

2:12 p.m.

Tuesday, October 29, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to commence the proceedings of this Select Special Committee on Constitutional Reform of the Alberta Legislative Assembly and welcome our participants today. I am Jim Horsman, the chairman of this select special committee and the Member of the Legislative Assembly for Medicine Hat. I'd like my colleagues seated at the table to briefly introduce themselves, and then as we go around the table and hear remarks from our four participating groups today, I'll have members introduce themselves at that time.

I'll start on my left with Yolande Gagnon.

MRS. GAGNON: Hi. I'm Yolande Gagnon from Calgary-McKnight.

MR. CHUMIR: Sheldon Chumir, Calgary-Buffalo.

MR. ADY: Jack Ady from Cardston.

MS BETKOWSKI: Nancy Betkowski, MLA for Edmonton-Glenora.

MR. ROSTAD: Ken Rostad, Camrose.

MR. ANDERSON: Dennis Anderson, Calgary-Currie.

MR. McINNIS: John McInnis, Edmonton-Jasper Place.

MR. HAWKESWORTH: Bob Hawkesworth, Calgary-Mountain View.

MR. CHIVERS: Barrie Chivers, Edmonton-Strathcona.

MR. CHAIRMAN: On my left is Garry Pocock, the secretary to our committee. One other member of the select special committee who's absent temporarily is Pam Barrett, MLA for Edmonton-Highlands, and when she comes in you will all recognize her, I'm sure. Stan Schumacher, the vice-chairman of the committee, is going to be joining us later. He's unable to be with us right at the moment.

This select special committee was established by the Legislative Assembly in the spring of this year and, in the process of hearing the views of Albertans, has gone across the province into many communities and heard well in excess of 600 submissions either by individual Albertans or by groups or organizations. It's been an interesting process. When we finished our meetings in May and June, we then had a lengthy waiting list of people who wished to give us their views, and they indeed came forward in two additional weeks of hearings which were held in the month of September.

Because of the particular interest and necessity for understanding the issues facing aboriginal Albertans and Canadians, we thought it would be appropriate to engage in some special discussions in a round table concept. I welcome today representatives of the Indian Association of Alberta; the Native Council of Canada, Alberta branch; the Metis Nation of Alberta; and the Metis Settlements General Council. We are engaged in serious business, that of formulating the views Alberta and the Legislative Assembly of Alberta will take to meetings and discussions with other Canadians in other provinces and territories as well as the federal government and, regarding discussions affecting aboriginal matters,

with the leadership of the aboriginal groups which are identified and recognized in the process of discussing aboriginal issues in Canada. When and how all this will be brought to a conclusion is not at all certain at this stage; nonetheless, it is an important process, and we welcome your participation today.

The agenda called for introductory remarks of the chairman to be 15 minutes in length. Since we started a little late, you'll all be pleased to know I've curtailed my remarks to less than five minutes. Therefore, we can immediately proceed right on time with the presentation by the Indian Association of Alberta. I welcome the leader of the Indian Association of Alberta, Regena Crowchild. Perhaps you'd introduce your participants now as well.

Thank you very much.

MS CROWCHILD: Thank you, Mr. Chairman. To my immediate right is Chief Jim Badger, and Lawrence Willier is a member of the board of directors for the Indian Association of Alberta. We lost one; there were supposed to be three people present here with us. But we have other members sitting in the room who accompanied me to this hearing.

MR. CHAIRMAN: Thank you. If you'd like to proceed, we'd be very happy to hear your comments.

MS CROWCHILD: Thank you.

Good afternoon, Mr. Chairman, Members of the Select Special Committee on Constitutional Reform for the government of Alberta, and ladies and gentlemen. The Indian Association of Alberta is a membership organization devoted to the protection of treaty rights of indigenous peoples within Treaty 6, Treaty 7, and Treaty 8. The information the Indian Association of Alberta is going to share with the Select Special Committee on Constitutional Reform is solely to inform the members of our special relationship which exists as a result of treaties. This submission must not be viewed as an act of consultation on our part. The presentation is for your information only.

Prior to the arrival of settlers and colonizers in our homelands, we had lived on our lands for thousands of years. We were nations of people with our own governments, our own laws, our own territories, our own cultures, our own languages, our own histories, and our own unique characteristics. Our peoples entered into treaties with other indigenous peoples and we built alliances amongst ourselves. In fact, our way of life was superior to anything occurring in Europe at the time of contact. For the most part, Europe was a feudal system based upon the law of the king or the ruler and there were no Eurocentric democracies, yet in our communities we were democratic, without class distinctions and without prejudice. We lived by the four great laws given to us by the Creator: we respected each other, we honoured each other's words, we trusted each other, and we shared with each other.

The representative of the Queen came to our people and wanted to enter into treaty. Our people listened. They heard of the plight of the poor in Europe who had no lands, no future, and no hope. The commissioner told our elders that the Queen wanted the indigenous peoples to share some of the lands with incoming settlers for them to have a future, to have hope on our great lands. Our elders talked and finally agreed that we should share our lands. Our elders agreed to share the topsoil with the settlers. We shared our hospitality and our lands with the newcomers through the treaty process. Our forefathers never sold the lands. We never surrendered the lands; we never ceded the lands to the commissioner or the Queen. This is a conflict of laws.

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Under our indigenous legal systems we are the caretakers of the lands, the resources – forests, waters, fish, animals, birds, plants, and all other things – for our future generations. It is not possible for us to sell them. In all the indigenous languages there are no words for “sell,” “surrender,” “title,” or “cede the title to the lands.” Thus the English version of treaties used by Canada to justify their taking of our lands and resources is a fraud. Our elders never agreed to those terms in the treaty. When we entered into treaty we agreed to share the lands to the depth of the plough. In return the Crown in right of Great Britain agreed to provide certain benefits to our people. It was a prepayment for the use of our lands; in your terms, the rent money. This is a concept from the European system. Under English and Roman law the peasant farmer would pay each year to the landowner a tax or fee for using the lands. This is the concept the English commissioners brought to our peoples. The settler peoples, through their governments, would continue to pay the rent for as long as the sun shines and the waters flow. We are still bound by this treaty, as the nonindigenous people are bound.

Treaty 6 was entered into in 1876. Treaty 7 was entered into in 1877. Treaty 8 was entered into in 1899. The province of Alberta did not exist until 1905. The province of Alberta was not a party to the treaties. Provinces do not have any legal authority to enter into international treaties. Canada did not enter into treaties with indigenous peoples. Canada did not have the legal authority to enter into treaties until after the Statute of Westminster was enacted by the United Kingdom Parliament in 1931. Canada did sign a treaty in 1923 with the United States, called the Pacific halibut fishing treaty. Subsequently this treaty was ratified by the sovereign. It is clear that our treaties were signed with the British Crown. The Crown was the only legal authority with the ability to enter into treaties. Canada did not have the legal capacity to enter into treaties, which is clear by the British action on the Halibut Treaty of 1923.

When Canada was patriated in the Constitution in 1982, indigenous peoples from treaties 6, 7, and 8 challenged the legal authority of the Canadian government to unilaterally patriate the Constitution without dealing first with treaties entered into by the British Crown. In a decision of the British Court of Appeal, Lord Denning affirmed that the treaties and indigenous laws were still valid. It was then up to Canada to determine between the treaty indigenous peoples the position of the treaty relationship between the government of Canada and the treaty indigenous nations. Previous British constitutional conventions were that imperial conferences were to occur prior to the formation of any new states within the Commonwealth. This was the law of Great Britain which bound Canada. Canada did not want to have any pre-patriation conferences with the treaty indigenous people and England prior to patriation. Canada added a provision to the constitutional package setting in place constitutional conferences after the patriation. Canada had five years to come to an agreement with the treaty nations. The conferences were a failure. Why?

The provinces were invited by the government of Canada to have a voice and a vote at the constitutional conferences. In addition, Canada unilaterally extended an invitation to the Metis and nonstatus Indians, who do not have a treaty relationship with the Crown. They were given an equal voice with the treaty peoples. As a result the treaty nations withdrew from the constitutional process, and the conferences failed. As treaty peoples we cannot accept that the provinces will have any voice or vote over our treaty rights.

When we entered into treaties we had our own forms of government. These governments were in place long before the arrival of the nonindigenous peoples in our lands. Our govern-

ments were not to be interfered with by the nonindigenous people. Canada has never honoured this treaty provision. We have been struggling since the signing of the treaties to maintain our governments. Now the constitutional proposals want to grant us self-government. The government of Canada cannot grant us government. The government of Canada can recognize and respect our governments, but granting government to us is not within the Canadian jurisdiction.

Why does Canada not want to recognize the legal reality of the treaties? Why does Canada continue to infer that our governments are not legitimate? Our governments are functioning on a daily basis. The government of Canada enters into agreements with our governments on a daily basis, yet the government of Canada tries to maintain the legal fiction that our governments do not exist.

The provinces of Canada are hesitant to recognize our governments, yet the provinces are more than happy to receive moneys from the federal government to provide services to the off-reserve treaty indigenous peoples. It is very convenient for the provinces to ignore our indigenous governments in order to make money off the treaties through the extraction of resources from the earth. We have always challenged the legitimacy of the Natural Resources Transfer Act. How could Canada transfer to the provinces resources which the government of Canada did not have legal rights to have?

Through the legal principle of treaty succession Canada is obligated by the British Crown to administer the treaty provisions. Under section 91(24) of the British North America Act, 1867, Indians and lands reserved for Indians is a federal responsibility. Section 91(24) of the British North America Act can neither add to nor subtract from indigenous peoples' legal rights and duties *inter se*. Section 91(24) is *res inter alios acta*. It is purely internal, to be interpreted in its context of the British North America Act. Sections 91 and 92 are detailed arrangements and allocations of internal municipal law-making between the federal and the provincial Legislatures. The issue remains of the original legal obligations and the duties of the British Crown *vis-à-vis* the indigenous nations of Canada.

Under the doctrine of state succession the questions concerning indigenous treaties remain open. Under specific treaties between the British Crown and the indigenous nations, obligations applicable to the British Crown are under general customary international law. In the absence of a specific treaty between Great Britain and Canada disposing of such matters, treaty successions must be determined under the principles of general customary international law included in the principles of intertemporal law. There is no provision under section 92 of the British North America Act to give any jurisdiction over Indians and lands to the provinces. Under the international law of treaty succession Canada as a national government is bound to honour the treaties entered into by the British Crown. The provinces are not national governments. The provinces are under the jurisdiction of the federal government in this regard. The provinces cannot enter into international legal arrangements without the consent of the federal government. This is one of the problems which Quebec has at the moment. They want to be equal to the federal government and above the other provinces.

The legal reality of the situation as it presently stands is that Canada is bound to honour the treaties, but the government of Canada is trying to off-load treaty indigenous peoples onto the provinces through memorandums of understanding and bilateral arrangements. Under the constitutional laws of Canada this is illegal. There cannot be any interdelegation of authority. As treaty nations we are not consenting to having our treaty obligations administered by the provinces. When we entered into

treaties, we committed ourselves to live in harmony with the nonindigenous peoples, not under their jurisdiction.

The treaty process confirmed our constitutional position. There is no need for further definition. Our forefathers entered a political and legal relationship through treaty with the British Crown. Under the laws of treaty succession the state of Canada is obligated to honour and respect our international treaties. The constitutional process of Canada is an internal state-building process between the settlers. Our inherent rights were protected through the treaty process on a nation-to-nation basis with the British Crown prior to the formation of the province of Alberta. The present process in which Canada is engaged is separate and apart from the legal relationship with the Crown. The rights of indigenous peoples with treaties cannot be dealt with by the internal domestic constitutional arrangements of the settlers. Now what remains? Our treaties must be respected. Our inherent right to government must be respected and honoured.

Thank you.

2:32

MR. CHAIRMAN: Thank you very much for your presentation. I'm wondering if any of my colleagues would have any questions that they want to direct to you.

