is going to have to look at some
18 contemporary notions, workable options. I mean, if they
19 are out in left field, tell the Aboriginal people they
20 are out in left field, but if there are workable solutions
21 to contemporary problems, I think the Commission should
22 advance them. You are in a no-win situation. You are
23 not going to please everybody.

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1 **COMMISSIONER VIOLA ROBINSON:** That is
2 true. Certainly, as you say, it is not a new idea. It
3 is what, I think, is pursued across the country by other
4 Aboriginal groups as well.

5 Your other point here. You talked about
6 being a full and active participant in the legislative
7 process, and a special right to participate. Can you
8 elaborate a little more on that? When you are talking
9 about a special right to participate in the -- I guess
10 you are talking about political structures. What do you
11 mean by special right?

12 **FRANK PALMATER:** All right, if I can.
13 Aboriginal people being the first descendants of the land
14 are not part and parcel of the system that is there that
15 decides our day to day lives. In the Province of New
16 Brunswick there are fifty-some seats. No Aboriginal
17 people occupy those seats.

18 Because of our numbers and because we
19 are disbursed in the Province of New Brunswick, it would
20 be almost impossible for us to get an Aboriginal person
21 elected unless they were an Aboriginal person who went
22 through the Liberal, PC, NDP core structure as it is in
23 the Province of New Brunswick right now. I seriously doubt

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1 that is going to happen in the next little while.

2 So when I say special seat, I mean
3 special simply because we are the First Peoples of this
4 land. We are not another advocacy group or a special
5 interest group. This is still our land. We have a right
6 because it is our land to participate in the structures
7 within government that decide how this land is to be used,
8 how it is to be abused, natural resources, or whatever.
9 We have a right to be part of that system.

10 We see nothing wrong with two seats in
11 the legislature, one for the Micmac Nation, one for the
12 Maliseet Nation, none whatsoever.

13 **COMMISSION VIOLA ROBINSON:** You think
14 that would be sufficient. I am just wondering about that
15 because it just seems that if you have 52 seats, what kind
16 of an impact would you have with just two seats. For
17 instance, from our situation, they have guaranteed
18 representation there, and it has been there now for a time.
19 Since that time and up to now, if you look at it now,
20 it hasn't worked. It has been like a tokenism
21 representation there. Things haven't changed all that
22 much very positively for them.

23 The other thing is that I noticed that,

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1 even in Nova Scotia where I come from, that has been sort
2 of offered to the Micmac community of Nova Scotia. The
3 Micmac people there can get together and make a decision
4 whether it is a good one or not. I am just wondering if
5 that is a feasible kind of recommendation.

6 **FRANK PALMATER:** Well, we believe that
7 it is an opportunity. When someone advances you an
8 opportunity, what you do with that opportunity, what
9 benefits you derive from it are only there for history
10 to relate. Now only the historians will say how well it
11 has worked, or how well it hasn't worked.

12 If the opportunity is there -- let's just
13 take a hypothetical. I know no one likes to deal with
14 hypotheticals, but let's just say it was an opportunity
15 for a minority government, or one seat majority government,
16 and this individual being Aboriginal could sway the vote
17 either way, and taxation for off-reserve status Indians
18 had been an issue in the Province of New Brunswick, do
19 you think they would have put it through the way they did?
20 The house would probably still be sitting.

21 It is an opportunity for us to express
22 to those other people in that government bureaucracy what
23 our concerns are. We don't have that opportunity now.

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1 It isn't there. This would give us an opportunity, I
2 think.

3 **GARY GOULD:** On its own, it would be
4 tokenism. It has got to be part and parcel of a whole
5 package, and I want people to understand that.

6 We will deal with natural resources in
7 the Province of New Brunswick. They closed certain
8 regions of the province to hunting for conservation
9 measures. You won't hear one member of the Legislative
10 Assembly talk about the Micmac peoples' right to harvest
11 and how this is being impacted upon. There is a lot of
12 symbolism here, as much as anything. Aboriginal people
13 have the inherent right to self-government.

14 In a contemporary society there are
15 certain institutions of government that impact upon
16 Aboriginal people each and everyday, and we can't avoid
17 them. So our notion of guaranteed participation, as a
18 special group of people, is based on our Aboriginality
19 and our inherent right.

20 I just caution people to not push it
21 aside because I remember Elijah Harper (PH).

22 **FRANK PALMATER:** How strong was one
23 voice then?

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1 **COMMISSIONER VIOLA ROBINSON:** Yes, I
2 guess you are right there.

3 **MODERATOR DARRELL PAUL:** Okay,
4 gentlemen. Thank you very much. With that we are going
5 to break for lunch and we will back about 1:30. A very
6 short one.

7 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

8 **COMMISSIONER VIOLA ROBINSON:** Thank you
9 very much.

10 --- Lunch Break at 1:00 p.m.

11 --- Resume at 1:50 p.m.

12 **MODERATOR DARRELL PAUL:** Please take
13 your seats so we can reconvene.

14 This afternoon we still have a fair
15 amount of business that has to be done. As I mentioned
16 this morning earlier, we will have the presentations made,
17 and then as soon as that is done we will get into the
18 discussions for the past two days, and we will have an
19 open forum.

20 So the next presenter is on the National
21 Native Veterans Association. We have with us this
22 afternoon to make that presentation Mr. Herman Saulis.
23 Herman, do you want to come up here.

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1 **CO-CHAIR RENÉ DUSSAULT:** Good
2 afternoon.

3 **HERMAN SAULIS, NATIONAL NATIVE VETERANS**
4 **ASSOCIATION:** First of all, I would like to thank the
5 Commission and its members for the opportunity to express
6 some concerns of the Aboriginal Veterans Associations.

7 Ever since the cease-fire of the Second
8 World War, the Aboriginal Veterans of New Brunswick have
9 not reached equalization in regards to wartime
10 contributions of benefits throughout all the years of their
11 existence here in New Brunswick and Canada.

12 The non-Native Veterans were assisted
13 in establishing the Royal Canadian Legion for their
14 enjoyment and pleasure. This Royal Canadian Legion, in
15 the first instance, refused the admittance of Indians or
16 any Aboriginal Veterans into their organization.

17 The Aboriginal Veterans are now asking
18 for equal treatment by asking for assistance of the Royal
19 Commission to play an advocacy role on behalf of the
20 Aboriginal Veterans to attain funding to create their own
21 non-profit association here in New Brunswick. Will the
22 Royal Commission send letters of recommendations to the
23 following federal departments of Veterans Affairs, Indian

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1 Affairs and Health and Welfare to offset funds we do not
2 have.

3 When the first Europeans landed on the
4 shores of this North American continent they advocated
5 co-existence. The only thing was that the European
6 translation of co-existence was totally different than
7 that of the Aboriginals. When the translation really took
8 place, we as Aboriginals lost our lands.

9 We as Aboriginal Veterans got fooled too
10 because we got acclimatized to the non-Native way of living
11 through the war years, and for a period in time we became
12 equal in the non-Native world, or so we thought. Upon
13 return to civil life, and back on the reservation, our
14 bubble soon burst.

15 The Indian Agent soon laid down the law,
16 and let us know just who we were and where we were. Being
17 Aboriginal was hard in those days. My dad, who was the
18 Chief, had not authority at all. Absolutely none. He
19 was just a figurehead within the community, and his
20 accomplishments were based solely on the discretion of
21 the Indian agent. He, the agent, even selected and
22 described what the Veterans were. He described a Veteran
23 as a person who fought overseas, and had to be a returned

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1 serviceman to be eligible for the \$2,320.00, that was
2 allowed Aboriginal Veterans.

3 Compare this to the following benefit
4 for the non-Native. They had home construction of
5 \$18,000.00, farm improvements and sale of land
6 improvements of \$40,000.00, building materials of
7 \$6,000.00, livestock and farm equipment of \$6,000.00, and
8 loan advancements of \$4,000.00, which was a total of
9 \$74,000.00.

10 The Indian agent also placed certain
11 conditions for eligibility of the Aboriginal Veterans
12 before he would release these funds. We as Veterans had
13 to show our discharge papers and promise that we would
14 clear the land required, some three acres of land, and
15 promise to cut lumber in the woods to sell for materials
16 to finish the houses.

17 There was one very simple solution to
18 this madness, move off the reserve and lose your Indian
19 status. Not too many Indian Veterans went for this deal.

20 Why should we as Veterans be subjected to conditions when
21 the non-Native did not have to comply with anything.

22 Now that most of our Veterans are old,
23 the needs are fewer in scope, with the focus on health

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1 care. The spouses and children of Veterans would be the
2 main caregivers in the remaining years of these Veterans,
3 and cause them greater peace of mind to realize that not
4 all was in vain.

5 An organizational meeting is being
6 planned for all Aboriginal Veterans in New Brunswick, in
7 early August 1993, for the purpose of having our own
8 non-profit association for the Aboriginal servicemen of
9 all past wars. The assistance we need is the Royal
10 Commission advocacy to Veterans Affairs to help us attain
11 organizational funds so that we can form an administrative
12 body for our Aboriginal association. The executive body
13 would consist of a President, Vice-President,
14 Secretary-Treasurer and Executive Director of our
15 association.

16 Our objectives would be to maintain a
17 registration of all Aboriginal Veterans in New Brunswick.

18 Promote and advance the physical, social
19 and spiritual well-being of all Aboriginal Veterans in
20 New Brunswick.

21 Provide a formal organization through
22 which all Aboriginal Veterans of New Brunswick may voice
23 their concerns fully, and contribute to planning and

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1 development of policies for all.

2 Organize the local provincial
3 coordinating body of the executives to advance the
4 objectives of the association.

5 Formulate and advance policy and
6 positions on Veterans benefits on behalf of all Aboriginal
7 Veterans of New Brunswick.

8 Coordinate Veterans benefit packages to
9 all Veterans from New Brunswick by identifying those
10 programs and services needed while negotiating the
11 benefits required.

12 Cooperation with the Department of
13 Veterans Affairs, and the Royal Canadian Legion, and any
14 other association concerned with the advancement of the
15 well-being of all Aboriginal Veterans.

16 Advance the social and spiritual
17 development of Aboriginal communities in general.

18 Develop a working liaison with the
19 Department of Indian Affairs, Veterans Affairs and Health
20 and Welfare Canada.

21 Take part in independent
22 investigations, and assess and develop strategy and
23 methodology for long-term solutions to veterans' problems.

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1 The Aboriginal Veterans were treated
2 differently than their comrade-in-arms. Laws and
3 policies were enacted by non-combatants, and administered
4 by the same type. The on-reserve benefits for Aboriginal
5 Veterans were \$2,320.00. The off-reserve benefits
6 totalled \$74,000.00.

7 Veterans Affairs has no alternative but
8 to arrange for a redress to all Aboriginal Veterans the
9 non-Native benefits' package based on the allotment back
10 in 1945 at the wars end. The amount of redress should
11 the difference in the actual amount of the total package
12 of \$74,000.00, and the accrued interest of the past 43
13 years.

14 At the present time what we are asking
15 for \$6,600.00 for our organizational purposes.

16 **MODERATOR DARRELL PAUL:** Thank you,
17 Herman.

18 Any questions Commissioner?

19 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

20 I would like to convey to you that we
21 have been told many times about the sad situation that
22 occurred after the war, where Aboriginal Veterans were
23 asked to renounce their status to get the benefits. There

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1 are many, many presentations that were made to the
2 Commission in the last 15 months by various groups across
3 the country representing Veterans in most of the provinces.

4 So we are pretty much aware of the
5 situation that occurred then. What I can say is that the
6 Commission is going to consider this issue and come up
7 with recommendations. We realize that was a situation
8 which should not have occurred, but it did. So it is
9 difficult at this point to go much further than saying
10 that it is not going to be overlooked by the Commission.

11 As far as your request for funding for
12 meetings, like the one that you are going to have in August,
13 we are always in the same situation. We are not a funding
14 agency and a permanent organization. So it is very
15 difficult for us to be active on this side, at this point.

16 Again, we have quite a good
17 understanding because this may be the ninth or the tenth
18 presentation we have received so far, and these are always
19 very forceful.

20 So I would like to thank you for
21 presenting this to us on behalf of your colleagues in New
22 Brunswick. I don't know if you have the figure, but do
23 you know how many Veterans from the wars are in New

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1 Brunswick at this time? Do you have that figure?

2 **HERMAN SAULIS:** When we first started
3 there was 300, I believe, Veterans. I don't know how many there
4 would be today.

5 **CO-CHAIR RENÉ DUSSAULT:** When was it
6 when you first started?

7 **HERMAN SAULIS:** It was a few years back.
8 I don't know exactly when.

9 **CO-CHAIR RENÉ DUSSAULT:** In the 80's?

10 **HERMAN SAULIS:** Yes.

11 **CO-CHAIR RENÉ DUSSAULT:** Okay. Thank
12 you.

13 **HERMAN SAULIS:** Thank you very much.

14 **COMMISSIONER VIOLA ROBINSON:** Thank
15 you.

16 **MODERATOR DARRELL PAUL:** Thank you,
17 Herman.

18 Next on the agenda we have the New
19 Brunswick Native Women's Council. The presenter is
20 Katherine Bransfield, on the topic of self-government.

21 **KATHERINE BRANSFIELD, NEW BRUNSWICK**

22 **NATIVE INDIAN WOMEN'S COUNCIL:** Hi. My name is Katherine
23 Bransfield. I am a Maliseet from the St. Mary's First

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1 Nations in Fredericton. I am working for the Royal
2 Commission as an Intervenor for self-government. I also
3 work with the Native women. I also work with a transition
4 house in Fredericton that just opened up in January.

5 I have the outline there. I am going
6 to be doing some background information on the Native
7 Women's Council, background information on my job as
8 Coordinator Researcher for the Royal Commission. I will
9 speak about materials I have received to date, and my
10 upcoming activities, my issues and concerns towards my
11 job, recommendations and solutions, background
12 information on our First Native Transition House opened
13 in Fredericton, New Brunswick in January 1993, their issues
14 and concerns, recommendations and solutions.

15 The background for New Brunswick Native
16 Indian Women's Council, The New Brunswick Native Indian
17 Women' Council is a non-profit, provincial organization
18 founded in the early 1970's. It represents Native women
19 across New Brunswick, and addresses the concerns and issues
20 of Native women on or off-reserve.

21 The founders of the organization,
22 formerly known as the Native Women's Association of New
23 Brunswick, began meeting in small groups in various

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1 communities across the province during this time. From
2 1975 to 1981 were struggling years for the Native women,
3 but with perseverance and determination they were able
4 to keep the organization in operation.

5 In 1981, during a general assembly, over
6 200 Native women from across New Brunswick came together.
7 The organization was reconstituted and became the New
8 Brunswick Native Indian Women's Council. It incorporated
9 in July of 1983.

10 Since those formative years, the New
11 Brunswick Native Indian Women's Council has been involved
12 in political and social action on behalf of the Micmac,
13 Maliseet and Aboriginal women of New Brunswick. It
14 continues to evolve as an organization whose priority is
15 the needs of Native women at the local level.

16 It goes into the objectives of the
17 organization. The structure and the issues that they
18 address are the Indian Act, family violence, child care
19 issues, employment and training, economic development,
20 youth and constitution.

21 I was hired on this job, as a Coordinator
22 Researcher, on March the 1st of this year. My job ends
23 in August and my report has to be in on September the 1st.

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1 I am going to be doing a workshop in Eelground, on the
2 28th of June, on self-government.

3 I gave you some issues and concerns that
4 are in the back of the folder. To date, I have done 250
5 questionnaires, and out of those 250 questionnaires I have
6 got 145 issues and concerns. I have typed them out the
7 way that they were given to me on the questionnaires.
8 I won't get into them because I would be here quite a bit.

9 My report is not completed, but these
10 are some of the results from the questionnaires I have
11 done. These are my own personal recommendations. I
12 recommend that the issue of self-government be brought
13 into the school system to have our future generation more
14 informed and aware of self-government. Maybe this could
15 be done through a Native studies course.

16 I recommend that an Aboriginal person
17 or persons work on a continuous basis to have groups or
18 individual meetings with the Aboriginal First Nations to
19 give information on self-government. The touchstone for
20 this would be the new relationship.

21 I am from St. Mary's and I just got in.
22 I took my mom to the hospital on Sunday and it was alcohol
23 related. I recommend that we get a drug and alcohol

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1 treatment centre in our area. We need to help our people
2 from this disease that is killing them. These people that
3 are dying are our loved-ones. We need the treatment centre
4 to start our healing.

5 The Gignoo is the first Native
6 Transition House that has been opened in New Brunswick.
7 We have it in the Fredericton area. We have ten
8 counsellors on the staff and we also have a child guidance
9 counsellor.

10 The Role of Gignoo House. The mission
11 of Gignoo Transition House is to work towards a goal of
12 helping eliminate the cycle of physical, emotional, sexual
13 and all other forms of violence against women and children
14 among the Native population.

15 The role of Gignoo is to supply a safe
16 crisis shelter for Native women and children within the
17 Province of New Brunswick.

18 The role of Gignoo is to provide shelter,
19 food, love and support, education, counselling and play
20 as an advocacy for the women and their children fleeing
21 from any form of abuse. By having women living in
22 a cooperative home, the women gain a great deal of support
23 from other women who are dealing with the same or similar

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1 situations, as well as learning to act with responsibility
2 and respect for themselves and others.

3 I have given you two pages about the
4 Gignoo House. It is more or less what I read here, but
5 it goes into how they got it networking.

6 The recommendations of the Transition
7 House. They have only got two. Gignoo opened its doors
8 on January 18, 1993, As of to date, 20 women and 24
9 children have come through the doors. Where Gignoo is
10 the only Native Transition House in New Brunswick, and
11 we cover all 15 reserves, there are times when a women
12 might feel that Fredericton is along way from family and
13 relatives. So we recommend that another safe shelter be
14 established in north central, New Brunswick.

15 Number two. We also recommend that
16 training in Human Resource Workers be available to Native
17 women who choose to work in this field of helping.

18 **MODERATOR DARRELL PAUL:** Thank you. Do
19 you have any questions?

20 **CO-CHAIR RENÉ DUSSAULT:** Yes, just a
21 clarification. The name of your organization is the New
22 Brunswick Native Indian Women. It is Aboriginal women?

23 **KATHERINE BRANSFIELD:** No, it is New

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1 Brunswick Native Indian Women's Council.

2 **CO-CHAIR RENÉ DUSSAULT:** So you group
3 Indian women. You would not cover Inuit women in New
4 Brunswick?