Yes, John McInnis.

MR. McINNIS: Regena, I would like to thank you for helping to share information with us today in the committee. I understand your point about that.

If I understand what you're saying, it would obviously not be appropriate for the first ministers to spend the next 10 years trying to define among themselves what aboriginal self-government would be. The federal proposal is that after 10 years a clause would be entrenched in the Constitution and then it would be up to the courts to define it. Has your organization addressed the wording proposed in the federal proposals as to whether that would be an appropriate recognition of aboriginal self-government within the Constitution of Canada?

MS CROWCHILD: The Indian Association is a membership organization that represents the common views of treaties 6, 7, and 8. Each of the areas with their respective governments is dealing with those. It is the treaty Indians of treaties 6, 7, and 8 that have to speak to their treaties. The Indian Association is not responsible or does not have the authority to discuss those types of arrangements because we did not sign treaties as an organization.

MR. McINNIS: Fair enough, but perhaps I could put the question just a slightly different way. Are you comfortable with having the Supreme Court of Canada decide issues of how aboriginal nation laws mesh with the Canadian nation laws? Obviously, sometimes those two things may be in conflict, as you mentioned. Would the Supreme Court of Canada be the appropriate place to try to work out the balance of those things?

MS CROWCHILD: The government of Canada and its judicial system do not have the jurisdiction to grant us any rights that we already have as a people.

MR. CHAIRMAN: Dennis Anderson would like to pose a question, followed by Yolande Gagnon.

MR. ANDERSON: Thank you, Mr. Chairman. I very much appreciated the historical overview, and that does help put some things in perspective in terms of the very difficult discussions

we're in now. History apart, however, we now have to live together in the nation, province to province, aboriginal nation to nation, or however we will define it. I guess my difficulty is in figuring out how not defining what the rights of native people will be in the Constitution will help to safeguard their rights, those which you say are inherent. Could you expand on that for me at all? How would that happen? Are we not jeopardizing our future relationships by not defining that further and, potentially, the rights that our native people have?

MS CROWCHILD: Those discussions have to take place on a government-to-government basis. When we are talking about our governments, we are talking about the people who are elected, who will represent the First Nations.

MR. ANDERSON: Just to clarify, Mr. Chairman, then there should be definitions achieved through discussions between your First Nations and the governments of Canada or the government of Canada? I'm not quite clear on that. You mentioned that there's to be discussions, that that's how the protection is to take place. So you believe there should be definitions evolved by whom? How does that protection take place?

MS CROWCHILD: Those types of discussions have to take place between our chiefs within their respective treaty areas and the government of Canada. That is the treaty relationship that we have with Canada. At that point the parties there will determine how they are going to proceed. If there are definitions, if there is going to be negotiations, if there is going to be any consultation, they decide at that level.

MR. ANDERSON: I see. So you're not opposed to a definition as long as it comes from those discussions at that level. Would that be accurate?

MS CROWCHILD: It's not within my authority to say whether I oppose them or agree with them. That has to be left with our Indian governments.

MR. ANDERSON: Okay. Thank you.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. Regena, could you clarify exactly what you meant when you said that other aboriginal groups, for instance, had no voice at the joint conferences which were held because they did not have treaty arrangements with the government. Only those groups which have signed treaties have that special voice with the government. At least, that's what I understood you to say.

MS CROWCHILD: Our people entered into treaty with the imperial Crown. When they did that, through the strengthening and the development, the establishment of Canada, Canada undertook those responsibilities that the imperial Crown obtained during the treaty-making process. Those are the treaties that are outside and above the laws of Canada that we have to protect.

MRS. GAGNON: So other aboriginal groups who have not signed treaties have a different status - that's what you're telling me - or have a different relationship entirely with the government of Canada.

MS CROWCHILD: The Indian Association is devoted to the protection of the rights of the treaty people.

MRS. GAGNON: All right. Okay.

MS CROWCHILD: The other aboriginal groups are here for protection and benefits for their people, for them to cover their mandates. All I'm here to say is that we as treaty people must ensure that Canada begins to understand, respect, and honour her obligations under that treaty process.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Barrie Chivers, please.

MR. CHIVERS: If I understand what you're saying correctly, your position is very simply that treaties are instruments between autonomous governments, governments of native peoples at the time and presently, and between the representatives of the Crown, now the government of Canada. Your position is that this is not a constitutional issue; it's a question of treaties and treaty rights.

MS CROWCHILD: Yes. The Indian governments, our people, have their own constitutions. We never surrendered those in the treaty process. Only certain items were put on the table for discussion, and that was to share the topsoil of the lands and in exchange we would get certain benefits. We have never consented to relinquishing or extinguishing our constitutional positions within our own governments, within our own people in that process.

MR. CHIVERS: Then to take it a step further, if there are to be any changes in the rights that are set out in the treaties, then that is a matter for the governments of the native people to negotiate with the federal government.

MS CROWCHILD: Well, it's up to each individual treaty area. The chiefs of those areas are the ones to discuss those issues and to set the mechanism in how they want to deal with that with Canada as a government that undertook through treaty succession those responsibilities of Great Britain.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Thank you. I have two questions. One is on this issue of the relationship of the Indian peoples who are located within the province of Alberta, which by and large coincides with the treaties that you've mentioned, although there is some overlap into the provinces of British Columbia and Saskatchewan. Quite clearly, there are treaties here that have to be recognized and honoured by the appropriate government, which, as you've indicated, is the federal government, as the successor to the British Crown. What happens, however, with respect to other provinces? For example, in British Columbia - I know you can't speak for them necessarily - where there are no treaties in effect, and other parts of Canada where we do not have the same type of treaty in place and the ability of a national body to speak on behalf of the different circumstances faced in different parts of Canada.

It's always been a bit of a dilemma to me as to how governments can deal with such a vastly different set of circumstances for the various Indian peoples in Canada. I don't want to be unkind here, but it strikes me that what you're saying is that at a negotiating table the Assembly of First Nations, representing the interests of the participating organizations that support that, really cannot make a deal on behalf of Treaty 6 or Treaty 7 or Treaty 8. Am I right in that?

2:42

MS CROWCHILD: When two parties enter into treaty, it is only those parties that can together amend, change, or do whatever with that agreement. No other person, no other group of people who are not signatory to that treaty have the authority to amend that treaty.

MR. CHAIRMAN: That's why you say that as president of the Indian Association of Alberta you cannot speak on behalf of the leadership of those treaty nations, commit them to anything.

MS CROWCHILD: That is correct.

MR. CHAIRMAN: Right. Okay; that's a very significant point for people to understand in terms of how we are dealing with this matter.

MS CROWCHILD: The other thing that you have to take into consideration in addition to that is that the three treaties - treaties 6, 7, and 8 - all have the same type of special relationship with Canada today as all those treaties which are entered into with the British Crown, with the imperial government, and Canada undertook those responsibilities from the Imperial Crown.

MR. CHAIRMAN: Well, you've made your point very clear.

The second question I have relates to the determination of those aboriginal peoples or native peoples of Canada as to who is entitled to the benefits of those treaties and how that is determined. At the present time it's my understanding that the Indian Act of Canada permits a definition as to who is entitled to be called a treaty Indian and thus entitled to the benefits of that treaty. At the same time, I've heard from most Indian leaders that they think the Indian Act should be abolished, that most people don't like it very well. How is the determination of treaty entitlement to be decided?

MS CROWCHILD: The Indian Act itself is an administrative law for Canada to carry out her responsibilities under section 91(24) of the British North America Act. The Indian Act does not supersede the treaty arrangements. Under section 91(24) it states, "Indians, and Lands reserved for the Indians." Through the Indian Act, Canada unilaterally assumed that we had surrendered our inherent rights over our jurisdiction, our people, our citizenship, our lands, and our resources. The Indian Act was set out to regulate the activities of the Canadian government in carrying out their responsibilities. As it states today, it regulates our lives as treaty people, which was not intended at the time of treaty.

MR. CHAIRMAN: But the recent amendment to the Indian Act, as a result of legal action, permitted people who had not been entitled to treaty status to again reclaim that treaty status - I forget the number of the section - and that process is now in place, where people are reclaiming treaty entitlements that they had become disentitled to as a result of their parentage. How do you reconcile that issue with the issue of who decides who's entitled to treaty rights?

MS CROWCHILD: Our position is that the Indian governments have jurisdiction over their citizenship.

MR. CHAIRMAN: Okay.

MS CROWCHILD: At the time of the signing of the treaty, Canada or the commissioners recognized that authority and left it with our headmen to bring forth the list of their people, their

citizens. Over the years the Indian Act, through unilateral decision, was amended to accommodate their own agenda. That is the only process that the government of Canada has, over the years, made available to our people. Yet even though that was there, our people maintained to retain our own forms over citizenship, which still exists today.

MR. CHAIRMAN: I just wanted to be clear on that point, that it's your position that the Indian nations themselves will determine who is entitled to citizenship without the benefit of an external Act such as the Act of the Canadian Parliament which states who is entitled and who is not. I just wanted to make that point clear.

Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd like to thank you for your presentation this afternoon. I think you've made a very strong point that certainly what defines Canada's relationship to people living under treaties 6, 7, and 8 is, in fact, the treaties. I guess a question centres around any constitutional amendments and the idea of using a constitutional amendment to recognize self-government or in some way define self-government, but can I take from your presentation this afternoon that a constitutional amendment would only have an impact on people living under treaties 6, 7, and 8 if the people or the chiefs under 6, 7, and 8 agreed to allow that constitutional amendment to affect them?

MS CROWCHILD: I'm not clear on your question.

MR. HAWKESWORTH: At the moment, if I understand your position - and I think you made it fairly clear - what defines the relationship of people living under treaties 6, 7, and 8 to Canada comes from the treaty itself. But now the federal government and our committee and others are talking about entrenching an amendment to the Constitution that would then define the relationship of what self-government means and define the relationship between aboriginal people and Canada. I'm just wondering if what I can take from your presentation today is that potentially there might be some conflict between the treaty and the constitutional amendments or what's defined in the Constitution, that it's your position that a constitutional amendment should only have an impact on the people living under treaties 6, 7, and 8 if the people under treaties 6, 7, and 8 adopt or ratify that constitutional amendment. They would have to agree to accepting that constitutional amendment for it to have an effect on them?

2:52

MS CROWCHILD: It is up to the various First Nations within the treaty areas if they choose to join Confederation. They have never given their consent to be under the jurisdiction of the Canadian government. The intent of the treaties, the treaty relationship, tells us that our people would live side by side with the settler people. In turn, one government would not interfere with the other government. It is our understanding that under the treaty process we would be able to continue our way of life. We have our own constitutions that tell us who we are, what our way of life is. You look at the Constitution Act of Canada; we don't see ourselves in there. I don't see myself under the Constitution Act of Canada, because it doesn't tell me who I am.

MR. CHAIRMAN: Okay, thank you very much.  
Ken Rostad, and then Sheldon Chumir.

MR. ROSTAD: Thank you, Mr. Chairman. It's good to see you again, Regena, since our visit to the Yukon.

I'm having maybe a little difficulty in understanding. Are you really saying that each treaty nation is a nation unto its own that has a relationship with a nation called Canada, that those terms are set out by the treaty, and aside from that there is no relationship?

MS CROWCHILD: That is correct. In my presentation I made comments to the effect that our people, prior to contact, made alliances amongst each other. For example, in Treaty 7 we have the Blackfoot-speaking nations, Blackfoot-speaking people, we've got the Stoney-speaking people, we've got the Tsuu T'ina people that have their own language. They formed alliances and signed treaties with the Imperial Crown. They had that authority and that capacity to deal with that. Now, if anything is going to be changed in the treaty relationship with Canada, those people, the chiefs within the descendants of those nations of people, are the ones to deal with that with the government of Canada, who through treaty succession has taken that responsibility from Great Britain.

MR. ROSTAD: Do you consider the members of each Indian nation, then, as citizens of Canada?

MS CROWCHILD: No.

MR. ROSTAD: Not at all?

MS CROWCHILD: Not in my opinion, no.

MR. ROSTAD: Okay. I just wanted to find out then: if you wanted to change the relationship in the treaty, if I understand you right, each chief of whichever nation, or group of chiefs if the nation is broad by including a number of bands, would have to sit down and discuss with the federal government, obviously not the provincial government, any changes they want to make, any further rights that you want. Is that correct?

MS CROWCHILD: Yeah, that's correct. It's up to the chiefs, and they already have mechanisms and processes in dealing with that.

MR. ROSTAD: What is the Assembly of First Nations doing, then, in the sense of speaking on behalf of the Indians broadly in relation to the Constitution if you're saying that it's each treaty group that in fact has to make those changes?

MS CROWCHILD: The Assembly of First Nations is a chiefs' organization. The Assembly of First Nations represents the collective views of all the First Nations. The Assembly of First Nations did not enter into treaty as an organization in itself, but through those mechanisms and those processes established, the chiefs are in control and will mandate or make a decision as to how they're going to deal with Canada in that respect.

MR. ROSTAD: The Assembly of First Nations is making a consensual agreement, then? Through the chiefs being the members, they will make a common decision, or do they have to come back and get each nation to ratify or change?

MS CROWCHILD: That question has to be posed to the Indian governments as well as to the AFN. Our organization is not a part of the AFN, although we work with them, because our organization is not a First Nation.

MR. ROSTAD: But are you not a conglomeration of First Nations?

MS CROWCHILD: We represent the collective views.

MR. ROSTAD: So you couldn't take from the Alberta perspective, I'll call it, or to break it down to the three treaty groups, you cannot take a common position if all the chiefs of your organization wanted to put forward a position?

MS CROWCHILD: That will have to be left with the chiefs to decide. I can't answer that.

MR. ROSTAD: Okay. Thank you.

MR. CHAIRMAN: Sheldon Chumir, please.

MR. CHUMIR: Some of what I was attempting to determine has come out through Ken Rostad's questioning, but I'm just directing myself to the very practical questions that we have to answer with respect to the constitutional proposals, particularly the primary issue of self-government. This is obviously a matter which is going to be determined, as you say, by each of the treaty nations and through the chiefs. But I'm wondering whether or not the treaty nations here in Alberta to your knowledge have determined a position with respect to the particular proposals, any changes that would be necessary or acceptable to them. If so, how do we determine, as a body which has some responsibility within the system we've set out, the relationship between the federal and the provincial governments in Canada? How do we determine what these positions are?

MS CROWCHILD: You can determine that by hearing the presentations from each of the First Nations. I understand that this forum is open to the First Nations, and some have already made presentations. You can determine your position from their presentations. On a national basis there is a parallel process that is going to be dealt with within the indigenous communities, within our people. That parallel process is open to all First Nations citizens. As well, it is open to nonindigenous people to make presentations if they so choose. The AFN, like the IAA, has that same opportunity to present a position or make a presentation to these committees. The federal process is there, and it is up to each First Nation if they choose to make a presentation, and that's how you will be able to determine what their positions are.

MR. CHAIRMAN: Thank you very much, Regena, for your very well articulated position of the Indian Association of Alberta.

We'll now move, if I can, to the next presenting group, the Native Council of Alberta. I'd like to welcome Doris Ronnenberg, who I believe is the chief spokesman for the organization, and ask her to introduce her colleagues who are with her today.

MRS. RONNENBERG: Thank you, Mr. Horsman. First of all, I'd like to explain that my composure is a little bit shattered today; we got into a car accident on our way to this meeting. I'm having a delayed reaction - that car rushing at us.

MR. CHAIRMAN: Okay. I trust you weren't injured.

MRS. RONNENBERG: The car is a little bit injured, but quick reflexes.

MR. CHAIRMAN: Well, as long as you're safe.

MRS. RONNENBERG: Members of the Alberta . . .

MR. CHAIRMAN: Could you just perhaps introduce your colleagues who are with you, or have them do that.

MRS. RONNENBERG: I am.

MR. CHAIRMAN: Okay, good. Thanks.

MRS. RONNENBERG: Members of the Alberta constitutional reform task force, ladies and gentlemen, aboriginal bothers and sisters, my name is Doris Ronnenberg, elected president for the last seven years of the Native Council of Canada, Alberta. I am joined today by three prominent Indian people: Mr. Pat Brascoupe, Indian co-Chair of our national Native Council of Canada Constitutional Review Commission; Mr. William Beaver, prairie commissioner for our national Native Council of Canada Constitutional Review Commission; and Mr. Tony Callihoo, provincial co-ordinator, Alberta Native Friendship Centres Association. Mr. Callihoo appears today in his personal capacity, not on behalf of ANFCA.

Let me say at the onset that I welcome the opportunity to address this distinguished aboriginal round table on the Constitution here at the Alberta Legislature. The first speaker representing the Indian Association of Alberta spoke well about Alberta Indian concerns. I, too, am an Indian and have been all my life. It has just taken government some years to catch up and recognize the fact. Like many Alberta Indians, perhaps the majority, I have been described in my life as a nonstatus Indian, C-31 Indian, Indian, status Indian, and now a Treaty 8 Indian. In fact, I have always been an Indian, having grown up in a traditional home where Cree and Saulteaux were our first languages. Yet all my life - and in the lives of thousands of Alberta Indians like me - I have had to live under myths believed by many Albertans, including governments. What I have to say now about these myths may not be well received in some quarters, but I think now is the time to put an end to these myths.

3:02

Myth one: most Alberta Indians live on reserves and are democratically represented by Alberta chiefs and councils.

For anyone who takes the trouble to look around them and see how things actually are and work in Alberta, you will see that this myth is nonsense. The Canadian Constitution in section 35 defines aboriginal people as Indians, Metis, and Inuit. This is now our basic law, agreed to in 1982 by the Alberta Lougheed government, the Assembly of First Nations, the Native Council of Canada, and by the Inuit Tapirisat of Canada. At that time, in 1982, we did not have MNC.

But who is an Indian? In Alberta the 43 bands and the department of Indian affairs define who is an Indian. The 43 Alberta bands, chiefs and councils, and the department of Indian affairs work under the Indian Act. The primary focus of all work, policy, and expenditures is reserved based. Even off-reserve tribal councils are, by department of Indian affairs' policy, totally controlled by non reserve based chiefs and councils. Present policy calls for a minimum of five bands to form a tribal council and to access funding. Off-reserve Indians who are not bands cannot do this. The department of Indian affairs rarely looks beyond the 43 Alberta chiefs and councils for land, money, election, or other decisions affecting Indians. The process of decision-making feeds on itself with ever more extension of land and budget control by an on-reserve Indian minority over an off-reserve Indian majority.

In September 1991 I presented to this Alberta government task force on the Constitution a copy of the massive July '91 statistical

overview of off-reserve Indian people in Canada, including Alberta. This up-to-date report was prepared by the federal Secretary of State. The Chair has this bulky report along with our September 22, '91, presentation. Perhaps this report could be distributed.

The reality is undeniable, the trend irreversible: Alberta Indian people live more and more, a majority today, off reserve, yet Indian decision-making is totally controlled by the 43 Alberta chiefs and councils. As well, the department of Indian affairs increasingly takes a Pontius Pilate, hands-off approach to Indian decision-making by what they perceive as the Indian legislative unit of chiefs and councils. I have no quarrel with on-reserve people being governed in this manner if they so choose. I do have a quarrel, however, when off-reserve Indians, including so-called C-31 Indians, are denied any opportunity to govern themselves or participate in Indian programs.

On several occasions recently – the Martell case in Wetaskiwin and the Twinn case throughout Alberta – off-reserve Indian people have been forced to go to the federal court for justice, for protection of their constitutional legal rights. The fact is that thousands of Alberta Indians today do not have a vote in band affairs simply because they live off reserve. Thousands more suffer discrimination simply because they have acquired or reacquired Indian status under federal Bill C-31.

The reality for many Alberta Indian people living off reserve is that they do not have the right to, one, vote for their aboriginal government; two, share in oil/gas royalties and other benefits enjoyed by on-reserve Indian people; three, live on reserves because of sometimes highly restrictive band membership codes, as at the Sawridge band, accompanied by a band residency bylaw allowing chief and council to refuse residency on life-style or character grounds. Four, they find the department of Indian affairs in areas of programming, organizational core funding – CPD funding – and policy totally on-reserve oriented. Five, they find the department of Indian affairs in areas of tribal council policy funding and recognition totally satisfied with on-reserve leader control; and six, they do not enjoy equity of access to provincial and federal programs. In short, in Alberta at least, under section 35 of the Constitution Act, "Indian" has become "on-reserve Indian." This was not what was intended in 1982.

What do we ask the province of Alberta to do about this? We are aware of small tokens thrown out to off-reserve Indian peoples such as payment of uninsured health benefits, but not to the spouse. As well, there are off-reserve institutions such as the Alberta Indian Health Care Commission and others that do good work, but in virtually all cases control of these off-reserve institutions is vested in on-reserve Indian leadership. In 1987 at the First Ministers' Conference the principle of equity of access was accepted by the four national aboriginal organizations.

What the Alberta government can do to help off-reserve Indian people is: one, clearly recognize that section 35 of the Canadian Constitution recognizes and affirms the existing aboriginal and treaty rights of all Indians, whether they live on or off reserve; two, support off-reserve Indian initiatives which may originate from outside the 43 chiefs and councils, including initiatives involving land and reserves for new bands and divisions of existing bands; three, accept as a principle that there is a fiduciary responsibility of all governments in Canada towards all Indian people regardless of whether they live on or off reserve; four, seriously entertain the idea of the need for an aboriginal bill of rights to be entrenched under section 35, not the Charter, specifically enumerating the rights of individual Indians within an Indian collective self-governing process.

On this latter point I am reminded of the widespread desire of aboriginal women at the 1987 First Ministers' Conference, attended by Mr. Horsman and agreed to by Alberta, to entrench the idea of equality between aboriginal men and women in section 35. At that time many argued, including many male Indian leaders, that such an amendment to section 35 was redundant because the section 15 equality provisions already covered the point, but in the end we prevailed and had entrenched as the first amendment to the Canadian Constitution under section 35 the equality of aboriginal men and women. Why? Because many of us had heard and seen practised the idea that the Charter simply does not apply to Indian governments. Such ideas abound today. We need section 35 protection of Indian rights.

Myth two: urban based aboriginal self-government is not practical under our current system of federal/provincial/municipal governments.

Indians have always known how to govern themselves. Our right to govern ourselves cannot be given to us because we have now and always have had this authority. The complexity for off-reserve urban Indians is to develop self-government in a modern urban setting.

In Alberta, unlike places like Vancouver, Musqueam, Squamish, Burrard, there are no urban reserves. There are reserves near Calgary and Edmonton and a few in smaller urban centres such as Slave Lake, the Sawridge reserve, but why cannot our national Constitution recognize the reality that aboriginal people need to develop urban based self-government free of existing chief and council structures? Many thousands of Alberta Indians who have acquired or reacquired Indian status under Bill C-31 would prefer to put their energies into doing their own thing. Why cannot land, housing, health, education, employment, and training programs be set aside for urban based Indian people to control and to be accountable?

3:12

The Alberta government must come out from behind its jurisdictional hideaway and face the thousands of urban based Indians who pay taxes, who are not getting value for their taxes and who are tired of being counted for funding by reserve based Indian governments. Urban government, like all government, must be accountable. It is best developed by a building-block approach, one step at a time, such as the urban Indian health facilities in Seattle, Washington, and in Toronto. Many models exist of a quasi-separate urban government within a city government. Consider the borough system within the city of New York. The people of Brooklyn have their own form of urban government without disturbing the municipal government and council of New York City. Why not in Edmonton or Calgary for aboriginal people? Not tokenism, as is being touted in Edmonton today, but government with real authority, the power to collect and spend money and to own land.