5 **KATHERINE BRANSFIELD:** Yes, we would.

6 **CO-CHAIR RENÉ DUSSAULT:** So you are not
7 representing only Indian women?

8 **KATHERINE BRANSFIELD:** It is Aboriginal
9 women.

10 **CO-CHAIR RENÉ DUSSAULT:** It is
11 Aboriginal women.

12 **KATHERINE BRANSFIELD:** Yes, but that is
13 just the title that they have had for a long time.

14 **CO-CHAIR RENÉ DUSSAULT:** Okay. That is
15 fine. I just wanted to clarify that.

16 I understand that you are going to
17 present us with a brief, in September, that was funded
18 through the Intervenor Funding Program?

19 **KATHERINE BRANSFIELD:** Yes, I am doing
20 a workshop at the end of June in Eelground, and then I
21 am doing another one in Fredericton. All through New
22 Brunswick is going to be invited and we are going to do
23 it as a two or three day workshop. We are going to try

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1 to combined it with the girls from the Friendship Centre
2 because they are doing education and youth, and I think
3 it all goes together.

4 **CO-CHAIR RENÉ DUSSAULT:** In this
5 project you are going to address the women's concerns as
6 far as self-government is concerned?

7 **KATHERINE BRANSFIELD:** Yes, and I am
8 going to try and get them to do some recommendations of
9 their own. So when I pass my report in I will have people
10 giving me recommendation so they could look at them and
11 go from there.

12 **CO-CHAIR RENÉ DUSSAULT:** So will you be
13 looking at issues like accountability. Those kinds of
14 issues because we have heard a lot about many concerns
15 by Aboriginal women, during our hearings, about the lack
16 of accountability between the elections.

17 **KATHERINE BRANSFIELD:** Yes, I have
18 heard a lot of that too. I have heard that they don't
19 really want people from the band level to give them this
20 information. They want it from somebody that is a caring
21 person and that is concerned.

22 **CO-CHAIR RENÉ DUSSAULT:** Would you be
23 looking at self-government within an urban setting?

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1 **KATHERINE BRANSFIELD:** Yes, on and
2 off-reserve.

3 **CO-CHAIR RENÉ DUSSAULT:** On and
4 off-reserve. Okay. Viola.

5 **COMMISSIONER VIOLA ROBINSON:** Thank
6 you.

7 The issues and concerns that you have
8 labelled here. This is what came from the questionnaires?
9 These are the questions that you got?

10 **KATHERINE BRANSFIELD:** Yes. Well, I
11 just wrote down: What are you issues and concerns, and
12 they just wrote them down.

13 **COMMISSIONER VIOLA ROBINSON:** Okay.
14 So these are all of them here?

15 **KATHERINE BRANSFIELD:** There were 250,
16 but a lot of them were repeats. So I didn't really want
17 to keep putting them down.

18 **COMMISSIONER VIOLA ROBINSON:** There are
19 an awful lot there though.

20 **KATHERINE BRANSFIELD:** Yes, and I hope
21 to have at least 500 when I finish my job.

22 **COMMISSIONER VIOLA ROBINSON:** You had
23 two recommendations too. They are not in here, right?

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1 **KATHERINE BRANSFIELD:** No. I wasn't
2 going to present them.

3 **CO-CHAIR RENÉ DUSSAULT:** They are not
4 ready yet.

5 **COMMISSIONER VIOLA ROBINSON:** They are
6 not ready yet?

7 **KATHERINE BRANSFIELD:** I have them here
8 and I get them photocopied.

9 **COMMISSIONER VIOLA ROBINSON:** Okay.
10 They are in the record anyway.

11 **KATHERINE BRANSFIELD:** Yes. Okay.

12 **COMMISSIONER VOILA ROBINSON:** It is
13 just that I didn't write them down, so I really don't know
14 what they are. It would be helpful if we had copies, I
15 think. I guess we will just wait for your report. I wish
16 you well on your workshops. I hope you get some good
17 information.

18 **KATHERINE BRANSFIELD:** Thank you.

19 **CO-CHAIR RENÉ DUSSAULT:** Just a small
20 point. Are you a chapter of the Inuak of the Native Women's
21 Association of Canada? Is there a link between your
22 association and Inuak, or is this an independent
23 organization here in New Brunswick?

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1 **KATHERINE BRANSFIELD:** Well, it is
2 independent, but they all communicate.

3 **CO-CHAIR RENÉ DUSSAULT:** Do you have
4 delegates at the National Women's Association?

5 **KATHERINE BRANSFIELD:** Yes, we do.

6 **CO-CHAIR RENÉ DUSSAULT:** You do?

7 **KATHERINE BRANSFIELD:** Kristine Boone.
8 She is the President of our local.

9 **CO-CHAIR RENÉ DUSSAULT:** Okay. Thank
10 you.

11 **KATHERINE BRANSFIELD:** Your welcome.

12 **CO-CHAIR RENÉ DUSSAULT:** Good luck.

13 **MODERATOR DARRELL PAUL:** Just one
14 question. What does Gignoo mean? Maybe I should know.

15 **KATHERINE BRANSFIELD:** Gignoo means "a
16 home". A safe home. Like Gignoo means "my house", "your
17 house", "our house".

18 **MODERATOR DARRELL PAUL:** Okay. Thank
19 you very much.

20 **KATHERINE BRANSFIELD:** Your welcome.

21 **MODERATOR DARRELL PAUL:** Next on the
22 agenda is the Aboriginal Women's Association of Prince
23 Edward Island. The main speaker is going to be Mary Moore,

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1 assisted by Barbara Bernard, Margaret Bernard, Elder, and
2 Laura Bernard, Youth. I wonder, before you start, if you
3 could identify yourselves please.

4 **MARY MOORE, ABORIGINAL WOMEN'S**

5 **ASSOCIATION OF PRINCE EDWARD ISLAND:** I am Mary Moore.
6 I am the President of the Aboriginal Women's Association
7 of P.E.I.

8 **MARGARET BERNARD, ELDER:** Margaret
9 Bernard, Elder.

10 **BARBARA BERNARD, ABORIGINAL WOMEN'S**

11 **ASSOCIATION OF PRINCE EDWARD ISLAND:** Barbara Bernard.
12 I am the Vice-President of the organization.

13 **LAURA BERNARD, ABORIGINAL WOMEN'S**

14 **ASSOCIATION OF PRINCE EDWARD ISLAND:** Laura Bernard, Youth
15 Representative.

16 **CO-CHAIR RENÉ DUSSAULT:** Good
17 afternoon.

18 **MARY MOORE:** We would like to thank you
19 for inviting us here today to the Royal Commission
20 submission hearing in Moncton.

21 The Aboriginal Women's Association of
22 Prince Edward Island is determined to establish a formal
23 organization capable of providing leadership in addressing

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1 the issues and concerns of importance to the Aboriginal
2 women of Prince Edward Island.

3 We are going to present our concerns in
4 point form.

5 **BARBARA BERNARD:** Our overriding
6 concern is that there must be grass roots participation
7 of our people in the decisions which are beginning to be
8 made concerning future self-determination and
9 self-government. Our Native leaders in their discussions
10 with the Federal and Provincial Governments must include
11 the views of people, especially the views of women, which
12 have in the past so frequently been ignored. In the
13 pressure of time and desire to move quickly toward
14 self-government, we fear that our leaders may not ensure
15 full participation of all the Native people in this
16 important decision-making process which will affect us
17 all.

18 We are also very concerned that, while
19 so much time and energy is being spent on deciding the
20 future political structures of our Native communities,
21 the day-to-day pressing grass roots' needs of our people
22 may be put aside, or receive less priority. For example,
23 the need to strengthen family violence programs, health

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1 programs and elder care programs cannot wait for the
2 long-term political restructuring to take place. We have
3 to find the time and energy to do both.

4 As women, we are concerned that some
5 women who have regained their status under Bill C-31 are
6 being discriminated against and discouraged from returning
7 to their reserves. In some cases, the process of housing
8 is being slowed down. In other cases, women who are
9 accompanied by a non-Native spouse or partner are noticing
10 a "cold shoulder" attitude and feel rejected. We feel
11 that we must speak out against these situation when they
12 happen.

13 We would also like to point out that
14 those of us who are caught in the poverty trap, who are
15 without proper employment and income, are not going to
16 be able to get out of the poverty cycle if the social
17 assistance payments and the living allowances provided,
18 for those enrolled in training, are not sufficient.
19 Single mothers, in particular, find it difficult to provide
20 basic nutritional food and care, and may easily become
21 discouraged.

22 **MARY MOORE:** We would like to work with
23 all the Aboriginal leaders in Prince Edward Island, the

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1 two bands are Abegweit Band, Lennox Island Band and Native
2 Council of Prince Edward Island.

3 We feel that our women are strong, and
4 concerned with future of our children, that we should be
5 involved in any political discussions, agreements that
6 concern in our future generations.

7 Thank you.

8 **MODERATOR DARRELL PAUL:** Thank you.
9 Commissioners, do you have any questions?

10 **CO-CHAIR RENÉ DUSSAULT:** You
11 association or group is for status women living on the
12 reserve and also those living off the reserves?

13 **MARY MOORE:** We represent off and on
14 reserve of the whole Aboriginal Women's Association. Some
15 of us are from the bands, some of our membership is Native
16 Council, but we feel that our association, since it started
17 in 1986, is a non-profit organization. The issues that
18 we want our leaders to help us in, all of these situations,
19 were always underneath the rug.

20 So now we are getting stronger and
21 stronger in Prince Edward Island, and that is why I say
22 we do have four organizations in Prince Edward Island now.

23 **CO-CHAIR RENÉ DUSSAULT:** Viola.

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1 **COMMISSIONER VIOLA ROBINSON:** Are you
2 an affiliate of the Native Women of Canada, Inuak?

3 **MARY MOORE:** Yes.

4 **COMMISSIONER VIOLA ROBINSON:** I guess
5 that is all. I think you have got everything down here.
6 You will have an opportunity to raise
7 more of a concern through the Native Women of Canada, as
8 well?

9 **MARY MOORE:** Yes.

10 **COMMISSIONER VIOLA ROBINSON:** Okay.
11 Thank you.

12 **CO-CHAIR RENÉ DUSSAULT:** We heard
13 earlier this morning the Native Council of P.E.I. I think
14 it was Mr. Tuplin who stressed that it was difficult to
15 work with the bands, at least one of them. So is this
16 a problem for an organization like yours, for example?
17 Can you get women from the bands, living on the reserve,
18 participating in your organizations? What is the
19 situation?

20 **MARY MOORE:** I used to be a member of
21 the Native Council of P.E.I. I participated a lot, and
22 I felt that the Native Council of P.E.I. had the chance,
23 the opportunity to work with the bands and council.

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1 So that is why our Aboriginal Women's
2 Association wants to get along with all of the
3 organizations. So what we did is we started talking to
4 our Chief, Jack Sark (PH), from Lennox Island, and he has
5 been really open-minded in all of the discussions that
6 we talked about. There is a good working relationship
7 there.

8 Again, for Native Council of P.E.I., we
9 want that, and for the Abegweit Band. We still have a
10 long road ahead of us yet. Our women are really concerned
11 that these discussions that they are having, signing
12 agreements, the tri-partheid provincial -- we are getting
13 scared that we are not getting the input in our future.
14 Children are at risk right now.

15 **CO-CHAIR RENÉ DUSSAULT:** Is there any
16 shelters on P.E.I. for women and children?

17 **MARY MOORE:** No, there isn't. We have
18 a family violence proposal that is going to our Pathways
19 Success Board on July the 8th. That is a family violence
20 project for 24 weeks, where we are going to tie sexual
21 abuse, abuse, suicide, where all of these issues are there
22 in Prince Edward Island, but nobody has made a voice to
23 it. So we are going to train some women, and

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1 then we are hoping to, maybe down the road, have a shelter
2 that is off the reserves and have it where the women, their
3 children and their families can feel safe.

4 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

5 **MODERATOR DARRELL PAUL:** Thank you very
6 much, ladies.

7 The next item is the Micmac Maliseet
8 Development Corporation. The presenter is Mr. Neil Perley
9 on the topic of Maritime Aboriginal Business Issues,
10 self-sufficiency.

11 **NEIL PERLEY, MICMAC MALISEET**

12 **DEVELOPMENT CORPORATION:** First of all, I would like to
13 thank the Commission for this opportunity to make a
14 presentation on behalf of the Micmac Maliseet Development
15 Corporation.

16 The Aboriginal economy at this moment
17 either non-existent or at a minimal level. There are a
18 few Aboriginal entrepreneurs which operate within the
19 First Nations. However, these businesses are small
20 enterprises which employ the entrepreneur, and possibly
21 one or two full-time or part-time employees.

22 The Economy on most First Nations is a
23 closed economy. The businesses have reached a state where

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1 the only way to establish a new business is to either take
2 existing market share away from an existing business on
3 the First Nation, or the nearby non-Aboriginal community,
4 or to replace a business which has closed down.

5 There are few businesses on most First
6 Nations which access the provincial, national or
7 international markets. There are a few exceptions here
8 in the Maritimes but, for the most part, they are small
9 or medium sized businesses. They are not large enough
10 to impact on the Aboriginal population in the Maritimes
11 as a whole.

12 It is true that small businesses are the
13 building blocks of larger, more complex economies, yet
14 at the same time one must realise that even the small
15 businesses developed from a primary industry, which
16 brought people together into a common area.

17 For many First Nations the primary
18 industry was either fishing or hunting. For the most part,
19 fishing remains to be a primary resource on a few First
20 Nations. However, with the quotas and regulations imposed
21 by the Federal and Provincial Governments, this allows
22 only a fraction of those to use this resource as a means
23 of survival.

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1 This leaves the majority of the
2 Aboriginal population unemployed or, better yet,
3 non-employed. Thus these individuals turn to the only
4 other source of income, the First Nation Government.

5 The First Nation Government employs as
6 many people as possible and, more often than not, it incurs
7 a debt as it employs more people than it should. The First
8 Nation Government continues to do this even though it has
9 come to the realisation that it cannot continue to do so,
10 but it believes it must because it is the only source of
11 continued guaranteed income on First Nations.

12 However, the First Nation Government is
13 facing difficulties in the continued employment of a large
14 number of people. Its debt load is too high, government
15 funding has been cut back, the population is increasing
16 dramatically and there are no new sources of income.

17 Moreover, the government has cut-back
18 the economic development fund in this region by 23 per
19 cent. At a time when economic development should be at
20 the top of the list, it continues to get the backseat to
21 the other programs.

22 Economic development appears to take the
23 backseat not only at the First Nation Government level,

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1 but also at the federal and provincial levels. Again,
2 there are a few exceptions, but they are exceptions.

3 Instead of focusing on the cure to the
4 social ills, the governments focus on the symptoms of the
5 social ills. More time and money should be focused on
6 developing a strong and stable economic base, instead of
7 the band-aid solutions which the governments now employ.

8 The government assistance, which First
9 Nations and Aboriginal individuals now receive, require
10 a great deal of red-tape and paper work just to qualify
11 for the funding. Then the First Nation or individual must
12 study the projects beyond that which is normally required
13 for non-Aboriginal commercial lending.

14 This system will continue to operate
15 this way until the governments give the First Nation
16 Governments, or the First Nation organizations, the
17 authority to disperse the funds themselves.

18 With the devolution process as it now
19 stands, the governments give the First Nation Government,
20 or the First Nation organization, all the administrative
21 duties, but it does not pass on the authority to make
22 meaningful decisions. The governments appear very
23 reluctant to do so because the more authority the

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1 governments devolve, the shorter the time that department
2 will be around, and no one wants to work themselves out
3 of a job.

4 First Nation Governments and
5 organizations must be given the authority to make decisions
6 and disperse funds which will benefit their communities
7 and their peoples. If you do not, then you are just
8 creating another layer in the bureaucratic process.

9 There must be a more focus on economic
10 development as the cure to the social ills which occur
11 on every First Nations.

12 First Nation Governments and First
13 Nations organizations must continue to promote small
14 businesses and small business development, but they must
15 focus on restoring the primary industry beyond that which
16 exists today, or they must create a new primary industry
17 for their people.

18 Although the traditional primary
19 industries of hunting and fishing should be maintained
20 and, if at all possible, enhanced as a way to keep the
21 Aboriginal culture. The First Nation Governments and
22 First Nation organizations must focus on the development
23 of new primary industries in which to train and employ

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1 their Aboriginal people.

2 Without the injection of new industries
3 into the Aboriginal economy, the Aboriginal economy, what
4 there is of it, will perish. Neither the First Nation
5 Governments, nor the non-Aboriginal governments, can
6 afford the price, in terms of dollars, and in terms of
7 human resource.

8 The new primary industry must be of such
9 a capacity to employ at least 30 to 40 per cent of the
10 First Nation population. It must be a product or service
11 which is competitive, marketable, exportable and have
12 longevity. The industry must, above all, provide an
13 inflow of wealth into the First Nation, and to the people
14 on the First Nation.

15 Possible new industries are in
16 manufacturing, high-tech, gaming, malls, tourism and
17 factories. Each has its own advantages and disadvantages.
18 However, they are beyond the scope of this presentation.

19 There are still many roadblocks which
20 First Nations must deal with in order to achieve
21 self-sufficiency, including the Indian Act, the devolution
22 of authority and funding.

23 Many of the First Nations which have

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1 achieved some level of self-sufficiency have either a
2 primary resource, which is in great demand by the
3 non-Aboriginal population, for example, oil, land,
4 uranium, or they have developed a service which the
5 population wants, gaming, or they have settled a land
6 claim. Each involves a large inflow of money to the First
7 Nation, either from the non-Aboriginal population or from
8 the government.

9 As the old saying goes "it takes money
10 to make money", so does this rule apply to First Nations.

11 Without an inflow of funding to jump-start the Aboriginal
12 economy, it will remain as it is, or it will falter. The
13 Aboriginal economy is decades behind the non-Aboriginal
14 economy, and in order to achieve the same level as the
15 non-Aboriginal economy, the Aboriginal economy requires
16 a jump-start. Without it, the Aboriginal economy will
17 cease to exist.

18 The Federal and Provincial Governments
19 must devolve the authority and the funding to the First
20 Nations so that they may have control in developing their
21 economy. Without the authority to make those decisions,
22 First Nations and their people will not regain the sense
23 of accomplishment and self-worth.

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1 The Federal Government must provide
2 funds for the development of business infrastructure
3 within the Aboriginal communities. This an important void
4 within the existing government programs, and it must be
5 addressed.