What do we ask the province to do? We ask you to fund and establish a process whereby elements and structures of urban aboriginal self-government can be costed and actioned. If you agree to entrench in the Constitution a recognition of the inherent right of aboriginal self-government, we ask specifically that the word "urban" be part of the package.

Myth three: Alberta Indians who seek land, money, and other rights are really demanding something for nothing from non-aboriginal Alberta taxpayers.

In one form or another I have heard this thought advanced hundreds of times by Albertans. A few years ago in Red Deer my colleague here, William Beaver, and I heard this idea raised amongst 300 Alberta wildlife officers in convention as to treaty

Indian rights to hunt, trap, and fish on unoccupied Crown land. Perhaps the problem with this attitude lies in our schools, in texts like W.L. Morton's history of Canada, basically how we teach our children about Indian treaties. Early next month I will be traveling to Ottawa with 17 of my colleagues to attend our national NCC assembly. At the same time, hundreds of aboriginal people from around the world will be gathering for the Indigenous 500 conference. This conference will be mainly about setting the record straight regarding Christopher Columbus: how history books treat him, ignoring the slavery, the disease, and the genocide he brought aboriginal people. History, the river of time, has to be looked at as it is, not some sugarcoated version. In Alberta in my lifetime nonaboriginal controlled governments allowed a brutal, racist regime to exist. Soon you will know the true story of Alberta's residential school system for Indian children. You know, Indians were not even allowed to vote in Alberta until recently.

The list of historical abuse is lengthy, usually done in the name of assimilating us Indians into Canada. Many Albertans see aboriginal people as having no real culture, in need of assimilation - "Why can't they be like the rest of us?" - and always saying, "Gimme, gimme." Those that actually take the time to read our five Alberta treaties and the Constitution would find Indians gave in the treaties a great deal to the white man in dollars and cents, the bottom line. Our ancestors literally ceded the whole ball of wax, literally everything of value. I don't dispute the energy and the achievements and the hard work of Albertans, but they started with something real, ceded by our ancestors, including my great-grandfather, who signed Treaty 8. I have no feelings whatsoever for Albertans who say that Indians always want something for nothing. Basically, for trinkets and beads and land often unusable, Indian people ceded everything of value. Thus, when Chief Ominayak and the Lubicon people dare to demand as modern Indians a share of oil and gas royalties, you should not be surprised.

Attitudes must be changed, myths destroyed. Perhaps the Constitution should say in a clear and unambiguous way that we are a distinct people with a proud heritage and a history of sharing with nonaboriginal people in Canada.

Thank you.

MR. CHAIRMAN: Thank you very much, Doris.

Questions, comments from members of the panel?

MRS. RONNENBERG: Mr. Horsman, I didn't use up my half hour, and I had asked Mr. Brascoupe to . . .

MR. CHAIRMAN: Oh, by all means. Certainly. I thought you'd concluded your entire presentation. My apologies.

Yes, carry on.

MR. BRASCOUPE: Thanks very much. I'm Pat Brascoupe. As Doris said, I'm the Indian co-Chair of a nonpolitical forum looking at constitutional proposals from all over Canada, even some of the proposals made by Alberta in the past. Our intention is to examine the proposals and to provide an independent view on how these proposals would affect aboriginal people and also affect Canadians in general.

I think one of the things that many Canadians have a misconception about is that somehow or another the constitutional package, for example, that was proposed by Minister Clark can somehow or another sever aboriginal rights and treaty rights from the full package. In other words, we're only concerned with section 35 or section 25 or section 91(24). In fact, if you believe, as we do, that there is a third order of government and, from our

position, a first order of government, then obviously we're going to be involved in decision-making nationally. It doesn't matter if it's economic issues. It doesn't matter if it's social issues. It doesn't matter if it's constitutional issues. It's a contradiction if, in fact, on one hand you say there is a third order of government called aboriginal governments and then exclude us from all kinds of decision-making processes in the country. For example, Minister Clark is suggesting that the council of federation, which would be useful for economic decision-making and useful to harmonize fiscal policies, somehow or another excludes us from that kind of decision-making. I think the first point we wanted to make is that we are interested in all of what Canada does, everything. We're interested in talking about issues of title; we're interested in issues of land, because it is those things that are going to give us the kind of autonomy and self-sufficiency as strong aboriginal governments that we want.

So just to be clear, we are not just interested in dealing with 25 and 35 even though those are very, very important things. A lot of Canadians think that somehow or another we can be pushed aside in another room and then brought out when the aboriginal thing is on the table. That's not what's going to happen this next round.

We found, in crossing the country - and I'm glad I'm here today - that common to all aboriginal peoples is one clear truth: that the formal terms of Confederation, which most Canadians think bind their governments and our relations, have not and do not fully include us. At the same time, the aboriginal terms of union have too often been treated by successive governments as one-way tickets to assimilation. Even after explicit recognition in 1982 our terms of union, the aboriginal terms of union, aboriginal title and treaties remain part of the hidden Constitution. The obvious difference is that aboriginal nations did not seek to deny you or others these negotiated rights. Therefore, one of the issues facing Indians, Metis, Inuit, and the rest of Canada is simply: on what new terms will Canada and aboriginal people coexist? Treaty-making, as the president of the Indian Association of Alberta has said, is viewed by us as the most consistent and practical way to proceed with stating most of the essential terms of coexistence between aboriginal peoples and Canadians.

The current Constitution Act in section 35 provides for additional constitutional amendments to be made on the basis of treaties between Canada and the aboriginal peoples. This unique provision is in addition to and in support of other amending procedures. As proposed by both the Native Council of Canada and the Assembly of First Nations, aboriginal peoples in Canada should seriously address themselves to the prospect of a national treaty to affirm our various roles in the major institutions of Canada. One suggestion in particular that has been proposed is recommended for detailed discussion: that aboriginal peoples join with French and English Canada in a treaty covenant to entrench the terms of coexistence. This seems, in our view, to offer all Canadians a workable and important way to enter into a new relationship on the basis of shared understandings.

3:22

I'm going to try to conclude by just adding to the discussion you've already had and not go over proposals that have already been talked about or probably will be in the next few minutes. One thing for sure, though, is that we're looking for ways to settle all kinds of community problems, and the Constitution is one such vehicle, but it's not the only one. We want to make sure that we give community priorities the attention they demand. That is for certain. There are constitutional answers and there are non-constitutional ones. In fact, in Whistler - I guess two months or a



month and a half ago; time flies – there was a suggestion by Premiers to set up an ongoing forum of Premiers and aboriginal leaders to deal with practical problems facing people at the community level. We're in support of that. I'm sure Premier Getty is still in support of that.

One of the things we would like to leave with you is the idea of getting to some real important matters. One of the proposals on the table – not from Minister Clark but from aboriginal people – is that the majority of aboriginal peoples do not live on reserve lands, but many do reside within traditional territories while many others move back and forth between communities. We should note that the urban Indian population has doubled in the 1980s. Paramount for aboriginal people is the overriding desire of families to protect their cultures, language, and traditional way of life wherever they may live. Protection demands entrenchment of the mobility of aboriginal rights. The right to an aboriginal education in schools established by aboriginal parents, the right to aboriginal child care are only two of the most obvious rights. Aboriginal people must come to know that regardless of where they live, the exercise of their fundamental rights will be accepted and promoted as equally as others'.

We've suggested many things to deal with the Constitution, and another proposal I think you should be considering in your deliberations is that one of the main objectives of a Constitution is to permit the people to carry on their lives with some certainty and comfort that their rights and freedoms, if disputed, have fair and expeditious procedures for resolution. It is reasonable to expect that just as we can agree on rights, we can also agree to binding procedures to resolve disputes. What exists is not good enough. The system has failed us because of one-sided procedures, whether these procedures are looked at from a political point of view or from a legal point of view. These procedures are devised to meet the expectations and interests of others, and they are put in place without our consent. We must seek out and put in place more equal and acceptable means to resolve disputes if we are ever to truly find peace or justice.

It is essential that the Constitution provide for dispute resolution we can accept and use; otherwise the exercise of constitutional reform becomes bogged down in repeated efforts to resolve disagreements over what the Constitution has already affirmed or recognized. Disputes between federal and provincial legislation and policies and aboriginal rights and laws are increasing at an alarming rate. Canadians generally are aware of the essential need for dispute resolution. Without it the rule of law is replaced by the law of force. Proposed reforms of the Supreme Court of Canada are an example of how Quebecers and others seek ownership over the dispute resolution process. We need more than this.

For aboriginal peoples it is essential to establish a constitutionally mandated process of dispute resolution that is, in our view, binding on the parties that adopt its usage. We've entertained a number of ways to do that; in fact, others have suggested some ways to do that. What we're saying is that the Supreme Court is not the only or the best way to solve disputes. There are other ways, and as nations we should find those ways. So now we're setting out continually, spending 15 years in the courts, to resolve disputes on rights that we already have in the Constitution. We have rights already entrenched in the Constitution, and we're still in the courts trying to exercise those rights, and that doesn't seem to us very logical.

I conclude by saying that I'm glad that the president of the Native Council of Canada in Alberta talked about myths. Your committee, if I can add, should destroy some of those myths, because if we're going to start a fresh dialogue, it shouldn't be

based on mistruths. I'm thinking that's part of what your job is. We have a concept where I come from that we're trying to introduce into this constitutional process, and that concept is called walking in the truth. We must all walk in the truth, and to do that, we have to start destroying some of these myths; for example, that somehow or another the Canadian taxpayers are paying for all the services the aboriginal people get. That is totally false. Any economic analysis will show you that the million aboriginal people in this country are paying over \$6 billion in taxes today. That is more than the services that are getting across the country. We've got to start destroying some of these myths.

The other myth that we have to get rid of is that somehow or another we can be self-sufficient on 1 percent of Canada's total landmass; a million people can be somehow self-sufficient on 1 percent. It's impossible. So to be strong and self-sufficient, we need a land base. We need ways to come to terms with those kinds of issues.

That's all I have to say, and I'll be glad to join in the dialogue and exchange of views in a few minutes.

Thanks very much for your time.

MR. CHAIRMAN: Thank you very much.

Yes, John McInnis.

MR. McINNIS: Doris, I think this discussion does need the perspective of aboriginal people who don't live on reserves. There's certainly a very important reality of the numbers doubling over the last decade. The area I happen to represent in the Legislature has a high proportion of aboriginal people.

I note that the people who operate community services often wonder about nonparticipation by aboriginal people. I had a thought, and I just wanted to run this by you. I think there are good questions here. Years ago they had community resource boards in the province of British Columbia, where groups of people – in this case, neighbourhoods – would elect boards who ran medical clinics, social service agencies, housing programs, counseling, library services from among a group of people elected within the community. I was thinking along those lines in terms of self-government concepts for urban aboriginal people. I wonder if that kind of model would be somewhere in the ballpark or if you have any comment.

MRS. RONNENBERG: Well, that's certainly one example. This area is a whole new field, so whatever examples can be put forward from everybody I'm sure are needed. I'm familiar with what you're talking about, by the way.

MR. CHAIRMAN: Thank you.

Yolande Gagnon, and then Ken Rostad, please.

MRS. GAGNON: For clarification, please, Doris, why is it that when a native person leaves a reserve, they lose their status? Is it specified in the treaties that the status exists only within this geographical entity, that if you move away from that entity, you lose your status?

MRS. RONNENBERG: I think I'm running into another myth. You don't automatically lose your status when you move off reserve; that's not the case. It might have been at one point of time in the history of the Indian Act. A lot of people enfranchised voluntarily, some were arbitrarily enfranchised, and some married nonaboriginal people, whether they be Metis or nonstatus Indians. That's how a lot of the women lost their status. In fact, one of the things that we did in 1984 is a paper, and we found out that there

were 18 different categories of nonstatus Indian people, as to how in the past, through successive Indian Acts, Indian people were stripped of their status. So it no longer is a question of: when you leave the reserve, you automatically lose your status.