6 The Federal Government must provide
7 Aboriginal economic institutions with the needed
8 development and investment dollars. These resources will
9 be controlled and managed by Aboriginal people for the
10 creation of economic self-sufficiency within the
11 Aboriginal communities.

12 The Federal Government must create
13 Aboriginal economic development agreements, like the
14 Federal-Provincial Cooperation Agreements, which are
15 administered by Aboriginal economic institutions. These
16 agreements will bridge the time-gap between the settlement
17 of land claims within the provinces.

18 The rules and regulations within the
19 framework of the present day government funding
20 institutions must be reviewed. Some regulations inhibit
21 individuals and First Nations from receiving the very
22 funding which the organizations are administrating.

23 For example, the ten per cent equity

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1 requirement for industry, science and technology, Canada's
2 Aboriginal Development Program, inhibits the Aboriginal
3 people from acquiring the government contributions, as
4 most of the applicants are either unemployed or
5 underemployed, and to gather the ten per cent is next to
6 impossible.

7 In conclusion, rather than maintaining
8 another layer of bureaucracy, we recommend that the Federal
9 and Provincial Government recognize that in order for
10 Aboriginals to achieve self-sufficiency, Aboriginals must
11 be the ones to develop their own economic future through
12 the transfer of authority, funding and the removal of
13 archaic rules, regulations and laws, which inhibit the
14 economic development of First Nations.

15 Thank you.

16 **MODERATOR DARRELL PAUL:** Thank you very
17 much. Any questions?

18 **CO-CHAIR RENÉ DUSSAULT:** Yes, thank
19 you.

20 Can you tell us a bit more about the
21 Micmac Maliseet Development Corporation? You are
22 presenting this brief on behalf of this organization,
23 aren't you? What is this corporation?

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1 **NEIL PERLEY:** The Micmac Maliseet
2 Development Corporation was established to help promote
3 Aboriginal business development on First Nations in New
4 Brunswick and P.E.I.

5 At the present time we help to administer
6 an external delivery for industry, science and technology.
7 Canada's business development program. We have a branch
8 out of the Ojnoweit (PH) Development Corporation which
9 provides loan dollars to Aboriginal businesses. We assist
10 Aboriginals, individuals and First Nations in their
11 dealings with lending or funding institutions, and
12 actively seek out joint ventures to create business on
13 First Nations.

14 **CO-CHAIR RENÉ DUSSAULT:** Can you tell
15 us a bit more about the number of joint ventures, for
16 example, that you have enabled to take place? What kind
17 of activities were you able to generate? Were you able
18 to help entrepreneurs' small business to get launched,
19 either through joint ventures or by themselves?

20 **NEIL PERLEY:** To date, we have been in
21 operation since September and, the case line were assigned,
22 we have five businesses which we helped established.
23 There are five more applications into ISTC. These are

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1 small businesses. There are also large businesses which
2 we are working on that have not yet received funding from
3 Industry Science Technology or Akoa (PH).

4 **CO-CHAIR RENÉ DUSSAULT:** So you are
5 working between Industry, Science and Technology and the
6 people who might benefit from the program, and to try to
7 make it happen?

8 **NEIL PERLEY:** ISTC is one of the funding
9 organizations. We also work with the province and Akoa
10 (PH) and CEIC and DIAND, wherever we can get assistance
11 for the client to establish a business.

12 **CO-CHAIR RENÉ DUSSAULT:** One of the
13 problems to help people to get into business is the fact
14 that they can't borrow money from financial institutions
15 because, in particular, when they live on reserve they
16 can't mortgage their house and the land does not
17 technically belong to the individuals.

18 Do you have some thoughts to share with
19 us on this issue because, it seems to us, it is a very
20 difficult one. On the one hand, people want to retain
21 the collective ownership of the land in the hands of the
22 band or the community but, on the other hand, it has
23 preclude them to get a mortgage from the bank and to give

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1 security, as collateral, of their land or their house.

2 As you are aware, there is a Chartered
3 Land Act, in draft form anyway, that is circulating. Do
4 you have use on this piece of legislation that will enable
5 bands to decide to put their lands as collateral for
6 security? Do you have some comments to make on a project
7 like this? Did you have an opportunity to look at it?

8 **NEIL PERLEY:** I am aware of the Act but
9 I haven't had a chance to look it over.

10 **CO-CHAIR RENÉ DUSSAULT:** Last point.
11 This ten per cent requirement that is in the Industry
12 Science and Technology Program for business development.
13 We have been told again and again that it is a barrier
14 that is very important. On the other hand, it is difficult
15 to qualify that as a archaic regulation because that is
16 a fairly recent program. It is a matter of being sure
17 that there is some money put by the individuals who want
18 to start a business. It is pretty much linked with the
19 previous discussion we just had on the capacity to get
20 a loan. So what is your proposal? This should be done
21 away with completely? That somebody could get the money
22 without putting anything from its own part into the
23 project?

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1 **NEIL PERLEY:** As you know, a lot of
2 individuals -- ten per cents adds up to a lot of money,
3 especially when you don't have any money. I have seen
4 a lot of very good business ideas which we could not help
5 or assist because that individual could not come up with
6 his ten per cent.

7 If there was a way for a Native economic
8 institution to have control and manage the funds, it could
9 provide that person with his equity portion until such
10 time he would be able to pay it back. I feel that this
11 way, you know, there are a lot of business which could
12 work that are not being developed because of the ten per
13 cent equity portion.

14 Now the ten per cent equity portion does
15 not only apply to ISTC itself. It also applies to Akoa
16 (PH), province, or even the Aboriginal capital
17 corporation. So if you don't have the money then you can't
18 start a business. If you have the money, you know, it
19 takes money to make money.

20 **CO-CHAIR RENÉ DUSSAULT:** What is the
21 rate of success of those projects that were launched in
22 the past year or two years, for example, where this ten
23 per cent was gathered and the money was made available?

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1 Were there many defaults?

2 **NEIL PERLEY:** Industry Science and
3 Technology didn't really follow-up to see if these
4 businesses were going or kept up. They started a study
5 a few months ago to see where these businesses were at,
6 but I have yet to see their totals or stats.

7 **CO-CHAIR RENÉ DUSSAULT:** But here in New
8 Brunswick from your --

9 **NEIL PERLEY:** From the ones which we
10 helped established, they are still in business to this
11 date, but it has been only a few months.

12 **CO-CHAIR RENÉ DUSSAULT:** Thank you.
13 Viola.

14 **COMMISSIONER VIOLA ROBINSON:** Thank
15 you. Your corporation is a fairly new one that you have
16 here?

17 **NEIL PERLEY:** Yes, it is.

18 **COMMISSIONER VIOLA ROBINSON:** It is.
19 Okay. Did I hear you say that you are also in with Ojnoweit
20 (PH) Corporation? That is not the one in Nova Scotia?

21 **NEIL PERLEY:** Yes, it is.

22 **COMMISSIONER VIOLA ROBINSON:** Okay.
23 That has been there for quite a while.

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1 **NEIL PERLEY:** Yes, they have an office
2 in our offices.

3 **COMMISSIONER VIOLA ROBINSON:** They do.
4 Okay.

5 In your business, you would fund a
6 business anywhere in the province, not just on reserve?

7 **NEIL PERLEY:** That is right. It is
8 throughout New Brunswick and P.E.I.

9 **COMMISSIONER VIOLA ROBINSON:** So if I
10 wanted to start up something in the City of Moncton, I
11 could go to you and ask for funding?

12 **NEIL PERLEY:** Yes, as long as you were
13 a status Indian.

14 **COMMISSIONER VIOLA ROBINSON:** As long
15 as I was a status Indian.

16 I could employ anybody though?

17 **NEIL PERLEY:** Yes.

18 **COMMISSIONER VIOLA ROBINSON:** I don't
19 have to employ all status Indians?

20 **NEIL PERLEY:** No.

21 **COMMISSIONER VIOLA ROBINSON:** It
22 wouldn't surprise me if you said, no, I couldn't. That
23 is the way government usually -- the other thing you

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1 mentioned here was that the economy on most First Nations
2 is a closed economy. You are either in a new business,
3 to either take existing market share away from an existing
4 business or from a nearby Aboriginal community, or to
5 replace a business which has closed down. That is not
6 too many options and they are not really good options
7 either.

8 **NEIL PERLEY:** No.

9 **COMMISSIONER VIOLA ROBINSON:** If you
10 look at the communities in New Brunswick, the Aboriginal
11 reserves, and based on the numbers situated on that
12 reserve, are there enough there to support an economic
13 viable business? How do you make a business viable on
14 a small community?

15 **NEIL PERLEY:** The small businesses
16 which usually start employ, basically, the entrepreneur,
17 maybe one or two other people. It is reserve base, and
18 basically it takes whatever funds. It roles them over
19 maybe once into the reserve. They are usually small stores
20 and so on. However, what we need to do is to create
21 businesses which will bring money from other communities
22 into the First Nation community.

23 **COMMISSIONER VIOLA ROBINSON:**

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1 Including outside the non-Aboriginal communities.

2 **NEIL PERLEY:** Yes, we don't want a
3 closed the economy anymore. We want an opened economy
4 where money is coming in. As it now stands we --

5 **COMMISSIONER VIOLA ROBINSON:** But is
6 that a problem? Can't you do that anyway?

7 **NEIL PERLEY:** The way it is now, bands
8 cannot receive funding for infrastructure to create
9 mall-type complexes so that it would bring in outside
10 money.

11 **COMMISSIONER VIOLA ROBINSON:** They
12 can't do that?

13 **NEIL PERLEY:** Well, only if they put up
14 their own money. They cannot access government funding
15 for those purposes. So if they wanted to establish, like
16 I said, a mall, they would have to put up the money
17 themselves. As the regulation now stand, government
18 funding does not allow for such real estate investments.

19 **COMMISSIONER VIOLA ROBINSON:** Again, you
20 mentioned that the Federal Governments must create
21 Aboriginal economy development agreements, like the
22 Federal-Provincial Cooperation Agreements. Could you
23 explain that a bit more?

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1 **NEIL PERLEY:** What we are proposing is
2 that -- the way it works it now, the government and the
3 Provincial governments form cooperation agreements where
4 the Federal Government puts in X amount of dollars, and
5 the Provincial Government matches it or a small percentage
6 below, and they use that pot of money for various things.
7 They have different cooperation agreements.

8 We are looking at ones for economic
9 development which would be for Native people and
10 administered by Aboriginal people.

11 **COMMISSIONER VIOLA ROBINSON:** You mean
12 the Federal Government should have those agreements
13 unilaterally with Aboriginal people? Two-party,
14 bilateral agreements.

15 **NEIL PERLEY:** Yes, but the Aboriginal
16 First Nations would not be able to match the funding.
17 You see the funding would come from the Federal Government,
18 but it would be administered by First Nations. As it now
19 stands, there are Native programs within the Cooperation
20 Agreements, however, they are administered by the federal
21 or provincial departments. We are proposing that they
22 have similar agreements, but administered by First
23 Nations' organizations.

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1 **COMMISSIONER VIOLA ROBINSON:** It is not
2 quite clear, but I think I have an idea what you mean.

3 **NEIL PERLEY:** We would like to have the
4 Federal and Provincial Governments, with the programs they
5 now have designed especially for Natives, have the same
6 programs, but not administered by the Federal or Provincial
7 Government, administered by an Aboriginal economic
8 institution.

9 **COMMISSIONER VIOLA ROBINSON:** So they
10 would still have their agreements, and they would work
11 out an agreement with everything that is in it, and then
12 they would just pass the whole thing over to the First
13 Nations to administer?

14 **NEIL PERLEY:** Well, we would like to
15 have some say in what goes into the agreement also.

16 **COMMISSIONER VIOLA ROBINSON:** That is
17 why I thought you would want to negotiate the agreements
18 yourself with the Federal Government, but you don't have
19 any money to put in it.

20 **NEIL PERLEY:** That is right.

21 **COMMISSIONER VIOLA ROBINSON:** Okay. I
22 don't think I have any other questions here. Thank you.

23 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

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1 **NEIL PERLEY:** Thank you.

2 **MODERATOR DARRELL PAUL:** Thank you,
3 Neil.

4 Next we have the North Shore Micmac
5 District Council. The presenter is Mr. David Peter-Paul,
6 on the topic of post-secondary education.

7 **DAVID PETER-PAUL, NORTH SHORE MICMAC**
8 **DISTRICT COUNCIL:** First of all, I would like to thank
9 you all for coming to Moncton to listen to us. I have
10 heard a lot of good discussions over the last couples of
11 days.

12 When I was given an opportunity to speak
13 to the post-secondary education issue, I thought it was
14 a great pleasure to come and sort of greet you people with
15 some of the problems that we have encountered as we have
16 endeavoured to deliver the Post-Secondary Education
17 Program to our students.

18 I work with the North Shore Micmac
19 District Council which is a confederacy of seven bands
20 in the North Shore area of New Brunswick. We have
21 administered the Post-Secondary Education Program since
22 the fall of 1990. We have experienced some goods things,
23 we have learnt a lot of the successes and failures within

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1 the program itself historically. We have had an
2 opportunity to experience first-hand exactly how these
3 measures that had been implemented for our Native people
4 impact the educational lives of our students.

5 So if Neil wasn't so longwinded, I would
6 have got into some of the historical things that have
7 happened over the past few years. That is okay, Neil.
8 I have attached it to my package at the back. I just sort
9 of felt that it was important that the people sitting here,
10 besides the Commission itself, might be interested in how
11 the Post-Secondary Education Program has evolved. I
12 think, perhaps, I will just take a few moments and briefly
13 run through it.

14 The Post-Secondary Education Program
15 has not been in effect for an eternity. It had a founding
16 day, and I am not sure that there are a lot of people that
17 are aware of that. So I think I will just sort of
18 highlight some of these points. I realize time is moving
19 very quickly.

20 As far as the historical overview of the
21 development of the Post-Secondary Education Program for
22 registered Indians and Inuit people in Canada, financial
23 assistance to Aboriginal people for education and training

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1 beyond the secondary level began in the 1950's but at that
2 time did not extend beyond the vocational and skilled
3 trades training.

4 In 1964, when there was still no specific
5 program of post-secondary education assistance for
6 Aboriginal people, there were approximately 60 Aboriginal
7 people enrolled in post-secondary programs across Canada.

8 A far cry from the number of students that we have today.

9 In 1968, the Department introduced a new
10 program of financial assistance for the training needs
11 of Aboriginal people at a vocational level because of the
12 difficulties experienced by Aboriginal people in gaining
13 access to programs from the Department of Manpower and
14 Immigration. In addition, this program for the very first
15 time provided direct assistance to Indians and Inuit
16 resident in Canada, who were enrolled in post-secondary
17 programs at a university level or college level. So this
18 was a major milestone in the period of time when
19 post-secondary was developing.

20 By the end of the program's first year
21 of operation, the 1968-69 fiscal year, approximately 247
22 students were funded under this program for post-secondary
23 studies throughout Canada. So you can see the

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1 progression, from 1964 we had 60 Aboriginal people enrolled
2 in post-secondary programs. Just by including the
3 university and college level element, the enrolment from
4 1964 to 1968 increased to 247 students.

5 In 1972, the Department received
6 authority from Treasury Board to transfer funds to
7 individual bands for the administration of the program
8 in accordance with federal policy. Another major
9 milestone in 1972, when bands had the option of maintaining
10 and controlling the funding responsibilities for
11 post-secondary students for their individual band members.

12 At this time, the Department also began
13 seeking authority for post-secondary education assistance
14 separate from the vocational education program. They
15 tried to sort of send the vocational education program
16 into a separate corner. By this Act, they attempted to
17 sort of restrict or narrow down the definition of
18 post-secondary to university and college level programs.

19 A report performed under contract for the Department
20 states that although the Department staff believed that
21 a separate, definitive policy and set of administrative
22 procedures would minimize implementation inconsistencies
23 across the country and encourage use of the program, this

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1 approach was not supported by the representatives of the
2 Indian community.

3 Until 1975, universities and college
4 education assistance, or what they would define as
5 post-secondary education assistance, and vocational and
6 other programs, continue to be covered by the same Treasury
7 Board minute. Then in 1975, an interim set of measures
8 were approved by Treasury Board specifically for the
9 post-secondary education assistance. These interim
10 guidelines would ultimately form the basis of the 1977
11 E-12 Guidelines.

12 Between 1977, when the guidelines were
13 first put in force, and 1982, discussions between the
14 Department and Indian communities took place
15 intermittently on revisions to the E-12 Guidelines. There
16 were a number of problems that the Native people, throughout
17 the country, had with the guidelines and they were brought
18 out sometimes in discussions, which became quite heated
19 at times, and protests were made throughout the country
20 to inform the policy developers that this program guideline
21 did not represent the interests of the Native students
22 in the Aboriginal community.

23 In 1981, the National Indian Brotherhood

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1 responded with a statement that support for continuing
2 education should not be administratively separated into
3 occupational skills training, post-secondary education
4 and adult education, and that the revised guidelines did
5 not incorporate major suggestions made by the Brotherhood.

6 So as you can see, a pattern developing that policies
7 and guidelines governing the implementation of their
8 administration of the post-secondary program were put in
9 place without the proper consultation with Aboriginal
10 people.

11 Another problem that First Nations had
12 with the guidelines is that the Department of Indian
13 Affairs placed post-secondary education under the category
14 of discretionary, which essentially means that they can,
15 at their will, decide for whatever reasons, whether it
16 is deficit reduction or any particular reasons that they
17 could possibly come up with, cut this program from the
18 National budget.

19 So at the urging of Aboriginal
20 representatives, the Federal Government changed the status
21 of funding the program to non-discretionary. This was
22 documented in a letter to Noel Starblanket from the
23 Honourable Jake Epp on the 22th of September, 1979. For

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1 budgetary purposes, at least, the program became
2 mandatory. Meaning that funds could not be moved to other
3 programs. However, the program has never had and still
4 does not have a legislative base.

5 In 1984, while the Department carried
6 out its internal evaluation of the program through a
7 consultant group, the Assembly of First Nations began a
8 comprehensive review of First Nations' education,
9 including education at the post-secondary level. A
10 summary of the areas covered in this four-volume report
11 is provided in Chapter 5. The report of this review
12 included its observations the criticism that the E-12
13 Guidelines were developed without proper consultation with
14 the Aboriginal community.

15 In May of 1987, the then Minister of
16 Indian Affairs and Northern Development, the Honourable
17 William McKnight, announced in a letter to Chiefs and
18 councils that the post-secondary education assistance
19 program as it existed under the E-12 Guidelines would be
20 reviewed. This review took place between 1987 and 1989,
21 and included, the Department says, a period of consultation
22 with the Aboriginal Community over the last six months
23 of 1988.

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1 In March of 1988, the Honourable William
2 McKnight announced his intention to circulate a
3 consultation package consisting of a questionnaire and
4 a proposed statement of policy to govern the program, that
5 would be separate from administering guidelines to be
6 developed later by the Department and administering
7 organizations.

8 The consultation process originally
9 scheduled in September of 1988 was extended to December
10 of that year. In a letter to the Chiefs and councils dated
11 March 20, 1989, another major milestone, the current
12 Minister of Indian Affairs and Northern Development, the
13 Honourable Pierre Cadieux, announced the new policy
14 entitled "Post-Secondary Student Assistance Program",
15 which the government says includes changes to its 1988
16 proposal, made as a result of the consultation process.

17 To this day, Native people still feel
18 that this consultation process was not dealt with properly.
19 They were not dealt with properly and consultation did
20 not exist at the level that they wish.

21 So the policy and guidelines that we re
22 following now reflects what Pierre Cadieux had announced
23 in this new policy, and it is entitled the "Post-Secondary

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1 Student Assistance Program", and by this program we
2 administer dollars and receive money from the Federal
3 Government to send our Native students to school.

4 Getting the historical perspective
5 behind us, I would like to get into the concept that
6 post-secondary education is an Aboriginal right.

7 The Federal Government is obligated by
8 virtue of a number of treaties signed by First Nations
9 and the Crown, Section 35 of the Constitution Act, and
10 the authorization of the Minister of Indian and Northern
11 Affairs, as outlined in Sections 114 to 123 of the Indian
12 Act, to expend federal monies for the purpose of providing
13 for the educational needs of First Nation people.

14 Indian and Northern Affairs is very much
15 aware of its fiduciary responsibility to provide for the
16 education of our people. However, in an attempt to weaken
17 or water-down its educational obligations to First Nations
18 people, Indian and Northern Affairs has resorted to the
19 practice of restricting or narrowing down its definition
20 of the term "education". This process was first initiated
21 in 1972 when Indian Affairs resolved to narrow it its
22 definition of post-secondary education by distinguishing
23 it from vocational education programs.

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1 On page 5 of a booklet prepared by Indian
2 and Northern Affairs in 1989 entitled " Indian Services
3 Sector", INAC describes its educational responsibility
4 towards First Nations people in the following way, and
5 I quote:

6 "The Federal Government is responsible for the
7 education of registered Indian
8 children aged 6 to 17, living on
9 reserves or Crown lands."

10 It then goes on to relate how it has
11 extended these services beyond that legal requirement to
12 include post-secondary and cultural programs. What this
13 means, essentially, is that post-secondary and cultural
14 education programs currently in existence are
15 discretionary programs that can be cut as a funded service
16 at any given time.

17 According to this logic, Indian and
18 Northern Affairs' legal obligation to provide educational
19 resources to First Nations people ceases to exist once
20 a child has reached the ripe old age of 18, and claims
21 absolutely no responsibility to protect and enhance the
22 culture of this country's First People. This seems
23 somewhat ironic when you consider the incredible

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1 commitment the Federal and Provincial Governments have
2 shown in passing legislation which protects the cultural
3 identity of the French throughout all of Canada.

4 Education is a lifelong endeavour, one
5 that does not end at the age of 18, but follows one through
6 an entire lifetime. It is the vehicle by which we can
7 propel ourselves into the 21st century with a sense of
8 hope, determination and promise.

9 What is the point of the Canadian
10 Government talking to Aboriginal people about
11 self-government if the means by which it can be
12 successfully achieved has an insecure foundation and can
13 be taken away from us at any given time.

14 Post-secondary education is essential
15 to all First Nations that share the objectives of
16 self-government and self-determination. Regardless of
17 the position Indian and Northern Affairs have taken on
18 this issue, Aboriginal people must stand firm on the
19 premise that schooling beyond the high school level still
20 falls within the definition and jurisdiction of education.

21 The Federal Government of Canada, by
22 virtue of its relevant sections outlined in the treaties,
23 the Constitution Act and the Indian Act, has a fiduciary

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1 responsibility to provide adequate resources for all
2 levels of education for First Nation people. This
3 includes education at the elementary, secondary, adult
4 and post-secondary education levels.

5 Post-secondary education has played,
6 and will continue to play, a crucial role in the creation
7 of First Nation professionals and community leaders who
8 will contribute to the development of self-government.
9 First Nation students for generations to come must have
10 an opportunity to achieve their academic potential without
11 the looming threat that resourcing will someday be cut
12 from the national budget. How else are we to provide First
13 Nation communities with well qualified and trained
14 personnel to support self-government? Without a
15 legislative guarantee that post-secondary education
16 resources will follow us into the next century, our
17 potential as self-governing and self-determining First
18 Nations is lost.

19 The planning and implementation of
20 self-government requires the professional and skilled
21 guidance of qualified personnel. As sound
22 self-government management strategies are developed by
23 knowledgeable and well-educated Native personnel,

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1 self-determination emerges into the realm of possibility
2 for First Nations people throughout Canada. Without a
3 legislated guarantee that post-secondary education will
4 be resourced for generations to come, the prospect of
5 self-government for Aboriginal people within Canada is
6 severely weakened and most likely obliterated. To achieve
7 our full potential as self-government First Nations,
8 education beyond the high school level is not only
9 desirable, but essential.

10 In the interim, we must make due with
11 the provisions we have. As previously mentioned, in 1972,
12 the Department of Indian Affairs received authority from
13 the Treasury Board to transfer funds to individual bands
14 for the administration of the program. This authority
15 has resulted in numerous takeovers of the post-secondary
16 program by bands, district councils and other education
17 authorities throughout Canada. As a result, Native
18 participation in the program has increased dramatically.

19 Speaking from my own experience, in
20 managing its own post-secondary affairs, the North Shore
21 Micmac District Council has been able to better prepare
22 its students for post-secondary studies through the
23 development of an effective reserve-based University and

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1 College Entrance Program. They have been able to improve
2 enrolment statistics and, as a result, has experienced
3 a dramatic increase in the number of students graduating
4 from a variety of certificate, diploma and degree programs.

5 Based on our success and the success of
6 other Native organizations committed to this endeavour,
7 a number of bands have recently opted to assume the control
8 and responsibilities of delivering post-secondary
9 assistance to its people, and with a large degree of
10 success.

11 I believe that First Nations must
12 designate educational authorities to act on their behalf
13 in education related matters. The has come that we have
14 to stop relying on Indian Affairs to represent us in
15 educational matters. And to be honest with you, it is
16 my firm conviction that the Federal Government is not
17 authorized to represent First Nations people without their
18 consent.

19 First Nations education authorities
20 have a legal base from which they have authority to manage
21 their own affairs. First Nations are sovereign nations,
22 recognized by the Crown and the Federal Government of
23 Canada. They have signed treaties with our ancestors

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1 which govern their trust relationship with today's First
2 Nation people.

3 What are treaties? Treaties are
4 international instruments endorsed by two separate and
5 sovereign nations. As a sovereign nation we have the right
6 to assume not only the responsibilities of education
7 programs in accordance with Indian Affairs' policy and
8 guidelines, but we also retain the right to determine our
9 own educational goals and aspirations, and the right to
10 develop policies and guidelines that accord with the needs
11 of our First Nation students.

12 I would like to take this opportunity
13 to urge First Nations, district councils and other
14 education authorities throughout Canada to take steps to
15 assume control over your post-secondary education
16 programs. I am certain that this move will have a
17 tremendous observable impact on the success of your
18 students, as well as your potential as self-governing First
19 Nations.

20 In closing, I would like to say that I
21 am in agreement with James McPherson's view, which he
22 outlined in the MacPherson Report, that "Native
23 self-government should not be a scary concept for Canadian

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1 Governments". Canadians should not allow their
2 preoccupation with the place of Quebec, within Canada,
3 to cloud their understanding of the concept of Native
4 self-government. If Canadian's legal and political
5 thinking about the subject is rooted in the separatist
6 vein of Quebec nationalism, it is likely that the wrong
7 conclusions will be drawn and support for our cause for
8 self-government may falter.

9 The realization of self-government, for
10 most First Nation people, does not hinge or depend upon
11 our separation or divorcement of Canada, even though at
12 times it may seem to be a preferred alternative. We are
13 just as attached to this land as our ancestors were
14 thousands of years ago. For most First Nations people,
15 self-government means Native jurisdiction, Native control
16 and Native responsibility for the matters which affect
17 the lives of First Nations people within Canada.

18 The Government of Canada should feel
19 compelled to negotiate with First Nation leaders to develop
20 a constitutional framework that lends respect and gives
21 voice to these propositions.

22 I thank you for your time.

23 **MODERATOR DARRELL PAUL:** Thank you,

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1 David.

2 Any questions from the Commission?

3 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

4 Of course, this presentation which was
5 addressed, probably is one of the most central issues of
6 the mandate of this commission.

7 We certainly feel that education is
8 central to successful implementation of self-government,
9 and to individual as well as collective
10 self-determination.

11 We realize that there is a cap that was
12 brought by the Federal Government on the funds available
13 for post-secondary education across Canada. We also
14 realize that with the number of young people, that is
15 increasing, attending colleges or university, it is going
16 to raise a major issue. We know that education was seen
17 as a treaty right in most treaties. Of course, there was
18 no definition as to what it meant.

19 We understand the thrust of your brief
20 as one being an evolving concept and should not be limited
21 to elementary and secondary levels of school.

22 Of course, on the other hand, you might
23 have seen some of the presentations we had today by the

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1 Native Council of Canada, or the New Brunswick Aboriginal
2 Council, where they are asking for their share of money
3 for the future. That is the situation that everybody is
4 caught in. We realize that, with the financial
5 constraints that are there, it could be quite easy and
6 destructive for governments to play Aboriginal people,
7 one against the other, status people versus non-status
8 people, and on and on.

9 Your brief is very well presented. It
10 gets to the point. I find it very useful to have a recap
11 of the evolution from the early 60's to 1989. I would
12 like to thank you very much for adding this to your brief.

13 I understand that your main
14 recommendation is to say that while the Federal Government,
15 at this point, acknowledges its responsibility up to 17
16 years of age, it seems as discretionary for post-secondary
17 education, and you are asking for a legislative guarantee
18 as far as post-secondary is concerned.

19 The question I would like to ask is:
20 In the program or the money available from the Federal
21 Government for post-secondary education, it is not only
22 the tuition fee but it is the location for the students,
23 to move to the city, the living allocation and housing.

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1 Is there a distinction? When we look at the future and
2 we try to see what is involved in the responsibility toward
3 education, did you give thought to various elements that
4 are involved in making it possible for a young Aboriginal
5 person to pursue a post-secondary education?

6 It is one thing to say that there should
7 be a legislative guarantee, but what about the elements
8 that should be paid for by the Federal Government. At
9 this point, did you look at the program as it is, the
10 component, to see whether there could be some breakdown
11 between the various elements? Do you have in mind that
12 there should be a legislative guarantee for the program,
13 as it is, with all of the components, the tuition fee,
14 the transportation, the location, the housing location.
15 Could you expand a bit on that?

16 **DAVID PETER-PAUL:** You ask whether or
17 not I feel that there should be a legislative guarantee
18 for all of the components that now exist within the program.

19 I have to say no. I think that, at this point, there
20 needs to be some consultation between Native people to
21 make whatever necessary amendments have to be made to the
22 post-secondary students' support program policy and
23 guidelines before anything is legislated and guaranteed.

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1 I believe that there has to be a process
2 put in place between the Assembly of First Nations and
3 the Federal Government of this country to ensure that the
4 program, as it is, reflects what First Nations people need.

5 The policy and guidelines, according to Indian Affairs,
6 as developed after extensive consultation with Native
7 people.

8 I attended the national conference, an
9 emergency conference, back in 1989 on post-secondary
10 education. I was a student at the time and I recall a
11 number of First Nation people, chiefs, counsellors,
12 educational workers, standing to their feet on opposition
13 to the 1989 policy and guideline change that Pierre Cadieux
14 introduced.

15 I think that there needs to be a
16 rehashing of all of the post-secondary concerns that were
17 discussed at that time. At that time, the First Nations
18 asked for moratorium on the implementation of the
19 post-secondary student support program. The moratorium
20 was requested so that First Nations government can go back,
21 re-evaluate the new guidelines, re-evaluate the E-12
22 guidelines, see what benefits have arisen from the new
23 guidelines and what changes need to be made over and above

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1 what has been made.

2 I think as a legislative guarantee for
3 First Nations' post-secondary, first of all, can be put
4 in place. The guarantee for the support services, for
5 tuition, travel and living allowance for First Nation
6 students, can be put in law and guaranteed through
7 legislation and still leave the post-secondary student
8 support guidelines up to negotiations between Native
9 peoples.

10 Just as Jake Epp had done back some time
11 ago; he had, with a document which is simply a letter,
12 mention that post-secondary education from that time on
13 would be regarded as a non-discretionary program, which
14 meant that it was a guaranteed thing; next year we would
15 get it, the year after it would be there. But the Federal
16 Government still, without regard for the letter -- they
17 look at the letter, but it doesn't mean that it is
18 guaranteed through legislation. It is simply a letter
19 to Noel Starblanket.

20 I think that the government needs to pass
21 this legislation, that post-secondary will exist for our
22 children and for our grandchildren, so that this
23 self-government initiative can go on smoothly and we will

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1 have the personnel there to bring us through some of the
2 developmental stages of this process.

3 **CO-CHAIR RENÉ DUSSAULT:** Again, what I
4 am trying to see, and it is probably not the place to do
5 it, in order to get that kind of guarantee -- I am trying
6 to see what kind of bottom line. Of course, we are talking
7 about rights flowing from treaties, and there is question
8 as to whether it goes to the university. We are also
9 talking about the financial content to substantiate this
10 right, as we know that there is pressure for non-status
11 people also to get some money. We know that this situation
12 is tight. I just want to be sure that this will be part
13 of picture.

14 Of course, we know that the role of the
15 Commission is not to negotiate these things. On the other
16 hand, our role is to come up with recommendations that
17 will have to assist the cost of our recommendations,
18 otherwise we might be right, or thinking we are right,
19 in putting recommendations to governments, but that might
20 be the best way to get shelved, if we don't do that. So
21 that is why it is important that, with a council like yours,
22 we could get further down the line on some of the specifics.

23 I understand sometimes it is not easy

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1 to do because there is room for negotiation there in other
2 forums. So it is one of the realities that we have
3 encountered. During our hearings, very often Aboriginal
4 organizations don't want to give us their bottom line,
5 and that is legitimate, but on the other hand we are caught
6 with trying to do the rest of the job ourselves and to
7 come up with recommendations that will make sense to
8 everybody.

9 I am saying that to resume myself.
10 Education is key, post-secondary education is central,
11 it is a pillar of self-government, and we acknowledge that
12 and we are going to acknowledge that, certainly, in our
13 final recommendations. It is more the technical method
14 or to make it possible to as many people as possible.
15 That is what we are looking for; getting down from the
16 principal to the feasibility and how it is going to happen,
17 and to serve as many people as possible.

18 There are still pockets in the country
19 where there is money for post-secondary education and the
20 Inuit community or even some bands can spend it all.
21 Mostly in northern communities for different reasons but,
22 of course, in the south the pressure -- yesterday we had
23 a presentation by the Canadian Nursing Association and

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1 they were telling us that the caps was painful already.

2 There were more candidates than money available. So that
3 is a reality that is there.

4 So we are going to address that, but if
5 in the coming weeks or months you have additional views
6 to share with us, I would be very happy to receive them.

7 Thank you.

8 Viola.

9 **COMMISSIONER VIOLA ROBINSON:** I would
10 just like to thank you for your presentation. I am not
11 going to add anymore than what has been said, except to
12 say that education has been presented to us as a priority
13 by numbers and numbers of Aboriginal communities and people
14 in Canada. They see education as being the backbone of
15 self-government. They feel that without it nothing will
16 be possible.

17 It has been prioritized by just about
18 every community that we have gone to. We are paying
19 particular attention to that as well. There is a lot of
20 work being done on it. I know that the AFN has done a
21 lot of work, and there is piles and piles of recommendations
22 just sitting there that are accessible to us and we are
23 reviewing. So I thank you for your presentation. It is

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1 enlightening.

2 I would just like to add to your
3 statistics here. You started from 60's, but I think in
4 the 50's, in Nova Scotia, we had four in post-secondary.

5 **DAVID PETER-PAUL:** Those stats that I
6 alluded to were national stats.

7 **COMMISSIONER VIOLA ROBINSON:** Maybe we
8 weren't even national then in Nova Scotia. We were still
9 at the bottom. Thank you.

10 **DAVID PETER-PAUL:** You're welcome.

11 **MODERATOR DARRELL PAUL:** Thank you,
12 David.

13 **DAVID PETER-PAUL:** You're welcome.

14 **MODERATOR DARRELL PAUL:** We will take
15 a ten minute coffee break.

16 --- A Short Recess at 3:40 pm.

17 --- Resume at 3:55 p.m.

18 **MODERATOR DARRELL PAUL:** The next
19 presentation we have on the agenda is the Native Council
20 of Nova Scotia. The presenter is Mr. Dwight Dorey and
21 Roger Hunka, Executive Director, and the topic is
22 self-government and housing. Mr. Dorey.

23 **DWIGHT DOREY, NATIVE COUNCIL OF NOVA**

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1 **SCOTIA:** Thank you.

2 Good afternoon, members of the Royal
3 Commission on Aboriginal Peoples.

4 **CO-CHAIR RENÉ DUSSAULT:** Good
5 afternoon.

6 **DWIGHT DOREY:** On behalf of the Native
7 Council of Nova Scotia, the individual members
8 participating in Mawiwo'kutinej, the community
9 sensitization coordinator, community sensitization
10 prompters, support coordinators and assistants, I am
11 pleased to present to the Royal Commission on Aboriginal
12 Peoples, by way of the Intervenor Participation Program,
13 the report of the Native Council of Nova Scotia
14 "Mawiwo'kutinej Let's Talk Together - the Off-Reserve
15 Aboriginal Peoples Perspective Report"

16 Through the period of October 1992 to
17 March 31, 1993, an action plan was developed according
18 to the terms of reference to prepare individuals, as well
19 as the Council to submit briefs to the Royal Commission
20 on Aboriginal Peoples relative to the off-reserve
21 Aboriginal people of Nova Scotia.