MRS. GAGNON: I'm sorry; I still don't quite get it. Did the treaties, for instance . . . Maybe I should go back to Regena. I don't know if that's allowed.

MR. CHAIRMAN: Well, we'll have an opportunity for a round table.

MRS. GAGNON: Okay; I'll save my question, then, for the general discussion.

Thank you.

3:32

MR. CHAIRMAN: Ken Rostad.

MR. ROSTAD: Thanks, Mr. Chairman. Doris, good to see you here. I might mention that Regena and Doris and Larry and a number of the other native leadership were all up in Yukon, where we were discussing natives, their plights, and how the legal system might be changed. It was a useful dialogue. At one of the sessions I came away with the idea that the native community as a whole is contrary to the Charter of Rights because it's individual based as against the communal or consensual traditions of the native community. Would you concur with that?

MRS. RONNENBERG: Unfortunately, you didn't see fit to invite us to that meeting in Whitehorse although we did ask to participate in it. I felt that you lost an opportunity for feedback from us, because of the people I intended to send, at least one person was involved in this area for a long time. I myself did a lot of prison work when I lived in different areas of Canada.

Now, what you're talking about is individual rights versus collective rights. In that particular meeting that you went to, maybe the majority of aboriginal people were in that mind-set, that collective rights must be protected against all costs, even against individual people. But let me say that the Native Council of Canada - and Native Council of Canada, Alberta, in particular - believe in individual rights. We believe that the individual rights of an Indian person have to be protected within that collectivity.

MR. ROSTAD: Okay. Would you then consider your presentation today consultative? Do you think that the Native Council of Canada is making a presentation that the natives off reserve wish to sit at the table and dialogue and work with, well, here the Alberta government and beyond, then, the Canadian government to make changes for your constitutional rights? I guess I say that vis-à-vis the Indian Association of Alberta, who say that their presentation is information only and not consultation.

MRS. RONNENBERG: I guess I view this meeting as kind of historic. This is the first time that the Alberta government has really involved us in a serious way, and I hope this is not going to be the end of it, because the people that I'm claiming to speak for need to be involved in all the processes that are established. So it's our foot in the door, and it's our intention to open the door.

MR. ROSTAD: Of course, part of the answer might be that you aren't part of the reserve officially and not under the auspices of chiefs, so they therefore can't speak to you. You would then, I guess - I don't want to put words in your mouth - consider

yourself Canadian citizens, contrary to the Indian Association of Alberta's position where they're really not; they're nations unto themselves.

MRS. RONNENBERG: Well, we are members of our nations, but we're also Canadians and we're also Albertans.

MR. ROSTAD: Thank you.

MR. CHAIRMAN: There is one question I just don't quite understand. On page 5 of your presentation you say this:

The Alberta government must come out from behind its "jurisdictional hideaway", and face the thousands of urban-based Indians (who pay taxes), who are not getting value for their taxes, and who are tired of being "counted for funding" by reserve-based Indian governments.

I appreciate what you say about paying taxes, but the government of Alberta doesn't do any counting for funding by reserve based Indian governments. I'm not sure how you tie those two thoughts together in that one submission. Could you clarify that for me?

MRS. RONNENBERG: I think what we are talking about there . . . First of all, I'd have to preface by saying that the Bill C-31 people have been going from pillar to post. We've been told we're a federal responsibility, and then we go to the federal government and are told we're a provincial responsibility. Yet we're taxpayers too. Therefore, we're not getting any value out of the tax dollars that we are paying as citizens of Alberta and of Canada.

MR. CHAIRMAN: You're being a little critical of us here with respect to the taxes you pay to the province and not getting benefit for that, which could be an arguable point, but then in the same sentence you say, "who are tired of being 'counted for funding' by reserve-based Indian governments." But that's not by the province of Alberta.

MRS. RONNENBERG: No. Sorry; I'll clarify that statement. There were some moneys for economic development, just as an example, where the per capita share was given to each of the reserves in western Canada. It was based on the number of Indian people, whether they were on or off reserve, on a per capita basis. In particular, one of my members in the northern part of the province owns a business. That particular reserve split that money up into grants for on-reserve Indian businesspeople. Because the business wasn't on reserve - she became a band member, but she doesn't live on reserve - she wasn't given any money. It was a grant to jump start businesses.

MR. CHAIRMAN: A grant by whom? The federal government?

MRS. RONNENBERG: The federal government, uh huh.

MR. CHAIRMAN: I don't mind taking criticism for our acts, but I have trouble taking criticism for what the feds do. It seemed to me you were tying two points into that one sentence. You've clarified it now, and I appreciate that.

Thank you.

MRS. RONNENBERG: It's bad grammar.

MR. CHAIRMAN: No, that's okay. A period rather than a comma might have fit in that sentence. Anyway, that's okay.

We have finished the dialogue here. We're going to come back, but I would like to . . .

MRS. GAGNON: Excuse me, Mr. Chairman. I think there was one more.

MR. CHAIRMAN: I'm sorry. Did somebody else wish to comment?

MR. BRASCOUPE: Just to come back to it, the point is that as it has been in the past, we need new fiscal arrangements that are satisfactory to aboriginal governments. In other words, if you want to talk about the province of Alberta, the fact is that their fiscal arrangements means talking about sharing the resources. It means about things like oil and gas and sand and gravel. It talks to equalization payments from Ottawa. It talks to Canada assistance plan payments, which include all aboriginal people. I just want to make the point that the issue is new fiscal arrangements. We can sort those out, but the aboriginal governments have to be at the table to do so. This is an example of what can happen if aboriginal governments aren't equal players. I think that's one of the points I'd like to make on it.

MR. CHAIRMAN: Okay; but that's a different point than the one I was pursuing.

MR. BRASCOUPE: Well, no. What I was trying to say is that this is an example, a detail of a bigger issue, and all I was raising with you is the bigger issue. I think we shouldn't get into details every time. I mean, we're dealing with constitutional matters. There is a broader issue here, and it is fiscal arrangements. These current ones are not satisfactory.

MR. CHAIRMAN: I think we'll take a break now. I think everybody could stretch a little bit and then come back. Then we'll hear from our friends from the Metis Nation of Alberta. Let's take a break here.

[The committee adjourned from 3:38 p.m. to 3:56 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, I'd very much like to reconvene. We're running about a half hour late. I would ask those in attendance, wherever they may be, to come forward.

I'll call now on Larry Desmeules and the Metis Nation of Alberta. I welcome you, Larry, and members of your delegation.

MR. DESMEULES: Thank you very much, Mr. Chairman, members of the Legislature, fellow aboriginals, ladies and gentlemen. I'd like to start off by introducing my group here. On my immediate left is my constitutional co-ordinator, Bill Haineault. Next to him is my executive assistant, Clint Buehler, and next to him is my senior vice-president, Gerald Thom. We'll be primarily addressing our response to the document that was tabled in the House of Commons by the Prime Minister a few weeks back. Just before I get my constitutional co-ordinator to respond, I'd like to say a few things, a few remarks.

First of all, we welcome the opportunity to come here and address ourselves, Mr. Chairman, to this distinguished commission set up by the government and made up of all the different parties of the different governments or different want-to-be governments; I'm going to put it that way. I'm getting stuck here for words.

As Metis people, we don't classify ourselves, as Doris pointed out, as Indians or Inuits; we're Metis people. We're aboriginal

people, and we have to be aboriginal people because it's in the Constitution, and the federal government's never wrong.

MR. CHAIRMAN: Well, if you believe that, you'd believe anything.

MR. DESMEULES: First of all, like I said, we'd like to just give you a bit of history about ourselves. We have a history of nation building, and we intend to continue in that path of our forefathers and our ancestors. Going back to the time of Riel, as you know, he was one of the founders of Confederation for the province of Manitoba, which led the other provinces. Some people would argue the point whether that's good or bad. We think it's good because we intend to carry on in that tradition.

We will be focusing our remarks towards the document that was tabled. Then if you have any questions on it . . . Now, these remarks that we're tabling with you are a preliminary response to the document in Ottawa. There are things in there that would give us some concerns, but we see that document as a negotiable document, a basis to start negotiations from. Looking back at it, we now think we're entering into what you call a bilateral process. There are four processes there, and one is a Metis process. In saying that, I'm quite concerned that our process is Metis driven; Alberta made, Metis driven. We have six commissions set out right now, and all those commissions are made up of Metis women and men. There are no consultants and no lawyers or anything driving this process, although we have lots of them hanging around the fort now because they smell all these consultant dollars. We'll bring in those people when we need them on a short-term kind of basis. We're very adamant, because we saw what begins to happen in a lot of these processes: the lawyers and consultants begin to take over the process. I will not allow that to happen, Mr. Chairman, I can assure you.

In our history we can show a year ago in the Cawsey task force where that was not allowed. That became one of the more successful task forces on the criminal justice system in Canada, not only in the province of Alberta. It didn't turn into a media event or a circus or anything like that. I sat on the steering committee, and those recommendations are now being implemented. So we learned some good lessons in that one. We intend to continue on that course.

In saying that, now I'll have my constitutional co-ordinator here give you our written portion of how we see the national proposal that was tabled in the House. Bill.

MR. HAINEAULT: Thank you, Larry. Thank you for inviting us here. As Larry pointed out and stated, we are going to be focusing our paper here on the federal proposals that were presented to the House of Commons by Joe Clark. As we all know, there are 28 proposals, and I'll go through them individually.

There are three parts to the proposal. Part 1 is shared citizenship and diversity.

Proposal 1: reaffirming the rights and freedoms of citizens. We fully support reaffirming individual and collective rights, particularly in regard to Metis people. We do provide conditional support for guaranteeing property rights. Individual property rights must not override the collective rights of the Metis to a land base.

Proposal 2: recognition of Quebec's distinctiveness and Canada's linguistic duality. The reality is that Quebec is a distinct society, and its distinctiveness should be recognized. Canada's linguistic duality is also a distinct Canadian reality and should be recognized in the Constitution.

Proposal 3: aboriginal participation in current constitutional deliberations. The Metis Nation of Alberta supports the involvement and participation of aboriginal people in constitutional discussions that relate to and directly affect Canada's aboriginal people. However, we firmly believe that when Metis issues and concerns are being discussed, it is only the Metis people who can speak for and represent the Metis. Further, this can only be done through our existing recognized Metis political organizations.

Proposal 4: aboriginal self-government. The Metis Nation of Alberta supports the government's proposal to entrench a general justiciable right to aboriginal self-government. However, this general right must also recognize the distinctiveness of Canada's aboriginal peoples, namely an Indian right, an Inuit right, and a Metis right to self-government. Further, this right to self-government must be extended to all aboriginal people regardless of whether they live on an aboriginal land base or not. The Metis Nation of Alberta proposes that the current framework agreement between the Metis Nation of Alberta and the government of the province of Alberta be used as a model in developing future self-government agreements between governments and the Metis people. We further support the proposals to: commit governments to negotiate self-government agreements; have regularly scheduled first ministers' conferences on aboriginal self-government; have the general enforceability of the right delayed for a period of up to 10 years; and that in the initial stage, agreements reached in negotiations will proceed and agreements reached will receive constitutional protection as they are developed.

Proposal 5: aboriginal constitutional process. The Metis Nation of Alberta believes an ongoing aboriginal constitutional process can only enhance the involvement and participation of aboriginal people in dealing with their constitutional issues. Our position is one that reflects the aboriginal reality. We believe that any ongoing process must be separate processes. The Indian, the Inuit, and the Metis must each have their own process.

Proposal 6: representation of aboriginal peoples in the Senate. The Metis Nation of Alberta supports the guaranteed representation of aboriginal people in a reformed Senate. However, representation must be made on the basis of the distinctiveness of Canada's aboriginal people.