22 Accordingly, throughout this period
23 there were a series of community encounters resulting in

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1 61 detailed community sensitization prompters summaries,
2 where over 200 participants openly spoke of issues of
3 concerns, as well as many more attended and listened.
4 Also, resulting from these meetings there were three
5 specific zone briefs, and a large amount of individual
6 interaction with individuals between the coordinator,
7 prompter or staff of the Council, including executives,
8 in discussing the issues of concerns, as well as potential
9 solutions.

10 Further, as a result of the
11 Mawiwo'kutinej experience in Nova Scotia, the Native
12 Council of Nova Scotia, with myself as President and,
13 Roger, the Executive Director, undertook, in a later period
14 within the months of April and May , as series of zone
15 meetings to specifically address a major issue, the road
16 to self-determination. By prompting dialogue with
17 people, the process will allow us to develop a strong,
18 effective and efficient self-governing body for the
19 off-reserve Aboriginal people of Nova Scotia.
20 Accordingly, there were ten designated meetings held in
21 the zones throughout the province.

22 This report highlights summaries
23 documented from the detailed summaries contained on file,

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1 which are captured in the "Executive Discussion" presented
2 at the end of the report, as well as views of our
3 presentation to the Royal Commission on Aboriginal Peoples
4 scheduled for early June.

5 In summary, the Province of Nova Scotia
6 has been tabulated by Census Canada to have over 21,000
7 people who identify themselves as Aboriginal persons, with
8 the larger majority of 15,000 residing off-reserve
9 throughout the traditional lands of the Mi'kmaq now
10 encompassed in every town, village and hamlet of the
11 province.

12 The continued marginalization of the
13 off-reserve Aboriginal people in Nova Scotia continues
14 to plague our participation and full contribution to the
15 broader society. There has been and continues through
16 both legacies and policies, past and present, open assault,
17 denunciation and abuse of the off-reserve Aboriginal
18 people, children, men, women and elders in Nova Scotia
19 prompted by the Government of Canada through its federal
20 policies and programs for Indian people in Canada and,
21 more particularly, the Indian Act. There exist through
22 design the continued relentless colonial and nationalistic
23 attitude and policy to suppress and absorb Indian people

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1 through assimilation, and by the denial of Aboriginal
2 peoples' birthright because they choose to reside on
3 traditional Aboriginal lands.

4 The off-reserve Aboriginal people in
5 Nova Scotia witness and experience the continued
6 abandonment by the Canadian state of its fiduciary trusts,
7 constitutional Aboriginal rights, treaty compacts and
8 international standards for conduct with indigenous people
9 who choose to reside in traditional areas other than modern
10 day established reserves.

11 This assault, denunciation and abuse is
12 witnessed in many recent programs and policy initiatives
13 announced by Canada. I allude, by example to the CAEDS
14 strategy, components which are not available to
15 off-reserve Aboriginal people; the brighter futures
16 initiative, the health initiative, the specific land
17 claims initiative, education initiatives, treaty research
18 initiatives, housing assistance for senior independents,
19 taxation, transition houses, social services, cultural
20 and language development and many more policies and
21 programs which expressly exclude off-reserve Aboriginal
22 people and/or their organizations from accessing the
23 initiatives as Aboriginal people, to bring about change

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1 or improvement, simply because they reside off-reserve.

2 Now Roger, my Executive Director, will
3 gladly elaborate in more detail on these particular
4 initiatives if the members of the Commission so desire.

5 The banthustanic approach to Indian
6 matters in general and the federal abrogation of
7 responsibility for off-reserve Aboriginal people is
8 further marginalizing us off-reserve Aboriginal people
9 to the point of frustration, tears, and is ripping at the
10 very core of stability, dignity, cooperation and our future
11 within Canada. This federal effort will not succeed and,
12 indeed, is turning people to adopt a fracticidal conflict
13 as a means to achieve justice, such as fishing and taxation.

14 In submitting this report to the Royal
15 Commission on Aboriginal Peoples, it is our hope that the
16 Royal Commission on Aboriginal Peoples will note the
17 urgency with which people are speaking. Moreover, we put
18 on notice, the Commission, that the continued assault on
19 the advocacy group, such as Native Council of Nova Scotia,
20 speaking and trying to work on behalf of off-reserve
21 Aboriginal people, has in these last ten years reached
22 the level where even human resources to fight the assault
23 is spread thin. The cries may be muted now, but not the

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1 problems. I am sure that the Royal Commission on
2 Aboriginal Peoples, throughout its visits in Canada, has
3 seen less and heard fewer vocal presentations by
4 organizations working with off-reserve Aboriginal people
5 as evidence of the sustained denunciation of our place
6 in Canada. The problems are intensifying.

7 The prolonged assault, denunciation and
8 abuse, through restrictive policy and program tactics
9 aimed at silencing and crippling off-reserve individuals
10 and their organizations, is not helping problems and,
11 indeed, is further marginalizing people. It must be noted
12 that although this attack is fierce, it will not succeed
13 in stopping us from going forward to a better future.

14 I don't want to, at this particular point
15 in time, take the time to go through the full report in
16 detail as presented here. It is something that is tabled
17 for further review and consideration by the members of
18 the Commission. I do want to, at this point in time, refer
19 you to page 15 of the tabled document which is the summary
20 of the process of Mawiwo'kutinej, where we visited the
21 various community zones within the Province of Nova Scotia,
22 and talked to the people.

23 There is extracts from the discussion

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1 with the people at the community level. There is
2 recommendation outlined on various heading and topics such
3 as land base and claims, treaties, self-government, legal
4 issues, the Indian Act, so on and so forth. Even though
5 the specific recommendations are somewhat lengthy in
6 detail, I won't go through those either.

7 However, I would like the Commissioners
8 to go to page 30 and we will then go into some detail of
9 the summary, on the part of the executive, in respect of
10 the Mawiwo'kutinej process.

11 I propose to present my report to the
12 Royal Commission as an Executive Discussion, the text of
13 which is provided in the final report. Further sections
14 of this report will be read also by my Executive Director,
15 Roger, and both of us will discuss contents and answer
16 questions within the time permitted.

17 "The First French ethnography on the
18 North American Indians" by Louis Armand De Lom D'Arce,
19 Baron de Lahontan wrote several short books on the Huron
20 people of Canada based on his stay with them from 1683
21 to 1694. By the time his Sojourn among the Huron people
22 ended he wrote:

23 "They have already survived several decades of

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1 sporadic interaction with European
2 explorers and traders, and they had
3 been the subject of numerous
4 commentaries by Jesuit
5 Missionaries. From these
6 interactions the Huron people were
7 able to compare their own way of
8 life and that of the Europeans.
9 The Indians particularly decried
10 the Europeans obsession with money
11 that compelled men to sell their
12 live to the armies of greedy men
13 who used them to enslave yet more
14 people. By contrast, the Huron
15 people lived a 'Life of Liberty and
16 Equality'. According to the Huron
17 people the Europeans lost their
18 freedom in their incessant use of
19 'thine' and 'mine'. One of the
20 Huron explained to Lahontan. 'We
21 are born free and united as
22 brothers, each as much a great lord
23 as the other, while you are all the

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1 slaves of one sole man. I am the
2 master of my body, I dispose of
3 myself, I do what I wish, I am the
4 first and the last of my
5 Nation...subject only to the Great
6 Spirit."

7 The last paragraph on page 31, reads:
8 "From time in memory our forefathers have lived on
9 this land."

10 This is a quote from an extensive summary
11 discussion of the Mi'kmaq people of Atlantic Canada. The
12 people presented this to the Federal Government in 1976,
13 and this is the preamble.

14 "This is our land. This is our home. Our history
15 and our allegiance is to this land
16 and to no other. Today we still
17 live on this land that belongs to
18 our forefathers; that still
19 belongs to us and that we will pass
20 on to our children yet unborn. Our
21 existence as a people on this land
22 predates the coming of European
23 explorers and immigrant settlers.

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1 Our existence on this land
2 predates the establishment of
3 colonial settlements and the
4 governments of European rulers.
5 Our existence on this land predates
6 the confederation of the European
7 settlers Canada."

8 I read now from the paper on page 32 in
9 the third paragraph. From about 1755 up to and including
10 today, the colonial self-determining people through their
11 self-governments enacted laws and policies containing
12 three main colonial ideals to deny the Aboriginal peoples
13 of North America their natural liberty to self-identity
14 and self-determine their future as peoples. These
15 colonial ideals were designed to banish from existence
16 Aboriginal people by: (1) Protection of Indian people from
17 unscrupulous settler and traders. (2) By introduction
18 of Christianity, later becoming the movement to civilize
19 Indian people. (3) An activist role for the Crown as a
20 protector of Indians.

21 What follows these three ideals,
22 particularly of the colonial English government, is the
23 historical development of the Indian Act, which is well

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1 today some have come to believe that I never was a
2 self-identifying or self-determining individual. That,
3 in fact, I am some object or artifact from a museum tanned
4 by time. That I am some "Crazed Indian" asking the
5 government of Canada to allow me to practise something
6 called self-government, that I wish to be or think myself
7 to be better and above everyone else. Have I or my people
8 denied the settlers their right to self-identity or
9 self-determine their society of peoples as Canadians?

10 As Lisa Lynne Patterson concluded in her
11 thesis submitted in September 1985 in partial fulfilment
12 for the requirements for degree of Master of Arts, and
13 I quote:

14 "A general lack of understanding of Indian culture,
15 societies, and experience is one
16 of the reasons why so little
17 progress has been made in Indian
18 Affairs to date. If knowledge of
19 the past is to be marshalled in
20 support of wiser and more humane
21 policies, a huge tract of
22 historical ground will have to be
23 covered. One hopes this study

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1 will contribute to the knowledge
2 of Indian history of Nova Scotia
3 and that the Native peoples of
4 Canada soon may be given the
5 freedom and wherewithal to govern
6 their own affairs."

7 I will now read from page 34 on.

8 Our languages and capacity to
9 communicate was and remains assaulted and discouraged.
10 A brief presented to the Royal Commission on Aboriginal
11 Peoples on May 28, 1993 by the Native Council of Nova Scotia
12 Micmac Language Program. Our languages were called simple
13 languages. It is only in the last 30 years that some
14 scholars have stated that Aboriginal languages are very
15 sophisticated.

16 Our spirituality was ridiculed, and we
17 were asked to adopt Christian beliefs, which in many cases
18 we did, and now hold dear. Our world views were not
19 understood and when understood not respected.

20 We were split up, numbered, some of us
21 made status Indians and many of us termed non-status.
22 Many were forced on the poorest lands called reserves.
23 Fortunately today many of us, not forced on reserves, live

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1 off-reservation on our traditional territories, but now
2 we are termed off-reserve Indians, and deprived equity
3 of access to services or the means to be self-sufficient.

4 Today the government of Canada does not
5 want to accept nor see the fact that there are over one
6 million Aboriginal People in Canada. Government created
7 white law bands and band governments, and think that that
8 is enough to satisfy the expression of the
9 self-determination of Aboriginal people. Governments
10 still think of "thine" and "mine", and are afraid to think
11 of Ka'nata as belonging to all of us.

12 Laws replace our ways of educating, and
13 you educate us not to build our societies but rather to
14 stop us from transferring to our young the values of our
15 world view, and on and on. Because the government does
16 not recognize us as people, that is why it continues to
17 denounce, abuse and assault Aboriginal peoples in Canada
18 and, now more than ever, those who choose to live outside
19 reservations.

20 Because we, Aboriginal people, are here.

21 Because I am here as a Mi'kmaq. Because I tell you that
22 the imposition has not worked. We still have our
23 Aboriginal Government. Many continue to speak our

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1 language. Most of us do not live on a white man created
2 reservation. We have our spiritual believe in the Creator
3 of all life, and I am a devoted Catholic. I know what
4 my duties and responsibilities are to my people, the
5 Mi'kmaq, and I continue to self-identify as a Mi'kmaq,
6 and I will continue to participate and contribute to the
7 self-determination of the Mi'kmaq by speaking as I do
8 today. I cannot and will not melt down, nor will my
9 children and their children.

10 There needs to be a new ethos adopted
11 by Canadians and their government, and reaffirmed by
12 Aboriginal people. I see this ethos as one of the most
13 important results for this Commission to recommend. I
14 see the ethos, which I best express, as "The Courage of
15 Sharing and Friendship". The ethos of Courage of Sharing
16 and Friendship is based on two fundamental principles,
17 to change beliefs of superiority and inferiority and,
18 secondly, the courage of sharing and friendship, as an
19 ethos, requires a change of values as to who contributes
20 and who does not.

21 The value of contribution must be looked
22 upon as to equity limits of resource required and developed
23 so that everyone can be part of a growth in this vast land

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1 of Canada, a commonwealth of people.

2 The courage of sharing and friendship
3 as an ethos promogated by the Royal Commission on
4 Aboriginal Peoples would be the first time since the early
5 1700's that the ideal of dealing with Aboriginal people
6 would change from those three colonial ideas of: (a)
7 protection against, (b) civilizing, (c) protection of,
8 to become now sharing and friendship.

9 Unless we move in friendship and
10 consider the equity of all Aboriginal people and those
11 off-reserve, the frustration and of concerted, open and
12 public denunciation, abuse and assault on the off-reserve
13 Aboriginal people will plight Canada into fratricidal
14 conflicts serving no one any good. If courage of sharing
15 and friendship means that we must re-establish friendship
16 in peace between people, and believe in it, and fight for
17 it, and have the courage to see it achieved in a democracy
18 and modern state.

19 Until we give effect to changing our
20 values for sharing, to build friendship for peace, order
21 and good government, we will not accomplish anything.
22 Sharing should not see Canadians fearful and greedy,
23 fighting against the Aboriginal people on or off-reserve,

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1 who seek only to share within equitable limits, resources
2 of a land so vast that many white men have never even set
3 foot on.

4 This ethos of the courage of sharing and
5 friendship must manifest itself in Canada. We must all
6 believe and have the courage to realize that boundaries
7 have no place, and Canadians and Aboriginal people should
8 not think of boundaries.

9 The boundary thinking has grown to a
10 point for Aboriginal people, promoted by Canadians and
11 governments, to the point where becoming a cage, a cage
12 that is sinister, a cage that is making the life for liberty
13 and equality nothing more than thine and mine and
14 enslavement. Government has now become a slave to
15 boundary thinking.

16 Just before I go into some more specifics
17 with respect to what we are discussing here on the whole
18 matter of self-determination, I would like Roger to expand
19 a little bit further on that, which I just presented.

20 **ROGER HUNKA, NATIVE COUNCIL OF NOVA**

21 **SCOTIA:** Thank you Dwight.

22 When we speak of, and Dwight was speaking
23 of, the boundary thinking of reserve versus off-reserve,

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1 this whole mentality that Aboriginal people have not
2 dignity or right to live in this land equally as Aboriginal
3 people belong to the family.

4 There is ample evidence in the policies
5 of the Federal Government being very restrictive, and
6 Dwight was alluding to the fact that it is boundary
7 thinking.

8 It is sad when we read the Government
9 of Canada announcing to the United Nations, at the 47th
10 general session, on the proclamation of the International
11 Year of Indigenous People, and making a resolution.

12 Now this was Canada putting forth this
13 resolution. It wasn't a third world country. In front
14 of one of the greatest bodies of government in the world
15 was United Nations, and in that statement, what Dwight
16 was referring to, it comes so clear that the assault, the
17 denunciation and abuse of off-reserve Aboriginal people
18 is now not only a public document in Canada, but now it
19 is proclaimed to the world to be the policy of the
20 Government of Canada.

21 I allude to Monique Landry's address,
22 and I want to quote this from her opening speech. Now
23 this was the opening speech, it is an appendix that looks

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1 like that, the Communiqué. This is the Communiqué where
2 Canada put forth the resolution to the United Nations to
3 adopt the International Year of Indigenous People. On
4 page 3 at the last paragraph, it saddens anybody to read
5 this, but it is a fact.

6 "In describing the new relationship that Canada hopes
7 to build, he issued a warning which
8 offers a lesson to all the nations
9 of the world as we embark on this
10 important year. He cautioned that
11 achieving our goal would take
12 creativity and
13 perseverance...courage to see
14 thing as they are, honesty to
15 acknowledge them for what they have
16 become, and the common resolve to
17 correct them for future
18 generations."

19 "Canada's Native agenda focuses on four main areas:
20 accelerating the settlement of
21 land claims..."

22 The second point is probably one of the
23 most disastrous comments I have ever read and heard.

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1 because of the conditions that Aboriginal people find
2 themselves off-reserve, the off-reserve people are, as
3 Aboriginal people, developing their own models and forms
4 of self-government.

5 **DWIGHT DOREY:** Just before I get into
6 a further presentation in using the flip chart, I wanted
7 to just briefly bring up some points, in respect of my
8 presentation, which I raise because of the significant,
9 I guess, comparative view, one that I was not overly
10 surprised to see, but obviously quite interested in noting
11 it. That was what we were basically attempting to do here,
12 in Eastern Canada, and specifically with the Native Council
13 of Nova Scotia as representative of the off-reserve
14 Aboriginal people of Nova Scotia, is an attempt on our
15 part to address the policy vacuum that exists today.

16 I noted, recently, in reading the Royal
17 Commission's report of the Urban Round Table process that
18 that vacuum was identified in that report. There is a
19 definite clear policy vacuum out there. It is very evident
20 in trying to address the whole issue of self-government.

21 There are major points, I guess, raised
22 in that report of the Urban Round Table such as
23 accountability. It was noted that accountability is a

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1 prime concern in respect of urban Aboriginal governance,
2 or I suspect we could take it further and apply the concern
3 to any Aboriginal governance outside of reserves.

4 There is the issue of jurisdictional
5 off-loading of people to be addressed with a model of
6 self-government, and that is something that I feel that
7 we will be elaborating further on, and will indeed do.

8 The report also identified a need to
9 avoid a new structure that excludes rural and small town
10 people. In particular, it is one of our major concerns.

11 The reserve structures and any big urban structures is
12 only going to result in further fragmentation, and
13 excluding a lot of the Aboriginal people in this country.

14 So there is one major question that comes
15 about by way of all of this, and that question is: What
16 government has responsibility to fill that gap? Well,
17 under principles of inherency, it is my position that,
18 and very firm one, only Aboriginal people have that
19 responsibility.

20 More appropriately, we have the right
21 and the obligation to do it, no one else. It is precisely
22 the inherent nature of our right, that we have recently
23 spent a long time discussing and where there was some,

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1 I think, very serious and well recognized acknowledgement
2 of the inherent nature of our rights by Canadians at large.

3 One must also take into account the fact
4 that, traditionally, our systems were systems that were
5 ones which moved forward, which advanced issues and
6 resolved matters through consensus. If you take that
7 further from the point of the process that ended on October
8 27th, it was one where there was a strong consensus reached
9 on the whole issue of inherent right of self-government,
10 and it is just one that we want to move on further in respect
11 of filling the vacuum that was referred to in the Urban
12 Round Table Report, and which I will get into now, at this
13 particular point in time.

14 I ask the Commissioners to just briefly
15 have a look at the flip-chart which we have prepared here.

16 Basically, what we are addressing is the process toward
17 Mi'kmaq self-determination and, more specifically, a model
18 for co-existence in Nova Scotia.

19 The co-existence is a process that we
20 take seriously in that it was one that was clearly
21 recognized and spelled out in the treaties that were signed
22 between the Mi'kmaq Nation and the British Crown, treaties
23 which are recognized under Canadian law to be still valid

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1 and legally binding today.

2 I will just briefly, in getting into this
3 further discussion on self-determination for the Mi'kmaq,
4 refer to the fact, again, that the consensus report on
5 the Constitution, which Canadians dealt with in the
6 referendum of October 27th, was one that the inherent right
7 of the Aboriginal people, more specifically the Mi'kmaq
8 people, was recognized, and I need not say anything further
9 on the consensus report other than that. It was something
10 that the Prime Minister, all Premiers of the country, the
11 leaders of the four national Aboriginal organizations,
12 and more than 50 per cent of Canadians were supportive
13 of the inherent right of self-government that was
14 recognized in that consensus report.

15 Having such consensus achieved and
16 reached, which is one thing that I think can be said as
17 a positive outcome of the constitutional process, in spite
18 of the referendum results. Consensus was reached and it
19 is now, in terms of the vacuum that I speak of, an
20 obligation. I make it very clear that it is, in my view,
21 an obligation. It is not just a desire or a wish, it is
22 an obligation on the part of our First Nations government
23 to fill that vacuum.

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1 Self-determination, self-government,
2 its inherency recognized. It is only us. It is not a
3 federal authority. It is not an Indian Act policy or
4 Minister. It is not a provincial Premier or anyone else's
5 responsibility, or jurisdiction, or business to be
6 involved in filling that vacuum.

7 What it merely requires is a process of
8 re-establishing the jurisdictional authority that goes
9 with the inherent right of self-government, and it is one
10 that we believe is required because of the treaty process,
11 at least for the Mi'kmaq people, that will take certain
12 factors into consideration and, more specifically, that
13 factor being other Canadians outside of the Mi'kmaq Nation.

14 That process requires a clearly
15 mapped-out method of establishing the jurisdictional
16 authority for our self-governing unit. Through
17 implementation, we propose to deal with four primary issues
18 or concerns that are important in re-establishing
19 self-government. It is our basic view that
20 self-government, as we see it to be re-established for
21 the Mi'kmaq people, will be and must be a government for
22 the people and by the people.

23 So we are to establish guiding

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1 principles for ourselves. We will develop and action
2 plan. We will ensure that our process of implementing
3 self-government is accountable to the people, and we will
4 develop an overall strategy that incorporates principles
5 that are already existing and shall be used as a guide;
6 more specifically, the treaty arrangement that already
7 exists.

8 I want to just briefly make a point in
9 respect of our process of implementation. One that I
10 personally had been -- as an individual being involved
11 in the constitutional process -- had on a number of
12 occasions been confronted with people who had, what I view
13 as, great difficulty in understanding or accepting what
14 a third order of government for Aboriginal people in this
15 country would be like.

16 Quite frankly, it seemed to be an issue
17 that did not even go beyond the point that people were
18 having difficulty with a third order of government itself,
19 regardless of what it might look like. People are so stuck
20 in their mind on only two orders of government in Canada
21 that they couldn't seem to go beyond that.

22 I am aware of the fact that the
23 Commission, and I think quite wisely, taken the time to

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1 examine other systems of government for Aboriginal or First
2 Peoples in other parts of the country. I personally have
3 visited the Navajo Nation.

4 Again, I am not going to take a lot of
5 time going into this, but I just want to briefly point
6 out the fact that we here in Canada have been talking about
7 a third order of government for Aboriginal peoples in this
8 country. If you just briefly look at the situation
9 that the Navajo people are in, and I believe in our
10 documentation we have provided the documents from the
11 President's office, there is a presidential declaration
12 of some sort acknowledging the -- it is handed out there
13 -- it is the statement of the President of the United
14 States. On January 24, 1983, the Reagan, Bush
15 administration issued a statement on Indian policy
16 recognizing and affirming a government to government
17 relationship between Indian tribes and the Federal
18 Government.

19 So the Navajo Nation people have their
20 own form of government within the boundaries of their
21 tribal territory. That tribal territory sits within four
22 states of the United States. It takes in parts of Utah,
23 Colorado, Arizona and New Mexico, and there are

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1 jurisdictions that have to be shared and worked out with
2 those governments.

3 So we have the United States Government,
4 we have four specific state governments and we have the
5 Navajo Nation as a government, all working together. Now
6 that is six different jurisdictions or levels of
7 government. Then, inside the Navajo territory, we have
8 the Hoepi (PH) First Nation people also moving toward
9 self-government as well.

10 I have great difficulty understanding
11 that, knowing that, and knowing very well that anybody
12 with any Federal or Provincial Government involved in the
13 constitutional process dealing with Aboriginal
14 self-government, is or should be aware of that, and those
15 jurisdictions. I have a very difficulty time
16 understanding why they have difficulty realizing what a
17 third order of government for Aboriginal people in Canada
18 might be.

19 What we are talking about is a road to
20 self-determination, the Mi'kmaq people in Nova Scotia,
21 and our process is one that we see is to be achieved in
22 terms of that inherent right through a Mi'kmaq constitution
23 that we will and have, in fact, already layed out as our

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1 map to self-determination. It is one that we believe,
2 in respect of our territory here, taking into account
3 contemporary boundaries and divisions of powers, we do
4 acknowledge and realize that we have to work within
5 existing boundaries, more specifically the provincial
6 boundaries.

7 Although it is well documented that the
8 traditional Mi'kmaq territory takes in all of Eastern
9 Canada, we are talking about Nova Scotia. The road to
10 self-determination, in our view, is built by the people
11 that it serves, and it is that process that process that
12 we intend to follow.

13 We believe that we must define for
14 ourselves and declare certain things in that process.
15 I want to just briefly go through that. There are five
16 basic points, I guess, in the process of declaring our
17 self-governing authority. One is that we have to,
18 ourselves, define our purpose.

19 I refer you to our submission on page
20 36, and outlined there we have a brief summary which adds
21 a little bit of detail to these headings here. Our purpose
22 is outlined in our preamble, and this is a summary of what
23 is in the tabled draft constitution of the Mi'kmaq

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1 commonwealth that you will have for further examinations.

2 Under the preamble: Our nation of
3 people have strong ideals and the Mi'kmaq treaties are
4 but a small expression of that. Our belief in the Creator
5 is built upon communal order and cultural tradition that
6 asserts social dignity and fundamental values which are
7 inherent of the people. Self-determination is seen to
8 be an expression of a sovereign and inalienable right to
9 make our own lands and interpretations of all our external
10 arrangements declared by the nation. On this basis we
11 set our ideals of our peoples, values and commitments to
12 respect mother earth and all the life she gives in harmony.

13 This condition serves to promote and assert under peace
14 and friendship, that which we proclaim as our identity
15 and ideals of peoples of the world.

16 Under section one, "Constitutional
17 Principles". This chapter brings out in brief order that
18 which is the flesh and bones of the Constitution. Such
19 provisions cover off the complete text yet gives summary
20 direction to its intricate parts. Principles which bind
21 our rights and freedoms into the body of the Constitution
22 and give life to the inherent nature of our rights. As
23 citizens of peoples democracy we need not live our entire

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1 lives within our territory to be considered Mi'kmaq.
2 These principles establish that our nation and all her
3 citizens are required to protect and preserve our heritage
4 by adherence to our own world view and assertion of beliefs
5 in the people which the commonwealth serves to protect.

6 Section two, "Territory and
7 Jurisdiction". Through assertion of authority over what
8 is the territory used and occupied by the Mi'kmaq, the
9 Mi'kmaq commonwealth reaffirms its inherent jurisdiction
10 over this territory. Herein we lay claim to that which
11 we never surrender, the sovereign power of our nation.

12 Section three, "Fundamental Rights and
13 Duties". These articles detail specific entitlements of
14 every Mi'kmaq citizen, but also what is expected of them
15 as members of the commonwealth. This section further
16 clarifies Aboriginal rights within Canada. The Mi'kmaq
17 cultural heritage and individual spiritual beliefs are
18 noted as protected liberties. At the same time, other
19 rights as Canadian citizens and under international
20 governments are herein acknowledged and affirmed.
21 Protection of individuals access to a constitutional court
22 and services of an Ombudsman are spelled out in this
23 section. Protections are very broad and liberal.

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1 Under section four, "Government of the
2 Commonwealth". This chapter sets out a structure for the
3 government under three common divisions; a legislative
4 branch, a judicial branch and an administrative branch.
5 Empowerment of the Grand Council is affirmed and voting
6 age is specified. Conflict of interest protections and
7 code of ethics are clarified as principles of the
8 commonwealth to be implemented.

9 Section five, "Assembly of Delegates".
10 This, the law making body of the nation, has only one
11 chamber, and delegates are to be elected for terms of three
12 years. This section of the Constitution sets out the
13 powers of the assembly and the means by which delegates
14 are to be selected. Here the Constitution requires that
15 Mi'kmaq culture and our heritage be protected and promoted.

16 Matters of taxation, land, wildlife management and
17 finance are a few areas to be regulated by the assembly
18 of delegates. Various commissions will be created by laws
19 of the assembly and have members appointed to them by the
20 President of the commonwealth. Some examples are
21 elections, commissions, police, fish, game and fowling,
22 budget and audit commission, environment and public
23 service, as well as business, trade and commerce. Other

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1 commissions are deemed necessary to carry out the objective
2 of the assembly of delegates.

3 Section six, "Executive-Administrative
4 Branch". This section of the Constitution creates the
5 workforce to execute and enforce the laws of the state.

6 It also serves the President or Chief of State of the
7 Commonwealth who is elected to carry out the wishes of
8 the assembly of delegates. Here the terms of office of
9 the President are layed out and authorizes him or her to
10 fill various posts such as ambassadors, consuls, trade
11 commissioners, diplomatic representatives to other
12 Aboriginal peoples governments and the United Nations,
13 to name a few. This section also provides for an Attorney
14 General and other Cabinet posts to be filled by the
15 President.

16 Section seven, "The Judicial Branch".
17 Various courts of commonwealth and the powers of the
18 Mi'kmaq judiciary are spelled out in this chapter. Terms
19 of office of the different judges, their numbers and how
20 they are appointed to the bench are covered here. Appeal
21 courts and Grand Council authority within the judicial
22 system are clarified, as well as the Constitutional Court.

23 Section eight, "Ratification and

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1 Amendments". This final chapter triggers the
2 commonwealth authority and declaration of its powers.
3 Further, it provides for ratification by the people and
4 a process for amendments.

5 A final point to be noted is that this
6 structure provides for further development of a multi-tier
7 concept of a governing authority. For example, each band
8 and off-reserve community could develop semi-autonomous
9 community based governing units within this global
10 structure of the Mi'kmaq Nation. Thus providing for local
11 control through division of powers over land, taxes,
12 community elections, elections, building construction and
13 local by-laws of sorts.

14 The legislative body of the commonwealth
15 could readily accommodate the current thirteen bands or
16 reserve communities in the Province of Nova Scotia. Also,
17 the Native Council of Nova Scotia representing the
18 off-reserve population, and is organized with twelve zones
19 covering the entire province. It is suggested here that
20 these present units could readily be utilized for fair
21 and equitable distribution of seats in the assembly of
22 delegates, subject to population numbers as outlined in
23 article 33. This would initially establish the district

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1 of Nova Scotia as having 25 to 30 representatives. The
2 higher number allows for those reserves and zones, which
3 have populations over 1000, to have more than one delegate.

4 Further, it is suggested that such a
5 model of governing authority is most appropriate in
6 acknowledging the sui generis nature of Aboriginal rights
7 as recognized by the Supreme Court of Canada in the Sparrow
8 decision.

9 There would be required a commission on
10 citizenship to set out the criteria and process of being
11 identified as a citizen and subsequently entitled to vote
12 in the election of delegates to the assembly and benefit
13 from services of the commonwealth.

14 Now on the final page of this, what we
15 have briefly set out here is a graph of what the
16 commonwealth of the Mi'kmaq would end up changing. It
17 would basically be an amalgamation of what is now
18 recognized as the three political organizations
19 representing Mi'kmaq people in the Province of Nova Scotia.

20 CMM is the Confederacy of Mainland Mi'Kmaqs. NCNS is
21 the Native Council of Nova Scotia. UNSI is the Union of
22 Nova Scotia Indians.

23 What we are basically proposing is that,

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1 under the adoption of the Mi'kmaq commonwealth and the
2 constitution, there would be an amalgamation of those three
3 existing political advocacy organizations, and there would
4 then be the Mi'kmaq Council of Delegates formed, as
5 outlined in the Constitution, which would create the laws
6 of the nation. There would be attached to it the existing
7 Grand Council, which has maintained its inherent authority
8 within the nation, and its responsibilities for foreign
9 and intergovernmental affairs are interconnected to that
10 of the Chief of State. It then briefly outlines the
11 break-up in the commonwealth, the three jurisdictional
12 areas of judicial, executive and legislative branches of
13 government.

14 This is the draft copy of the
15 Constitution of the Mi'kmaq Commonwealth that I have been
16 summarizing through those brief comments and referencing
17 in this presentation.

18 In closing, I want to state here that
19 what we are basically doing with the process of
20 re-establishing our self-governing jurisdiction and
21 authority, under the process as outlined with the Mi'kmaq
22 Constitution, is we are acknowledging and promoting the
23 fact that we have our own history, our own tradition, we

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1 have our own territory and we have our own people. It
2 is those people who are the only ones, as pointed out
3 earlier, with the responsibility, the right and the power
4 to fill that vacuum that was referred to earlier. That
5 is basically the process that we intend to proceed along.

6 That is basically it Commissioners
7 unless Roger has something further to add.

8 **ROGER HUNKA:** Back to the ethos that
9 Dwight was talking about in self-government, the current
10 situation is that unless there is a fundamental change
11 in the values and beliefs to come back to sharing and
12 friendship, people are going to be bushed into a very sad
13 marginalized state. What the Mi'kmaq are doing, a lot
14 off-reserve, are actually implementing co-existing
15 regimes. They must be accepted, they must be
16 acknowledged, and they must be looked upon and worked
17 together.

18 It is not the intent to singularly
19 approve, or move, or say that this is it or nothing, but
20 the Federal Government's position has totally ignored the
21 reality of off-reserve people. It cannot continue because
22 it is going to affect everybody's walk of life. We take
23 an example of fishing, the prime example, the Sparrow

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1 decision. Also, what Dwight referring to, the
2 operative paragraph in hopefully the next two or three
3 years, the international community will have the draft
4 declaration approved of the convention on indigenous
5 people, and they call for full participation of all
6 indigenous peoples. We hope that the Commission raises
7 that also in their report.

8 Thank you.

9 **MODERATOR DARRELL PAUL:** Thank you. Is
10 there any questions?

11 **CO-CHAIR RENÉ DUSSAULT:** Yes, thank
12 you.

13 I would like to get some clarifications
14 as to what you presented to us. I understand that this
15 is your final report. It was funded through the intervenor
16 funding program of the Commission. It is a summing up.
17 I am not clear. There is a large part labelled as summary.
18 What should we expect?

19 **ROGER HUNKA:** There will be more details
20 from the individual interactions by individuals. There
21 is a complete chapter on that. There will also be more
22 to come referable to the actual models of self-government
23 that were discussed, what Dwight was talking about, as

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1 well as the finalized recommendations en masse that the
2 Native Council will present to the Royal Commission.

3 Those recommendations in those
4 summaries are individuals. That is an individual saying,
5 in a community, I think you should do this. We thought
6 it was important for the Commission to see these views
7 also. So there will be more to come.

8 **CO-CHAIR RENÉ DUSSAULT:** So you are
9 going to put that together on behalf of your council?

10 **ROGER HUNKA:** Yes.

11 **CO-CHAIR RENÉ DUSSAULT:** Are we going
12 to have your views or are you going to tell us the views
13 of the individual presenters as you are doing here? It
14 is good for us to get that, but are you going to boil it
15 down into your own presentation as a council?

16 **ROGER HUNKA:** Yes, there will be.
17 There will be a formal finalized council series of
18 recommendations that the council sees, on behalf of all
19 of the off-reserve people, should go forward.

20 **DWIGHT DOREY:** You see, basically, what
21 we wanted to do was to ensure that you do have both.

22 **CO-CHAIR RENÉ DUSSAULT:** I see that.

23 **DWIGHT DOREY:** It is not just our boiled

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1 down view. That is the reason for this report. As Roger
2 indicated, we do intend to elaborate more specifically
3 on this part that I was referring to here. We talk about
4 the draft constitution of the Mi'kmaq Nation and start
5 getting into, more specifically, what we believe needs
6 to be done to deal with a lot of the outstanding issues
7 that the Commission is dealing with. We will have a more
8 detailed and complete presentation in a written document
9 to come to the Commission.

10 **CO-CHAIR RENÉ DUSSAULT:** In fact, what
11 I wanted to clarify is whether this was your final report
12 because it is labelled as such, or if we were to expect
13 an additional report?

14 **ROGER HUNKA:** Because of this
15 presentation, we thought we would share that draft report
16 with the Commission. It is a draft report.

17 **CO-CHAIR RENÉ DUSSAULT:** That is fine.
18 So we will consider it as a draft report.

19 **ROGER HUNKA:** Oh yes, please do. The
20 final report will have appendices.

21 **CO-CHAIR RENÉ DUSSAULT:** Yes, we are
22 going to receive it sometime this summer?

23 **ROGER HUNKA:** Oh yes.

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1 **CO-CHAIR RENÉ DUSSAULT:** As soon as
2 possible.

3 **ROGER HUNKA:** Yes.

4 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

5 I understand that you are producing a
6 plan of the constitution, and an overall plan that could
7 accommodate not only off-reserve, but also people living
8 on reserve. That is what you were saying at one point.

9 **ROGER HUNKA:** That is correct.