Proposal 7: a Canada clause in the Constitution. The Metis Nation of Alberta supports the inclusion of a Canada clause in section 2 of the Constitution Act, 1867. However, we believe that aboriginal people should be recognized as self-governing people both historically and contemporarily.

Part 2 of the proposals: responsive institutions for a modern Canada

Proposal 8: House of Commons. The Metis Nation of Alberta supports the proposal to explore ways and means of strengthening the representational and legislative capacities of individual Members of Parliament, including the use of more free votes.

Proposal 9: principles of Senate reform; an elected, effective, and more equitable Senate. The Metis Nation of Alberta supports the proposal to reform the Senate to provide for an elected, effective, and more equitable Senate.

Proposal 10: details of Senate reform. The Metis Nation of Alberta supports the details of Senate reform. However, representation of Canada's aboriginal people must be based on their distinctiveness. This means that separate seats must be set aside for Indian, Inuit, and Metis peoples. The number of seats for each aboriginal group should be based on geographical location and populations of Indian, Inuit, and Metis.

Proposal 11: Senate ratification of appointments to regulatory boards and agencies. The Metis Nation of Alberta supports the

proposal to provide the Senate with a mandate to ratify the appointments to various federal regulatory boards and agencies.

Proposal 12: appointments to the Supreme Court of Canada. The Metis Nation of Alberta supports the proposal to provide provinces with a more substantial role in appointments to the Supreme Court of Canada. If it were the desire of governments to proceed with the entrenchment in the Constitution of the Supreme Court of Canada, the Metis Nation of Alberta would be supportive.

4:06

Proposal 13: the constitutional amending formula. The Metis Nation of Alberta would be prepared to support the proposed constitutional amending formula contained in the Meech Lake accord if the territories were to proceed to provincehood on the basis of the existing amending formula.

Part 3: preparing for a more prosperous future.

Proposal 14: broadening section 121, the common market clause. The Metis Nation of Alberta supports the proposal to amend section 121 to provide for the full mobility of persons, capital services, and goods within Canada.

Proposal 15: power to manage the economic union. The Metis Nation of Alberta supports in principle the proposal to provide exclusive jurisdiction over management of the economic union to the federal government provided that the opting out clause will not adversely affect the economic development aspirations of the Metis within western Canada.

Proposal 16: harmonization of economic policies. The Metis Nation of Alberta supports the proposal to develop with the provinces an annual timetable to allow for more open and visible budget-making processes.

Proposal 17: reforms to the Bank of Canada. The Metis Nation of Alberta supports the proposals to amend the Bank of Canada Act and other reforms to the Bank of Canada.

Proposal 18: training. The Metis Nation of Alberta supports the proposal to recognize explicitly that labour market training is an area of exclusive provincial jurisdiction.

Proposal 19: immigration. The Metis Nation of Alberta supports the proposal to have federal/provincial negotiations constitutionalized with respect to provincial circumstances within immigration.

Proposal 20: culture. The Metis Nation of Alberta supports the proposal to have federal/provincial negotiations and agreements constitutionalized with respect to the role of each level of government within the area of culture. However, the Metis Nation of Alberta will propose that Metis or aboriginal history and culture be more adequately recognized, enhanced, and protected within the Constitution.

Proposal 21: broadcasting. The Metis Nation of Alberta supports the proposal to provide provincial governments more involvement and say in public broadcasting.

Proposal 22: the residual power. The Metis Nation of Alberta supports the proposal to reserve the peace, order, and good government clause to the government of Canada and at the same time transferring other nonnational matters to the authority of the provinces.

Proposal 23: the federal declaratory power. The Metis Nation of Alberta supports the proposal to remove the federal declaratory power set out in section 92(10)(c).

Proposal 24: recognizing areas of provincial jurisdiction. The Metis Nation of Alberta supports in principle the proposal recognizing areas of exclusive provincial jurisdiction. However, the Metis Nation of Alberta will be proposing that the question of federal or provincial responsibility or jurisdiction in regard to Metis people be clarified and recognized within the Constitution.

**Proposal 25: legislative delegation.** The Metis Nation of Alberta supports in principle the proposal providing for the delegation of legislative powers and authority between Parliament and the Legislatures. However, the Metis Nation will propose that this delegation of powers and authorities be extended, within areas of specific interest to Metis people, to Metis self-governments as they are established.

**Proposal 26: candidates for streamlining.** The Metis Nation of Alberta supports the proposal to streamline the delivery of government programs and services.

**Proposal 27: the exercise of federal spending power in areas of exclusive provincial jurisdiction.** The Metis Nation of Alberta supports the proposal to entrench the formula for providing Canada-wide shared-cost programs and conditional transfers in the area of exclusive provincial jurisdiction.

**Proposal 28: working together; a council of the federation.** The Metis Nation of Alberta supports the proposal in principle to establish a council of the federation. Prior to the establishment of the council of the federation, the Metis would require some guarantees that the mandate of the council would not infringe upon nor deal with economic issues affecting Canada's aboriginal peoples. If aboriginal issues are on their agenda, then the aboriginal people must be involved.

Thank you.

**MR. CHAIRMAN:** Thanks, Bill. Anything further to add, Larry, or any of your other colleagues?

**MR. DESMEULES:** We're open for questions.

**MR. CHAIRMAN:** Okay. Questions, comments?

Okay; let me lead off with a question then. It's proposal 24, that the Metis Nation of Alberta will be proposing that the question of federal or provincial responsibility or jurisdiction in regard to Metis people be clarified and recognized within the Constitution. Okay; which one: the feds or us?

**MR. DESMEULES:** One has to look at the size of the bakery, I guess. Right now we go to Ottawa. There's one loaf of bread, and everybody gets a slice. Most people don't realize there's a whole bakery shop down in Ottawa. I guess we'll negotiate that through the trilateral negotiating process that we're proposing to your department, and that will be decided by the Metis people at some annual assembly at some point: which government they want to come under. We'll bring the reports back to them. We see ourselves running into an area of negotiations where we don't have all the answers. A lot of these things we'll have to bring back to our people at our annual assemblies. This would be one of them, after that process takes place.

**MR. CHAIRMAN:** I wasn't perhaps being terribly fair to you to make you choose, but I do recall very well that back some time ago when we were faced with the issue of how to deal with concerns of Metis people, we decided as a government to say, "Okay; we will take on that responsibility." Other governments at the provincial level have declined to do that, as you know, and the federal government has consistently maintained that Metis are not Indians under section 91(24). So it's a dilemma, and you've lived through it, being sort of bounced from pillar to post everywhere but in Alberta. I think that you do need an answer to that question more clearly in the process.

**MR. DESMEULES:** Well, you see, that's more of a federal answer, because the other provinces don't enjoy the same situation

as we do here in Alberta. I guess my answer was coming more from a federal perspective than a provincial one. Because I belong to the federal group, I'm an executive member of the federal group, we're used to answering these kinds of questions in that sort of manner. I'll drop that for the sake of this commission, okay?

**MR. CHAIRMAN:** Okay.

Other questions or comments?

I think it's fair to say, Larry, that this is the first time we've had a presentation which took the federal proposal and addressed each of the individual proposals in such a clear and unambiguous way. That is very interesting and helpful to us to understand.

Yes. John McInnis.

**MR. McINNIS:** I wonder if I could just ask one question, Larry. Are there any issues outside of the federal proposals? Some of us wonder whether the federal list covers the ballpark or not, if there are issues outside of the 28 that you might want us to think about.

**MR. DESMEULES:** There probably will be, because there's a stage that takes place. First of all, we've asked for an enumeration of our members. That's our first stage.

Our second stage is consultation. That stage is going on now by the settlements commission. They are constantly with the community to see if there are any other issues that will crop up that we will bring to the bargaining table. This has been a short period of time we've had to operate in, and while that first phase has been completed, our preliminary draft report is going out to the feds sometime next week because we have until the end of the month. It should be out today, Bill, if we're to stay on schedule. There will probably be many other things that come up.

**MR. McINNIS:** Perhaps just a brief supplementary, if I may. The federal proposals are institutionally driven. They come from the government of Canada through the priorities committee of cabinet. Some people would like a broader process such as a constituent assembly. That's one concept that's been used to try to make certain that concerns of people outside of government get into the process. Has the Metis Nation of Alberta any thought on whether a constituent assembly like that might be a good idea to broaden the agenda?

**MR. DESMEULES:** Well, that will probably be discussed at a later date, because it's premature how we're going to do it nationally. We're still negotiating other articles with Joe Clark and his colleagues, and we're up to this stage right now where they tabled the first document. The first document was no surprise to us because we were quite involved in a lot of the discussions that went on. We have met with Mr. Clark on numerous occasions, and we explained to him generally what we wanted to see in it as we got into the due process of negotiations; you know, a separate process, individual aboriginal process.

We have four parallel processes in there now. It's my understanding that they're all in place, and they're being financed right now, as a matter of fact. We started off with our committee just doing a preliminary study. Then after we do that, there's a consultation, and we're into that consultation process. Once we've got a document completed, then we get into what you refer to as negotiations on all these different matters. It's very straightforward what we're going to do. We also recommend that they have kind of a framework set up for our negotiating process so that we can deal with multiple departments, because they're at wits' end on how to meet these negotiations.

MR. McINNIS: I'm reasonably certain I speak for the rest of the committee. So long as we're still working, I think we'd be grateful to receive any further elements that come out of a parallel process or the assemblies that you hold or whatever.

MR. DESMEULES: And we'd be willing to take any contributions you'd be willing to make, too, to the process.

MR. McINNIS: Seems fair enough.

MR. DESMEULES: Especially if they're of a financial nature, because it's very expensive. I'll always leave that door open to everybody, Mr. Horsman. Okay?

MR. CHAIRMAN: I didn't think you would refuse.  
Gary Severtson, and then Yolande Gagnon.

4:16

MR. SEVERTSON: Thank you, Mr. Chairman. Maybe my question is a little premature in your process right now, but in reference to Senate reform and the whole aspect of you wanting representation from Indians, Inuit, and Metis people, have you thought of the numbers? The majority of Albertans consider that in the triple E, all provinces would have the same number of Senate seats. Would you feel that as a group you should have the same number as one province or each individual the same as a province?

MR. DESMEULES: My understanding from Len Marchand - he came out and spent quite a while, and Ethel Blondin and another chap. You have to understand that I have a personal opinion on this, right? I'll try to keep my personal opinion out, because I've always wanted to be appointed a Senator; to me it was welfare with honour. Now you're going to an elected one just when I may have that opportunity someday.

We're pretty much in favour of the elected Senate, you know. I've talked to our people in our national groups. They came and wrote down how much representation we've had in the House in the last 120 years. We've had very little. I think it was 1 percent or something like that; 11 or 12 people over 120 years. So we haven't had fair representation there. It doesn't exclude our people from running in other ridings if we have aboriginal people in it. It doesn't exclude them from other opportunities like, say, running in Medicine Hat or someplace else if we have northern people put on as MPs or whatever the case may be, and that was one of our concerns, because as you're aware, we're becoming very capable of getting into the mainstream of politics. We have three people elected to the government here today, and we have some in Ottawa. As you know, the territorial government is over half aboriginal, and these people were elected. So our people are becoming more in tune with the election process.

We were concerned that we didn't want it to be a token thing - you know what I mean? - where they're sitting in a corner, or like the old native secretariat that Mr. Horsman was a party to: go sit on the secretariat. Or you went to social services in Ottawa, and they'd say to go and see your Secretary of State. I mean, it was the old funnel-down system, eh? That's what the framework agreement has done; it has removed that barrier. We now deal with the government departments on an equal basis at a very high civil service level, and we have the political will of the government to make it work. Now, it doesn't work perfectly, but we can negotiate the problems, and we have. In many cases it's been demonstrated to us that we can do that.

What we've got to do is have a kind of arrangement where we can deal with the government like every other Albertan who is dealing with governments: head on. The problem is that we've been trained to go to the politicians, to the legislators and the ministers, and they've got no money. You've got to get over in the administrative side of it. That's where all the dollars are to help us with the problems we have. We got suckered for years on that, you know: "Go and see the minister." I remember when Al Adair was first in there. I went to see him for some money. I had more money in my budget than he had. We still laugh about that today. I should have been taking money to him.

Now we've broken out of that process. It's not perfect, but it does work, and it's a building process. We've had an opportunity to examine other processes now where they've polarized and come into conflict over them. This is not happening in our case. It is designed to work at a community level; it can only work at a community level. So it is happening. There was an evaluation done this fall by them. As a matter of fact, there have been evaluations done on too much. You can read the evaluation of it; the government has undertaken to do an evaluation right now.

MR. CHAIRMAN: Okay. Thank you very much.  
Yolande.

MRS. GAGNON: Thank you. I'd like to go to item 4, aboriginal self-government, the last sentence of the first paragraph.

Further, this right to self-government must be extended to all Aboriginal people regardless of whether they live on an Aboriginal land base or not.

I'm coming back to an issue I was interested in earlier. I know it's early days, but do you have a vision of how that might work in actual, practical, everyday life?

MR. DESMEULES: In the area of urban centres? I asked that question on Sunday in Yellowknife. I was in Yellowknife for a convention, and I said, "Has anyone got any information on how self-government would work in an urban setting?" I think it's premature to answer that question because it would have to be developed by our people in co-operation with the people that supply the money, where they'd ask them to keep that machine moving. That's an area that's got to be examined: how do you fuel this self-government? It's a good catchphrase to use, but where's the fuel to run it and how does the fuel come about? So there's got to be a lot of negotiations go on just on that alone.

When we talk about self-government, we're talking about taking charge over our affairs. Let me give you an example, okay? During the task force we found a study that over 90 percent of the kids that were incarcerated from 12 to 18 years old were Metis kids. Of that, 85 percent came from white foster care homes. What we are doing is going out of the old system where social services breaks up the family, because it's a worse situation. Actually, what we did was buy into a system; we would buy into these systems that don't work for us. In other words, we've got to start taking control over our own affairs more. Now, we had children's services. We've changed now where we work on the whole family. It doesn't matter how bad the conditions are; we can't buy into that anymore.

We just sent a 19-year-old boy up to Whitehorse to meet his mother for the first time. You saw that in the *Journal* last week. Now, this boy is a very level-headed boy. He was thrown out when he was 15, and he was totally abused from the time he was 15. He ended up on the streets in Toronto. He ended up out here looking for his mother. He found her in Whitehorse. It became a happy ending, of course, but the life this kid left - he was

telling me, and it was very excruciating. Now, here's where we bought into this system, that it was better to separate, and it's just not been working. You've heard these stories all across Canada. So we've got to sit down with social services and start redirecting that and even taking over some jurisdiction for parts of social services. That's what self-government is: start taking over your own affairs. When you're getting up in the morning, address your own affairs.

**MR. CHUMIR:** Just noting that in terms of self-government where you have a land base, as opposed to off land base or in municipalities, as we've just been discussing, the model which has been established here in the province of Alberta is very akin to municipal government in many ways. Is the model adequate to satisfy your definition of self-government?

**MR. DESMEULES:** I'm not going to try to skip your question but give it to the next speakers. We view the settlements as an organization putting together and working on our self-government. That's up to the local level. We hope to learn from them, from their mistakes, and maybe we can take shortcuts in the future. There's no doubt that we'll have some types of problems; everybody does when you're pioneering a new field. In a way that's what they're doing, pioneering a whole new field, and they would be better equipped to answer that question than I would. I know they've got their aches and pains when they go along doing all these sorts of things and will continue to have them, probably for the next . . . Well, you know, all provincial governments - everybody has the aches and pains of government. The municipal governments all seem to have some form of aches and pains, so I don't see how it's going to be any different for us. No, we don't see it as the model, but if one was acceptable to the community, then that is what we see as the model.

**MR. CHUMIR:** Just a follow-up. Is there any suggestion or desire to have a land base for urban based Metis, or are you pretty well accepting of the status quo and maybe looking for something within the current residential structure?

**MR. DESMEULES:** Well, that would eventually come. You know, organizations' resources are getting economically better all the time. For example, we're probably one of the largest landholders in the city of Edmonton. Very few people know it. We have 350 houses here, 250 in Calgary. We bought all Mr. Rostad's houses a few years back. We have a large landholding in 10 cities in Alberta, plus the settlement people have a very large block of land. How we begin to address ourselves to the urban situation will have to be worked out over the next 10 years. It's just so premature. You know, how do we fit into the urban centre?

I'll tell you that one of the critical problems we face in the urban centre is this stereotype - and the media do it all the time. If you listened to the mayor last week, she said that we have 30,000 aboriginal people in the city. Of that only 2,000 live down in the drag area. But everybody of native ancestry is a drunk isn't that true? But the rest of them are working. Our statistics from the housing applications show us that 56 percent are single mothers. Of that almost 70 percent of them are working mothers. You know, there's a false image given out to the community, and it's very tough. If you're sending your kids to school and they're native kids, the other kids say to them, "You're going to be nothing but a drunk," because the image that is brought forth by the media, who perpetuate this image, is a problem. It's well-meaning that it's brought forward, but they do a lot of damage.

They don't realize the damage. They also insult those individual families who are out there working and trying to support their families, and there are lots of them.

4:26

**MR. CHAIRMAN:** Okay. Well, thank you very much, Larry, for your presentation and for your particular response, which we found very helpful in terms of addressing the federal proposals. Since we will be meeting here on November 12 with the federal select parliamentary committee and again on November 13 and 14 in a joint process, which is unique in itself, this was a helpful way of addressing the federal proposal so that we know how you stand on several of the issues. So when we sit down together within the legislative Chamber downstairs on November 12, it will be something we will recall. Thank you very much.

Next, the Metis Settlements General Council: Ken Noskey.

**MR. NOSKEY:** Thank you, Mr. Chairman. It's a delight to be here in this whole constitutional process, just a step, I believe, in the right direction in consulting with all Albertans as well as all Canadians, for we're all under one umbrella. First of all, I'd like to introduce, to my left here, our vice-president of the Metis Settlements General Council, Garry Parenteau, who is a settlement member of the Fishing Lake Metis settlement. To my immediate right I have one of our elders, who has been involved in the whole process for quite a number of years, Richard Poitras, who is secretary of our organization. He's from the Paddle Prairie Metis settlement. To my far right here, an add-on, a cowboy, is Alphonse L'Hirondelle from the East Prairie Metis settlement, who is treasurer of our organization. I'd like to thank you again for the invite.

As the first elected president of the Metis Settlements General Council and a representative of Alberta's eight Metis settlements, I am proud to be a part of this effort to reform Canada's Constitution. I am pleased to be here today, two days before the first anniversary of the legislation made under the Metis Settlements Accord. The negotiated legislation between the province and the previous settlement leaders gave Alberta an amended Constitution protecting our land and recognizing the unique role the Metis have played in the history and the culture of this province. By appearing today, the general council becomes officially involved in the two processes to amend Canada's Constitution. At the moment, Alberta is committed by an accord with the Metis settlements and by its own Constitution to seek an amendment to the Alberta Act to protect our land. That is a clear, written, and constitutionally entrenched commitment, and as such it should be Alberta's number one priority for Canadian constitutional change.

The work of this committee starts a process of defining additional changes that should be considered in the Constitution of our country. We are glad to be part of this process. We hope it will speed the day when the country's Constitution will properly recognize and respect the rights of all its aboriginal peoples. As Metis people we care about Canada. We helped to keep it together more than a hundred years ago when Louis Riel, leader of the provisional government of Manitoba, refused offers to join the United States. He chose Canada, and so do we. Our task won't be easy, but we are used to adversity. To us adversity is just a challenge to co-operation and innovation: co-operation based on recognition and respect, innovation based on seeing possibilities, not dwelling on the problems. We will all need that attitude to build the Canada that this committee has been called to consider.

The history of the Metis people in Alberta is one of co-operation and innovation. In the Depression of the Dirty Thirties all

Albertans suffered, but the condition of our people was truly desperate. They were landless, sick, and hungry. Through the Ewing commission the government and the Metis co-operated to look for a solution. The solution was innovative: provide and protect a land base for the Metis. No other province has done that. The commission did something else important. It recognized the Metis as, in its own words, "the original inhabitants of these great unsettled areas." It also showed some respect for the different needs of those aboriginal inhabitants by saying, "They should be given the preference over non-residents in respect of fur, game and fish." More than 50 years later those same principles have been maintained in the Metis Settlements Accord. Those principles recognize and respect our distinctiveness, but they do not separate us from other Albertans. In fact, they have made us more committed to this province.

A decade ago this province and the Metis were involved in another constitutional process: bringing Canada's Constitution home from Great Britain. At that time there was a great controversy as to whether the Metis should be under federal or provincial jurisdiction. Premier Lougheed asked a simple question: "What do you want to be?" The Metis settlements of Alberta took a look at the history of recognition and respect in this province and gave a clear answer: provincial. They chose the provincial government, and it was a wise choice. It started the process that led to Resolution 18, the accord, and finally last year's legislation. Resolution 18 was a landmark in our history. By that resolution the Legislature of this province unanimously committed itself to protecting our land in the Constitution of Canada and to providing a new process in provincial legislation for our own self-government.

Today we often see dialogue with aboriginal peoples stopped by the question: what does self-government mean? I am thankful that at the time of Resolution 18, the leaders of the province and of the Metis settlements chose not to tie that debate of aboriginal rights to our immediate needs. Instead they decided to co-operate in finding a creative answer to the question: what process do we need to improve life on the settlements? It took five years, a referendum, and many meetings to answer that question, but it was worth it. I would like to thank Mr. Horsman for the key role he played both in bringing about Resolution 18 and its implementation.

The process for developing our community is provided for by the accord and the legislation expanding on its provisions. The accord was possible because the Metis settlements in the province agreed not to tie the issue of aboriginal rights to it. We agreed that that was a topic for the national forum and the Canadian Constitution. The preamble to Alberta's constitution makes it clear that nothing in a legislative package made under the accord can be construed to abrogate or derogate from aboriginal rights. We kept aboriginal rights off the table so that we could get on with creating a solution to our immediate needs. At the same time, we recognized that the issue had to be solved and would someday have to be addressed by a national effort for constitutional change. That day has arrived.

We support the efforts of all aboriginal peoples in Canada to have their rights more clearly defined in Canada's Constitution. We also believe that all aboriginal groups should be equal in this regard. If the right to hunt, fish, and trap is to be protected in the Constitution as an aboriginal right, then it should be protected for all aboriginal people. If some aboriginal communities have a right to protect the environment required for their survival, then that right is a right held equally by all aboriginal communities.

4:36

Finally, if there is a recognition that the right of self-government flows from the people of some aboriginal communities, that recognition should apply equally to all aboriginal communities.

As for the Metis Settlements General Council and the Metis settlements of Alberta, we support the recognition of these rights and call for a continuation of the spirit of co-operation and innovation in developing an appropriate constitutional framework. That is the Alberta approach. It has worked in the past. We believe it will work in the future, and we will do our part to see that it does.

In conclusion, I wish to thank this committee for the opportunity of helping you decide what changes this province should seek in a new Canadian Constitution. The number one constitutional priority for us and for Alberta is to amend the Canadian Constitution to accommodate the Alberta changes that would protect our land in the highest law of this country.

That concludes our submission. Thank you.