10 **CO-CHAIR RENÉ DUSSAULT:** Did you have
11 some discussions with the Chiefs of the various reserves
12 in Nova Scotia in preparation of this plan or in developing
13 the constitution, for example?

14 I realize that this was a confidential
15 working draft from April, last year, 1992. What I would
16 like to know is: Is this the view of your organization
17 representing off-reserve people, whether status or
18 non-status, or is there something more into it, that you
19 consult with the Chiefs of the elected bands over in Nova
20 Scotia?

21 **DWIGHT DOREY:** There hasn't been any
22 consultative process with Chiefs as a unit. In other
23 words, there has not been any process where the Chiefs

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1 were actually involved in the draft of the constitution.

2 What we did is we basically took it upon ourselves, in
3 light of all of that we have layed out here, in terms of
4 the off-reserve people, and the fact of all of these
5 policies, and the laws we were up against in dealing with
6 the whole issue, we have developed this primarily on our
7 own.

8 Having said that, there has been
9 ongoing, throughout the draft process of the constitution
10 for the Mi'kmaq Nation, discussions with various
11 individuals involved today who are representatives of
12 various bands within the Province of Nova Scotia.

13 So there is nothing in any official way
14 that I can say that I am presenting something here that
15 has been approved or ratified by Chiefs, definitely not,
16 but we hope to advance to that point by putting something
17 out there for people to examine, and that has been done.

18 That draft constitution is now, and has been for some
19 time, in the hands of the Chiefs of Nova Scotia. I am
20 informed that they are discussing it.

21 **CO-CHAIR RENÉ DUSSAULT:** At this point
22 we can't say that this is seen by the band Chiefs as a
23 substitute or as a model for self-government that would

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1 be acceptable to them instead of the actual bands under
2 the Indian Act. It is a process.

3 **DWIGHT DOREY:** No. I am here as the
4 elected representative of off-reserve people of the
5 Province of Nova Scotia. In my capacity, I am putting
6 forward my views.

7 **CO-CHAIR RENÉ DUSSAULT:** That is fine.
8 My next question will be: If the bands do not agree with
9 that kind of plan -- and I understand from the data that
10 we got from the census that out of 21,000 Aboriginal people
11 in the Province of Nova Scotia, there is 6,000 or a bit
12 more living on reserve.

13 **DWIGHT DOREY:** Yes.

14 **CO-CHAIR RENÉ DUSSAULT:** Is this plan,
15 in your view, valid only if it covers everybody or is it
16 a plan that would be valid for off-reserve people only?
17 How do you see it?

18 **DWIGHT DOREY:** Well, that is a very good
19 question because, in fact, it is one that was taken into
20 consideration when we developed our plan.

21 Our plan is, as I indicated and the graph
22 demonstrates at the end of the text, that ideally I would,
23 as the representative here of the Native Council of Nova

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1 Scotia speaking for the off-reserve people in the province,
2 like to see one governing body for all the Mi'kmaq people
3 in the province.

4 I say that because one would, I guess,
5 assume that it would be relatively easy to achieve because
6 there is only the one First Nation, unlike every other
7 province or territory in the country, with the exception
8 of Prince Edward Island and Newfoundland. Here on the
9 eastern part of the country every other province or
10 territory have several and some many different First
11 Nations. In Nova Scotia we have one. It is the Mi'kmaq.

12 So, ideally, that is what we want to work
13 towards, but it is something that we developed in the event
14 because of the long divisions that have been created within
15 our community, within our people and, particularly, by
16 the legislation and the policies that we talked about
17 earlier. We realize that it still may not be something
18 that can be achieved for a long time.

19 So it is something that we developed in
20 a way that we will move towards as off-reserve people with
21 or without the bands. It is something that we see as being
22 an effective way of addressing the needs of the off-reserve
23 people in the province of Nova Scotia. If the bands choose

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1 not to be a part of this kind of a system of governance,
2 under one authority for all, then we will develop it for
3 the benefit of the off-reserve only, and they can choose
4 their route that they will go.

5 **CO-CHAIR RENÉ DUSSAULT:** As you just
6 said, there might be a long transition toward achieving
7 the whole plan. In fact, my question is dealing with this
8 transition. For example, there is a section, chapter
9 eight, in the Constitution on the judicial branch, and
10 obviously when there is no territory it is not easy to
11 assess the question of jurisdiction.

12 Of course, the Navajo have the Navajo
13 land, so the court system applies there. There is quite
14 a distance between the principles that are there and the
15 application of a constitution like that in a situation
16 where there is no land based, if it was to be the case,
17 outside the reserve or an extended land base.

18 In fact, my concern and my comments is
19 that between that overall plan and the situation here,
20 and moving from here to there, how they are going to.
21 We have to start somewhere, and I can't find it in many
22 aspects. Where are we going to start?

23 We have the present situation and we have

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1 this goal and this design. It is good to have a clear
2 view as to what you want to attain, but if we are to come
3 up with recommendations on the situation of Mi'kmaq people
4 in urban settings or outside of the reserve in Nova Scotia,
5 we would need to start somewhere.

6 This plan and this constitution will not
7 necessarily be applicable by far in 1994, 1995 or 1996,
8 after the Commission reports. So could you tell us how
9 you see this transition?

10 **DWIGHT DOREY:** I will let Roger makes
11 some responses to your question first.

12 **ROGER HUNKA:** Just on that point about
13 raising on jurisdiction for the judiciary. It just shows
14 what we were talking about on boundaries. We are
15 preoccupied with thinking of boundaries. We have in the
16 world many jurisdictions where boundaries have no play.
17 For example, you could look at countries that have Islamic
18 laws, and if you are a Christian, the constitutions would
19 say: Under Islamic law you have to follow this, that the
20 eldest son shall inherit everything, yet if you live as
21 a Christian therefore you will fall under Christians.

22 We have many regions in the western world
23 also applying. It is not a matter of where you live, it

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1 is a matter of who you are. Therefore, if you identify
2 "as" and Aboriginal person, "are" an Aboriginal person
3 then the choice is for that person to say, shall I be tried
4 in families matters, before the family court of the Mi'kmaq
5 people, or do I go to the court of non-Mi'kmaq.

6 That is what we mean. We have to start
7 thinking about sharing co-existing. There are many
8 jurisdictions, even within our country, where in instances
9 where you have a license that is federally issues, you
10 would go to a federal court, and if it is provincial.

11 So it is not a matter of thinking of
12 boundaries. You don't have to be in an area. It is what
13 you are. It is who you are. If you are an Aboriginal
14 person and if you wish to go before your Aboriginal court,
15 for matters of whatever they are worked out to be, then
16 there is no problem doing it.

17 It is done around the world in many
18 jurisdictions. It doesn't think of boundaries. What it
19 defines is people. That is really what we are talking
20 about in Canada. It is people. We have Aboriginal people
21 and non-Aboriginal people.

22 **DWIGHT DOREY:** We also look at it more
23 from the jurisdictional point, as opposed to a boundary

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1 one. Another example in Canada is the military law. It
2 is comparable. It is not, in our view, necessary that
3 you have to have a geographic land base to implement a
4 court system. When we are talking about the judicial
5 system for the Mi'kmaq Nation, it is a jurisdictional
6 question, that we should be dealing with our own people,
7 in terms of certain violations under law, whether it be
8 our own law or the laws of the federal authority or the
9 laws of the provincial authority. It doesn't matter.
10 The point is that all you have to deal with is the
11 jurisdictional question.

12 Travelling courts are commonly known.
13 We look at the system of the Vatican. You don't have
14 to have geographic land jurisdictional boundary in order
15 to have that other jurisdictional authority.

16 So that is the approach that we have
17 taken with it.

18 **CO-CHAIR RENÉ DUSSAULT:** I see what you
19 have in mind and what you mean. I don't want to prolong
20 that. For example, the Métis people in this country very
21 often talk about the kind of situation where professionals,
22 whether medical doctors, or engineers, or accountants,
23 while being citizens, they have an additional set of norms

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1 applying to them through the self-governing body of their
2 profession, and they can be disciplined for what they are.

3 Normally, those norms apply on top of
4 the regular norms that are there in society, in addition
5 to, so you could be prosecuted on the civil side or the
6 criminal side, and also go into the committee of
7 discipline.

8 When we are talking about something that
9 would be instead of the regular norms, we are entering
10 into something that is much more complicated. I am not
11 saying it is not possible. When it is not related to a
12 territory as such or a land base. I am not talking about
13 boundaries, but land base.

14 I know you have wrestled with that, and
15 we are at the Commission, but I just wanted to raise that
16 to say that technically it is a fairly complex issue.

17 **DWIGHT DOREY:** If I might just briefly
18 explain a little bit further on that. What we are
19 considering in terms of a judicial system for the Mi'kmaq
20 people would be one that would be semi-autonomous, I guess,
21 as a judicial system, and would have several different
22 levels of adjudication, similar to our system that we have
23 today.

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1 We felt that, in particular, when we get
2 to discussion more, this jurisdictional question, that
3 there would in all probability be many certain cases that
4 would go through the various stages or levels of our
5 judiciary, and then be appealable, say, to the Supreme
6 Court of Canada.

7 At the same time, there could very well
8 be, and should be, other matters that would not go beyond
9 our own judicial system, such as family matters or things
10 like adoption. They should stay within our own community,
11 and our own judicial system should resolve those issues
12 and they should not go beyond. Things such as, let's say,
13 if it was a murder or a violation on the part of a conflict
14 between two people, one Native and non-Native. Those
15 sorts of things could then go to the other system. That
16 is where the jurisdictional issues get dealt with.

17 **CO-CHAIR RENÉ DUSSAULT:** Obviously in
18 cities the population is mixed, so it is a bit more complex
19 than it is when a community lives on a land base.

20 So we are looking at those issues. I
21 understand that the blueprint that you are designing for
22 the future -- my concern is to make sure that we are looking
23 also for the steps that might be undertaken. If the goals

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1 are too far ahead, and very often the gap between the
2 present situation and reaching that goal appears to be
3 too big. If we don't have some clear views as to the
4 transition and the path to get there, then it makes it
5 difficult to move towards some recommendations.

6 I am raising this because, I know you
7 are aware of that, the Commission is caught with that kind
8 of reflection and reality.

9 **DWIGHT DOREY:** Commissioner, it was
10 often stated in the constitutional process that what the
11 Aboriginal peoples were looking for by Canadians was a
12 leap of faith for them to take in recognizing the inherent
13 right of self-government without everything all worked
14 out.

15 What you are getting at is a point that
16 there could one big leap of faith or several smaller ones.

17 I guess we are working on a system of exercising what
18 we believe our rights to be. That takes in very small
19 leaps of faith and eventually you will get to that one
20 big one.

21 **CO-CHAIR RENÉ DUSSAULT:** Thank you very
22 much.

23 I just want to say that what is expected

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1 from the Commission is to work from the bottom up more
2 than the top down, as the constitutional process stating
3 a general principle has to do. That is the reason why.

4 If we want to get something achieved, we have to start
5 from the existing situation, and step by step stating the
6 goals quite clearly. It might take 20 to 25 years to
7 attain, but if they are clear, and the path is there, and
8 the transition and the steps, we are more likely to come
9 up with recommendations that would be seen as acceptable.

10 That it is the Commission's approach at
11 this point. I would like to ask my colleague Viola
12 Robinson to add on this or to move to her own questions.

13 **COMMISSIONER VIOLA ROBINSON:** Well,
14 thank you.

15 I would like to thank you for your very
16 thorough presentation. I thought it was very well
17 presented. Of course, I don't have much problem
18 understanding it because I am part of it.

19 I think that the one of the things that
20 I want to pursue a little further is your work that is
21 going on with the Constitution as Mi'kmaq Nation. The
22 Mi'kmaq Nation, I know, is one that has been pursued for
23 a number of years by all Mi'kmaqs in Nova Scotia. At least

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1 it has been working that way.

2 Are you, in fact, optimistic that you
3 are going to get the support of the other Mi'kmaq groups
4 in Nova Scotia? I assume you have some support. Are you
5 in the process now of actually trying to get some kind
6 of a consensus on this approach.

7 **DWIGHT DOREY:** Yes, Viola, I guess along
8 the lines that the Commissioner was just talking about,
9 when you are dealing with these issues and the
10 constitutional process that we went through was a top down
11 one. We are really trying to come up with a bottom up
12 approach. That is basically what we are attempting to
13 do with our constitution that we have drafted. We are
14 not at this point in time trying to get the Chiefs or
15 leaders, in any way, pushing it or promoting it.

16 What we are doing is we are talking about
17 it with the people. I, myself, personally have been
18 travelling around the province, talking to a lot of people,
19 and not just people who are normally affiliated or
20 associated with the Native Council, but everybody that
21 I have an opportunity to, schools.

22 Other presentation that I have made talk
23 about the constitution. Our approach is to try and get

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1 the people discussing it. The people are the ones who
2 tell us that they would like to -- and it is in those reports
3 from Mawiwo'kutinej -- the people are saying that we should
4 all be together, talking together and resolving our own
5 problems together. It is those people that we want to
6 consider this, and it should be them that should pushing
7 it, and not the leaders. That is basically our approach.
8 It will take time with out a doubt.

9 The one thing that really concerns me,
10 as one of the elected leaders, is, again, getting back
11 to this issue that was raised by the urban forum, and it
12 is one that I am well aware of, and Roger and I have occasion
13 often to talk about, is this vacuum that is out there.
14 It is clear in our minds, in particular, that the Federal
15 Government is working very quickly at filling a lot of
16 that vacuum in a lot of areas. In particular, for
17 our own discussions here today, which we briefly referred
18 to, is on the hunting and fishing issue. We have our treaty
19 right which is valid, upheld by the Supreme Court,
20 acknowledging our Aboriginal and treaty rights. There
21 is a vacuum there in terms of some of the jurisdictional
22 questions.

23 The government, the Federal Government

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1 in particular, is moving very quickly to fill it, and we
2 think in an unjustified way. They are attempting to move
3 in on areas that we believe is our total an absolute
4 jurisdictional authority. It is because of that, that
5 there is a need, in my view, that we, the Native Council
6 representing the off-reserve people, have to advance our
7 position, and that means begin the process of implementing
8 our authority or adopting the commonwealth type of
9 authority for our people off-reserve, even if the reserve
10 people aren't ready or willing to move on it at this
11 particular point in time.

12 As I was saying earlier, we developed
13 it in a way that it can be implemented in steps and stages
14 or certain jurisdictions. I believe totally that we, as
15 an example, the Native Council of Nova Scotia could move
16 to adopt the constitution as layed out, and start building
17 on its jurisdictional authority for off-reserve people
18 only.

19 Somewhere down the line, a year or two,
20 or ten, or whatever it might take, all of the other people,
21 whether it be with a band or a certain number of bands,
22 or the urban people, if they choose to organize in some
23 other fashion, we would take the people that are

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1 represented by friendship centres, or whatever. They can
2 all come into it.

3 What is really needed, in our view, is
4 someone to start moving in that direction. We feel
5 strongly that it should be us, and not the Federal
6 Government or Provincial Government, or somebody else.

7 It was often said in very plain and
8 simple terms by people, when they are discussing the issue
9 of self-government, it is just minding our own affairs
10 and that is all we want to do.

11 **COMMISSIONER VIOLA ROBINSON:** Thank
12 you. I think you have answered my question. I don't have
13 any other questions.

14 **CO-CHAIR RENÉ DUSSAULT:** Just in
15 conclusion, because we could be at it for quite a while,
16 the financing of a plan like this one. If status people
17 were not part of it at the start, raises a major question
18 that you didn't address with us this afternoon. If you
19 have additional thoughts to share with us, because it is
20 a major concern. When we come to urban settings of
21 self-government or off-reserve, outside the present reach
22 of the Indian Act, the question of financing is a crucial
23 one.

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1 **DWIGHT DOREY:** Yes.

2 **CO-CHAIR RENÉ DUSSAULT:** I don't know
3 if you have an answer to that or how you see that. I don't
4 want to prolong this because we have to leave the room
5 around 6:00 o'clock and we have another presentation, but
6 I would like to be sure that this is not overlooked.

7 **DWIGHT DOREY:** The question of
8 financing is one that we have taken into consideration,
9 and it is something that we will address in some detail
10 in our more complete and final report that will come
11 forward.

12 I just want to state further to that
13 question that I am in my own mind quite certain that we
14 will never completely answer that question. In my view
15 anyway. It is sort of like we have the existing governing
16 units who can't answer that question today. We have seen
17 our own Provincial Premier in the last constitutional
18 process looking for a constitutionally protected transfer
19 payments. There is a problem that existing governments
20 in Canada cannot answer for where you are going to get
21 the money to do that, so we can't.

22 Just very briefly, we do see a lot of
23 the existing operations. When we are talking about

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1 governing ourselves, taking over more responsibility in
2 jurisdiction, there are services now that are going to
3 our people that are related to the financial question,
4 and it just means taking over the delivery of them. That
5 is the way you would achieve some of that. There is already
6 now a process where various federal, provincial, Mi'kmaq
7 agreements are worked out, which includes us, and financing
8 is taken into consideration.

9 There is the whole claims' questions
10 that we talked about in some aspect in our submission.
11 It is not a claims process that just addresses the reserve
12 communities. Again, we are back to that fundamental issue
13 that if there are claims of people, in particular when
14 you talk about land claims, they are claims of traditional
15 territory occupied by the people. All of the people must
16 share in that claim. It cannot be one where there is a
17 settlement, and the settlement only benefits those that
18 are encompassed in those geographic boundaries that were
19 created by legislation, the Indian Act. There is another
20 source of financing.

21 When we look at the natural resources
22 and revenues, when we talk about the traditional land that
23 we were speaking of in our report, it is not reserves.

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1 Our traditional land is the entire territory, and the
2 revenues that come from the natural resources should be
3 shared with the original owners of it, and occupiers of
4 that vast territory. That should not just be bands sharing
5 in the resources. It means all of the people.

6 So if there is a self-governing
7 authority or unit that taken into account, and service
8 the urban people, the rural people, then those people
9 should be sharing in those resource revenues.

10 There are many different areas, such as
11 that, that we specifically look at and propose as being
12 ways of resourcing our government.

13 **CO-CHAIR RENÉ DUSSAULT:** Thank you to
14 both of you.

15 **MODERATOR DARRELL PAUL:** Thank you,
16 gentlemen.

17 The final presentation for the day is
18 Amulet Consulting. The presenters are Billy McReady and
19 Lex Ross, on the topic of training. Could you come up
20 here please.

21 **CO-CHAIR RENÉ DUSSAULT:** Good
22 afternoon.

23 **LEX ROSS, AMULET CONSULTING:** Good

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1 afternoon.

2 **BILLY McREADY, AMULET CONSULTING:** Good

3 afternoon.

4 Thank you very much for having us here.

5 We will keep our presentation short.

6 Amulet Consulting is very pleased to
7 have the opportunity to present this Commission with our
8 viewpoint and solutions to the challenges facing
9 Aboriginal people today. We are not here today to sell
10 the products and services of our community, and I really
11 want to stress that, but rather to look at the issues and
12 solutions from the broad perspective and offer the insights
13 gained through our company's experience. First we will
14 spend a moment defining the challenge from our perspective
15 --

16 **CO-CHAIR RENÉ DUSSAULT:** Just before
17 doing that, could you identify yourself for the sake of
18 the record.

19 **BILLY McREADY:** I was speeding along
20 because of the time element.

21 **CO-CHAIR RENÉ DUSSAULT:** No problem.

22 **BILLY McREADY:** I am Billy McReady.

23 **LEX ROSS:** I am Lex Ross.

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1 "Education is at the heart of our Canadian dilemma.

2 We cannot compete, not because we
3 do not have the brains, but because
4 we do not have the skills. Native
5 Canadians face double jeopardy,
6 with cutbacks and limited
7 availability...

8 If education is the key to the future of all Canadians,
9 it is crucial to the economic
10 self-sufficiency of First Nations
11 People. Without economic
12 freedom, which will only be
13 attained by building on the
14 initiatives which I outlined and
15 improving the skills and
16 opportunities available to young
17 Native people, self-government and
18 self-determination will be one
19 more historic blunder that will be
20 folly for Canada's First Nations
21 and for the country."

22 I am going to jump here because a lot
23 of this is just stats, and you will have the package

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1 yourself. I think it is very important that Lex get and
2 opportunity to speak.

3 So I am going to jump down to "Working
4 Towards a New Relationship", and that is on page 3. I
5 think it is important as a non-Aboriginal that I realize
6 that actually is a fact.

7 History has repeatedly shown that the
8 most successful method of controlling a population is
9 through the effective removal of the language and culture
10 of the people you are seeking to control. Unfortunately,
11 although this method may have created the desired effect
12 thought necessary at the time, it also fostered a multitude
13 of long lasting problems faced today by both the Aboriginal
14 and the non-Aboriginal people.

15 History also shows repeatedly that
16 submission is not the solution and ultimately creates a
17 total lack of self-esteem and dependency on the system.

18 It also shows us that eventually the people who we have
19 been made to submit to our philosophy, our values, our
20 life style without question or regard will eventually
21 become angry and frustrated, and will seek change and will
22 be determined to be a major player in the process.

23 The ultimate aim of this submission is

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1 not to rehash the obvious problems or point a finger of
2 blame to any specific policy. It has been made abundantly
3 clear these problems do exist and that unless we work
4 together to find solutions they will continue and in all
5 probability become severe.

6 What we are suggesting, basically, is
7 that we feel one of the prime targets has to be the education
8 of the young people. One of the most critical parts of
9 that education should be to develop a keener sense of
10 self-image. We believe an emphasis should be placed on
11 the development of a new curriculum patterned on the need
12 to enhance the self-image of the young Aboriginal as to
13 the tremendous wealth of his or her culture and past
14 history. This curriculum could also be used in the
15 non-Aboriginal school, or the non-Native school, as a tool
16 for better understanding.

17 Our solutions requires that we
18 re-examine the administration of education. We suggest
19 there is a need for establishment of strong partnerships
20 with the elected band leaders, elders and the Aboriginal
21 business development corporations to determine their
22 goals. Then we work to achieve the goals as directed.
23 I think the operative words there are "as directed".

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1 It is a key to ensure that not only the
2 wishes of the Aboriginal people are met but, I think, most
3 of all, after this exercise has been completed, there has
4 to be an infrastructure in place at the end of it that
5 gives the direction and the administration of the program
6 to the Native. This is their right and it is a critical
7 factor in our submission.

8 **LEX ROSS:** Thanks Billy. This is Lex
9 Ross speaking.

10 In terms of the issues of healing,
11 self-determining and self-sufficiency, again, we believe
12 that education is absolutely critical and central. Our
13 sense of wholeness and competency come from the skills
14 we have learned to do and recognition from others that
15 we can do them. Most Aboriginals' experience with formal
16 education is one of humiliating competition where failure
17 and inadequacy were assumed even before they started.
18 They were caught in a horrible trap where expectations
19 of failure led to experiences of failure. Amulet
20 Consulting Limited believes that we can break this cycle
21 by changing the way we teach from a competitive class
22 structure to an individualized mastery-learning approach.
23 Aboriginal students learn at different

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1 rates so why do we lump them into one class and expect
2 them all to progress at the same rate? Is it inevitable
3 that students faced with the frustration of lack of success
4 drop out of school. The solution is a simple one. Let
5 each student progress at their own rate through the
6 curriculum mastering each objective before moving onto
7 the next. The mastery-learning approach involves three
8 critical characteristics.

9 One is simply modularizing the
10 curriculum. Each subject area is broken down into small
11 components that can be easily learned in a short time span
12 of several hours. The key here is making the material
13 accomplishable. It can be reached within their knowledge
14 grasp rather than having something that is too large for
15 them to accomplish. So it sets up a structure of
16 accomplishment rather than a structure of failure.

17 The second is using a mastery testing
18 component. Students are evaluated using
19 criteria-referenced testing rather than normative
20 testing. Unlike normative tests where a failure goes on
21 your record. When you take a test, and if you get a C
22 or you get a D, that goes on your record. That is an indicae
23 of your performance in that material. Instead, with

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1 criteria-referenced testing, you get to take tests again,
2 and again, and again until you reach a competency level
3 determined at the beginning. Let's say it is 85 per cent.

4 With this kind of teaching technique,
5 all students are able to get to mastery level and all get
6 the satisfaction from an A performance. What happens is
7 that you have slower and faster students rather than
8 smarter and stupider students. It is a fundamental
9 departure from our existing learning structures.

10 The third thing that is quite critical
11 is self-determination. Students choose their own time
12 to study and when they feel ready to take the test covering
13 the material. They know they can repeat the test, if
14 necessary, so they are more able to choose when they feel
15 ready. The key with mastery-learning is that it is a
16 student-centred style of learning. One that is far more
17 appropriate to the Aboriginal ways of learning.

18 The problem with the mastery approach
19 is that it takes a tremendous amount of teaching resource
20 to apply successfully in the classroom. Most teachers
21 that have tried to apply this kind of technique in teaching
22 report the same kind of finding, that they become
23 absolutely burdened and overwhelmed with the

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1 administrative details of providing tests because, in
2 essence, if each of the students take tests at different
3 times, they each have to have different tests to take.
4 So the sheer numbers of preparation of different tests
5 and the marking of those different tests swamp the teaches
6 in an administrative load. So that technique has been
7 dropped as being unrealistic within normal teaching work
8 loads.

9 What we offer as a solution to this is
10 something that has been applied in a number of education
11 institutions across Canada and has been adapted in the
12 Pathfinder Learning System, and that is using an
13 educational technology to solve this problem.

14 The technology involves computer
15 managed learning where the computer keeps track of each
16 students progress through the materials, produces tests,
17 grades them, allowing the student to continue on in their
18 studies.

19 There are five important
20 characteristics to this system that make it qualitatively
21 different than any other kind of teaching, learning
22 experience.

23 One, Pathfinder uses existing learning

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1 materials and resources rather than replacing them.
2 Students still use the textbooks, videos, story books that
3 exist in the current libraries. Pathfinder tells them
4 where to go in each resource and gives them the assignments
5 to work on while they are using the resource.

6 So it doesn't try and replace existing
7 teaching systems, it enhances them. It enhances the
8 resources that we have. This is especially important in
9 Aboriginal education where many of the resources are not
10 in the traditional form of textbooks. Many of them are
11 going to be oral legends. Many of them are going to involve
12 going out into the wilderness.

13 These kinds of teaching resources, if
14 we can call them that, or teaching experiences are as
15 readily incorporated into a Pathfinder learning system
16 because it is a management of when they are appropriate.

17 Second of all, Pathfinder uses
18 computer-generated testing from large tests banks of items
19 so each student gets a different test each time. Hence,
20 they are able to have the mastery testing and take a new
21 test for each objective again and again until they get
22 it right. So it ensures that mastery learning approach.

23 Three, students are only on computers

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1 20 to 40 per cent of the time they are working. They are
2 not using the computers as the medium of instruction.
3 The rest of the time they are working at tables. So one
4 computer can service three or four students, and they never
5 get tired of looking at a screen all of the time. So in
6 terms of utilization of resource it is quite keen.

7 Fourth, Pathfinder does not replace the
8 teacher but transforms the role to one of facilitator.
9 They are now free to move from student to student checking
10 on their progress and helping them on the problems they
11 encounter as they come up. Testimonial from teachers
12 using Pathfinder shows their delight with the system, not
13 their fear of it. This is not true of computer assisted
14 instruction systems, systems where all of the instructions
15 are incorporated into the computer. Pathfinder is a tool
16 for the teacher as much as it is a tool for the student.

17 Pathfinder incorporates all of the
18 mastery learning characteristics described above without
19 burdening the teaching with an administrative load.
20 Pathfinder frees the teacher to explore the different ways
21 of relating to their students.

22 Finally, Pathfinder encourages social
23 interaction amongst the students. Students help each

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1 other because the competition for grades is eliminated.

2 When they all can accomplish A there is no longer this
3 drive to be the one that gets the top mark in the class.

4 As a result, in applications of this system, the faster
5 students help the slower students ensuring that they all
6 experience the feelings of success.

7 Perhaps the best way to illustrate the
8 effects of this learning technology is the words of Barry
9 Waldman, Director of Alternate Education, on the Eskasoni
10 reserve, the Unama'ki Training and Education Centre in
11 a letter that he wrote May 5th of this year to Pathfinder.

12 "This year we have 13 graduates of our Pathfinder-based
13 Day Program and our follow-up
14 G.E.D. Training Program, enrolled
15 at the University College of Cape
16 Britain. Five of these students,
17 a remarkable 38 per cent, completed
18 the academic year on the Dean's
19 List!"

20 So not only did they manage to get to
21 university, when they got there they did exceedingly well.

22 They were up in the top percentage of students performing
23 on campus, which is one of the major problems of programs

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1 for university transfer credits. When they are actually
2 moved on campus, quite often their academic performance
3 drops dramatically. The students that were graduates from
4 this program did not experience that drop.

5 "The Coordinator of the Post-Secondary Education in
6 Eskasoni has been so amazed by
7 these results that she has proposed
8 that all mature students seeking
9 to go to University must attend a
10 Training and Education Centre
11 Program first. She has also
12 requested training for herself in
13 the use of the Pathfinder Learning
14 System."

15 Even these statistics are limited in
16 meaning without some insight into the kind of students
17 motivated to seek our training, capable of passing the
18 G.E.D. exam, and driven to a higher educational pursuits.
19 What is apparent, however, even for our students who are
20 not of a Dean's List calibre, is that relative to the other
21 new university students they are: (1) More comfortable
22 working at the computer, utilizing the Pathfinder lab
23 facilities, and word processing their papers. (2) More

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1 independent in their approach to learning and in their
2 sense of personal responsibility for their results. (3)
3 More willing to work cooperatively on group assignment.
4 (4) More competent in finding resource materials. (5)
5 More committed to each task and more certain that they
6 will reach their final goals.

7 We have included as well the original
8 body of the letter in our submission to give you some of
9 the information and statistic that Barry provided to us.

10 What I particularly want to draw your
11 attention to is the last page of Barry's letter. It show
12 what he calls "Community Impact".

13 Of their participants in the program,
14 13 were, as was described in that section, went onto
15 university programs of which 5, 38 per cent, were on the
16 Dean's List.

17 Thirty-five participants in this
18 academic upgrading program, who were high school dropouts,
19 wrote the G.E.D. exam in Eskasoni and passed, utilizing
20 the centre's programs and facilities. Barry said that
21 is approximately eight times what any program in the past
22 had ever accomplished, and in a shorter period of time.

23 Fifty-six participants, computer course

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1 graduates, applied their new computer skills in the offices
2 of band administration, social development, economic
3 development and the school board or in preparation for
4 university.

5 Seventy-six participants, adults
6 graduated from G.E.D. Training, night school or
7 educational upgrading while maintaining daytime
8 employment or family responsibilities. They were not
9 pulled out of their program. They were not pulled out
10 of their family life or their jobs in order to accomplish
11 this upgrading.

12 Ninety-seven participants, young
13 adults, graduated from the T.E.C. Day Program, increasing
14 their job readiness, life skills and education level by
15 an average of 0.9 grade level increase in only twelve weeks.

16 So clearly, this kind of approach
17 provides a tremendous flexibility for applying in
18 situations that are away from central educational
19 resources. It is something that can be applied quite
20 effectively in a wide spectrum of educational situations,
21 both in isolation and in centres of greater numbers.

22 So that wraps up our presentation. Are
23 there any questions?

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1 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

2 Of course, it is difficult to dig on all
3 of the documents that are contained, and without also
4 having a thorough experience with the computers ourselves
5 to make sure that we have got the details of your general
6 presentation. Basically, if I understand well, when you
7 say on page 6 of your brief, point 2, that the Pathfinder
8 uses computer-generated testing from large test banks of
9 items, this is probably the key.

10 What you said, quite rightly, is that
11 you can't rely on individual teachers to write tests and
12 more tests for each student many many times because it
13 is not only being paper bogged, but intellectually it is
14 very difficult to do. At one point you would run out of
15 material to do that.

16 So my question would be, it is a bit
17 general, but let's say grade 12 or whatever, in those banks
18 you can rely on tests on mathematics, on language, on
19 science, chemistry, whatever?

20 **LEX ROSS:** It covers the entire
21 curriculum. There are two kinds of test banks. One of
22 the ones that are multiple choice, fill in the blank, that
23 the computer can grade. What it will do is produce a test,

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1 print it, because they found that most students actually
2 prefer to take the test back to a desk where they feel
3 comfortable, complete the test and then bring it back and
4 enter in their numbers, their solutions, and it will score
5 the test and give them back an immediate scoring.

6 The second type, or the assignments that
7 are the essay questions, and in this instance what it does
8 is stores and forwards it to the teacher for grading.
9 In most of our applications what that involves is simply
10 giving the teacher the test. Because of the nature of
11 the learning structures, they are usually able to grade
12 the tests immediately with their bank of template answers,
13 score the test and give the student immediate feedback.

14 Again, the key here is, both immediate
15 feedback but, two, because the expertise is resident in
16 the item banks and in the textbooks, it means that teachers
17 of general teaching and facilitation skills can now teach
18 a much broader spectrum of courses because the curriculum
19 items are developed for the whole set of courses.

20 The second thing about this is that the
21 Eskasoni group have changed the curriculum because the
22 one that Pathfinder sold initially was standard Canadian
23 curriculum. So they changed much of the content to match

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1 their curriculum to add the items that they felt were
2 appropriate.

3 Again, because it is a reference system,
4 it is readily adaptable and changeable. So one, while
5 you have the resource of the curriculum materials that
6 have been developed. Two, it is readily adaptable and
7 changeable. So those teachers that do come up with their
8 own questions, their own ideas of how things could be
9 graded, those could be easily incorporated into the system
10 by them.

11 **CO-CHAIR RENÉ DUSSAULT:** An additional
12 question would be: What is the use of this approach and
13 technology in the mainstream system. For example, in Nova
14 Scotia or in New Brunswick?

15 **LEX ROSS:** In Nova Scotia there are
16 about eight system currently in application. The same in
17 New Brunswick. Probably the province that has the
18 greatest number is B.C., where there are about 75 or 80
19 sites, and there, the B.C. Government, a number of years
20 ago, undertook to define competency based programs as being
21 the central principle and thrust of their curriculum
22 development in the late 80's and 90's. Hence, for their
23 criteria the Pathfinder learning system was quite ideal.

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1 We are currently involved in a proposal
2 with the Nova Scotia Government for 90 sites across the
3 province in which there are three groups, I believe, that
4 have made it into the final competition of which Pathfinder
5 is one group.

6 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

7 I would like to thank you for providing
8 us with this information, and its application to Eskasoni
9 in particular. This is certainly useful.

10 Getting back to your opening statement,
11 it is quite clear to us that education is central. Means
12 and ways to help young Aboriginal people to go through
13 curriculums, and not to be put aside through failure from
14 the start, and the low self-esteem that flows from failure
15 is certainly central.

16 So we thank you very much for coming and
17 sharing this technology with us. We hope that it might
18 serve in the process of this Commission later on.

19 **BILLY McREADY:** Well, as we said, we are
20 not here selling a specific product. There are excellent
21 and all different sorts of computer managed systems out
22 there. Basically, our concern is we have worked, we have
23 been honoured to have worked with the Aboriginal people

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1 in various training, and what we have found is that the
2 young people don't realize, in many cases, their wonderful,
3 wonderful history.

4 They have a low esteem, they are having
5 problems, and we feel that we should address them.

6 Thank you.

7 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

8 **MODERATOR DARRELL PAUL:** That concludes
9 the presentations. I guess, in closing session, I want
10 to express my appreciation for being asked to be the
11 moderator of this two day session. I have learnt quite
12 a bit in the last two days. There were probably some things
13 that I didn't do that maybe I should have done, but if
14 I ever to get the opportunity, things will be a little
15 bit different.

16 With that, is there any closing remarks
17 that the Commissioners would like to express at this time?

18 **CO-CHAIR RENÉ DUSSAULT:** Thank you. It
19 has been a long day. I would like to thank those who
20 contributed to make the last day and half a success. Our
21 Elder, Margaret, our Moderator, Darrell, the translators
22 have been working very dutifully in difficult situations
23 where they are cornered in these kind of boxes, and also

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1 the staff of the Royal Commission, that made this possible.

2 At this point I would like to ask

3 Margaret to say the closing prayer.

4 Thank you.

5 **MARGARET LaBILLOIS:** Before we leave,
6 I would just like to say that I appreciate your asking
7 me to come to be a part of this Commission today. It is
8 an honour. I would like to say that it was really good
9 sitting here and listening to everybody. I know your task
10 is great, and I sure appreciate what you are doing.

11 Thank you.

12 --- **Closing Prayer**

13 --- Whereupon the hearing adjourned on June 15, 1993 at
14 6:13 p.m. to continue in Fredericton on June 16, 1993 at
15 2:00 p.m.