MR. CHAIRMAN: Thank you very much, Ken, for your comments. I thank you for the compliment extended to me, but I must share that with my other colleagues in the Legislature at the time and since. One of the interesting points about how we've arrived at our current situation with regard to the Metis settlements is that while there has been debate on the issue in the Legislature, it's been supported by all parties in the Legislature. There has not been a conflict, and perhaps that's one of the reasons it hasn't made all the news in terms of getting the rest of Albertans to have a better understanding of really the very significant steps we have taken in this province and getting other Canadians to understand as well that the commitment our governments undertook after 1982 has in fact been carried out with respect to the settlements. As they say, good news is no news sometimes, so we appreciate hearing some recognition. I do want to share that with all members of the Legislature, both past and present, for their participation in the process.

Questions, comments? Yes, Dennis.

MR. ANDERSON: Mr. Chairman, just following on the discussion with respect to the Metis settlements, I'm curious as to whether or not you feel there is a model there that can be utilized with our other native groups and people in the country. I know each circumstance is different, each treaty was different with aboriginal groups, but is there a model, something you would suggest in the discussions that we're now having with all of Canada's native people?

MR. NOSKEY: Well, I certainly feel that it is some form of local self-government for sure. I think the most important aspect of this whole agreement we have is that we consulted with the members at the local level in the whole process. We sat around discussing what legislation or which pieces should go into the whole accord. That's the local settlement consultation. I believe any agreement that you would have with the provincial or federal government in regards to self-government would be based on your local input.

MR. ANDERSON: Okay. Thank you.

MR. CHAIRMAN: Other questions or comments?

I guess it's not necessarily the time to get an update on how well it's working almost a year since the legislation was dealt with, as you point out in your opening remarks, but perhaps you



could just give us a brief idea as to whether things are working out the way you had hoped.

MR. NOSKEY: I'd hate to comment on behalf of all the settlements, the settlement councils and the chairmen at home, but I believe we've made a bit of progress. I believe we've made life a little better for some of the settlement members at home, and I believe we've got a long ways to go. I personally feel that whenever you reach an agreement of any sort, there should be a lot more groundwork before we actually get the finalization of any agreement, I guess.

MR. CHAIRMAN: So you've got some growing pains. Do I read that in your comments?

MR. NOSKEY: Sure. Basically growing pains, yes.

MR. CHAIRMAN: Okay. Well, thank you very much, Ken. Yes, Ken Rostad.

MR. ROSTAD: Mr. Chairman, I would like to reaffirm the commitment that we gave, which is in the legislation, to pursue the entrenchment in the Canadian Constitution of our Act. For the record, we were only able to control our own constitution and not, in fact, the Canadian Constitution. Because it was determined that we needed unanimity from all governments, we wanted to proceed with our legislation and entrenched it in our own Act and made the commitment to in the future entrench it in the Canadian. I wish to reaffirm that. I don't think anybody around the table would be contrary to that view.

MR. NOSKEY: I sincerely thank you for that comment. Thank you.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: Just a question because I maybe don't understand all of the parameters of the settlement. Are the settlements limited in geographical size? If your numbers grew over the years, is there the ability to expand the size of the settlement?

MR. NOSKEY: That would totally depend on negotiating again with the provincial government, or federal government, if you will. Right now we are limited within the geographic area, yes.

MRS. GAGNON: Okay. I'm glad you talked about Louis Riel. He's one of my favourite heroes. I'm glad you said, "He chose Canada." That's great.

MR. NOSKEY: Thank you.

MR. CHAIRMAN: Ken, this experiment in self-government, as you mentioned, has some growing pains associated with it, but then I guess that's true about all governments, whether they're your self-government experiment or even the British parliamentary model, which we're operating under and have operated under in Canada since 1867 and before that. So I guess we're in it together.

In the past appointed people had done a great deal of your governing for you, and now having the opportunity to seize the reins of elected people making those decisions - I hope I'm not putting words in your mouth, but I don't think you'd want to turn back, would you?

MR. NOSKEY: I think the aspiration of every aboriginal group that's sitting around this table is self-government, and we have a form of it.

MR. McINNIS: There is one question that comes to mind about the framework agreement. As I understand the way it operates there, for a fixed period of time there are committees that look into various elements of self-government for Metis people. How do you feel about the process of having a rolling series of agreements - I think the current one is for a three-year period from 1989 - whether you prefer perhaps a longer term agreement or something, a more or less permanent structure to resolve the issues?

MR. NOSKEY: I think your question is pointed to the other Metis organization of the province, so if you could direct your question there.

MR. McINNIS: I'm very sorry. May I redirect the question?

MR. CHAIRMAN: Yes, certainly. We're into an open discussion in any event, unless there are some specific additional questions that should be addressed to the General Council of Metis Settlements.

Did you wish to get on to this?

MR. CHUMIR: Yeah. I'd like to get very specific if I could, because this issue of self-government is really fundamental to the dealings with the native peoples. You have a precedent, a very important model which can serve as a precedent, and I think it's really important that we know as precisely as we can how well this is working. I'm wondering whether there is anything, any kind of power, any jurisdiction that you would need that is missing in terms of your right to self-government. Is there anything that stands out and says, "No, this is inadequate; we need to have an additional power over a certain area in order to fulfill ourselves as a people"? Is there anything that stands out? I know you talked about growing pains, and these will inevitably exist, but have we got a jurisdictional framework that is basically solid?

4:46

MR. NOSKEY: Well, I think it would be a little premature - I guess I can put it that way - to comment on any amendments in this legislation to date because of the fact that we've just held our elections, and our councils are fairly new, and we're still organizing our administration at the executive level as well as the local settlement level. So I don't think it would be fair to comment at this time on your question.

MR. CHUMIR: Is there anything you could advise personally that's missing, that you don't have that you need?

MR. NOSKEY: I don't feel that at this time, no.

MR. CHAIRMAN: Okay; thank you very much, Ken.

MR. NOSKEY: Further to that, if I may: any time you enter a new agreement of any kind or even a new job, you don't know until five, six, even in some cases seven years down the road whether this thing is going to work or not because circumstances change all the time.

MR. CHAIRMAN: People change, too, in democracies. We see that not the same people are always around to serve their fellow citizens after electoral processes take place. That's another factor.

Okay. We're open now for a little while for some general discussion, for some thoughts that may have come up for any member of the select committee relative to any of the organizations that are now represented at the table. If I'm not mistaken, the Indian Association of Alberta is not going to be able to return at 7 o'clock. Is that correct, Regina?

MS CROWCHILD: That's correct.

MR. CHAIRMAN: All right; thank you. So now's the time, I would think, then, to address any questions of a general nature or a specific nature to any of the organizations who are here and to their representatives.

John had already initiated a question to Larry, I think. Perhaps we might deal with that, since it's on the table now.

MR. McINNIS: Maybe I could just repeat the question. It was with regard to the framework agreement, whether the Metis Nation feels that a three-year, short-term type of agreement is best for your needs or whether a longer term agreement might suit better or perhaps a more or less permanent structure to resolve issues in the various areas that that agreement deals with.

MR. DESMEULES: Well, a three-year agreement is not a lot, but we had one-year agreements prior to that for two years, and then we negotiated a three-year agreement. Now we're going to an evaluation, and we hope the evaluation will demonstrate the credibility of the agreement. Further down the road we're looking at legislating the organization rather than coming under the corporate Act or the Societies Act. It's very restrictive to us. We try to run political organizations under these different corporation Acts. As you're aware, when you put in bylaws, if it interferes with the corporate Act, then the corporate Act supersedes any bylaws that you put in. So you have a whole host of legal problems that come out of that. You're always volatile for some different kinds of lawsuits in different areas, so you have to be very careful and just stay out of those mine fields.

We hope at some point - and we discussed that with the Premier two years ago - to look at legislating the organization very similarly to what you see . . . Well, the Indian Act is legislated. The settlement Act under Bills 34 and 35 was legislated. We're looking at legislation, too, but not under Bills 34 or 35. We don't want to go to work for a commissioner, okay?

MR. McINNIS: I understand.

MR. CHAIRMAN: Okay.

Yes; Dennis Anderson, and then Yolande.

MR. ANDERSON: Mr. Chairman, since the Indian Association isn't going to be here this evening . . . I'm still very confused or at least not clear on the whole issue of inherent self-government, and I think that's one of the fundamental questions of this constitutional debate. My problem is with my understanding of the word "inherent." To me "inherent" is something individuals are born with, and I've never known us to be born with governments, whether it be democracies or monarchies or tribal chief systems. I've thought those are things we create in a social system. Is my understanding wrong, or is there another word we could use to recognize that historically there were governments here before others came to the country and deal with it in that way?

MS CROWCHILD: There were governments on this land before the Europeans came, and those people had their own forms of

government. The Creator gave us a way of life, and this way of life included our political institutions, our ability to deal with other groups of people, other nations of people. We had Cree nations, Chipewyan nations, Blackfoot nations, Tsuu T'ina nations, and the rest. In our own government structures we had established a system of how we were going to deal with our jurisdiction over our citizenship, over our land, over our resources. That was in place prior to the arrival of the Europeans. Those rights are inherent because those rights that were given to us, that way of life that was given to us by the Creator, were never surrendered at any time. They were never put on the table for discussion. We retained those rights.

MR. ANDERSON: Mr. Chairman, I understand the point made about a form of government that was here before those who are non-Indian came to the country. I also appreciate the development of the form that might have taken as a result of the way of life, but can I just clarify? Is it the belief of the Indian Association that government is given by the Creator, that it wasn't created by the individuals involved? Today, when we look at government for a different circumstance and a different time and different needs of Indian people, of other people in the country, is it not us who will look for those differences as opposed to any spiritual belief? Not saying that spiritualism won't guide us, but isn't it us who look for those solutions?

MS CROWCHILD: Maybe I could ask you one question. Who gave the British people the right to govern themselves?

MR. ANDERSON: Well, I'm certainly not of British heritage myself, but my opinion is that it was a form of government that evolved. It evolved through groups of people developing what they needed to work on. It's a time developed system. I wouldn't consider it an inherent right. I would consider the British form of government as something that developed from the needs that were there at the time.

MS CROWCHILD: Which system of government did Canada adopt? It was my understanding it was the British system.

MR. ANDERSON: Yes, that's right, the basic British system. But I guess that's where my question is. Is government something we develop today for what we need collectively to live in the country as looking at something we inherit from the past? Should we not be looking at what we need for the future - Indian people, other people, all Canadians, and all people who live on this landmass?

MS CROWCHILD: It is very clear to us that the government of Canada did not grant us governments. At the time when we entered into treaty, we had our own societies that dealt with our governments. We had a society to deal with maintaining law and order within our own communities. We had a society that maintained the right for our people to negotiate with other nations of people. We had our own forms in that sense, and they were spiritual in the sense that the Creator gave us a basic value system. We are very spiritual people, and that basic value system is simply the caring and sharing and protecting of our own. We shared that. We had a spiritual relationship with other people as well as with the environment, with the land. We have different concepts, which were recognized by the imperial Crown. It was the words of the imperial Crown that were used, as nations. It was this recognition that said that the settlers cannot come in and be able to obtain land from the Indian nations: it is through my authority

that I will enter into treaty with these people, with these nations of people; then from my authority under this treaty arrangement will I then distribute the land accordingly to the Europeans.

4:56

MR. ANDERSON: I appreciate that information, Mr. Chairman. I think it's helpful to discuss the base, which I hear as being spiritual and value based and, I think legitimately, something we should look at in the long term. Perhaps our greater problem is looking at the system which we now have to have for all of us to live in this land in the future. I think that's the more difficult question. Whether inherent self-government describes what we need to develop is a question.

MS CROWCHILD: I think the one thing you have to look at when you're talking about "inherent" is the passing down of that authority from one generation to another. This was handed down to us by our forefathers.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: If any members of the other native groups wish to engage in some dialogue, would you please indicate, and I'll recognize you, because we're talking about a round table discussion here. Okay?

Barrie Chivers first, and then Pat.

MR. CHIVERS: Mr. Chairman, my question is to all the groups who have so kindly taken their time to come and meet with us today. There are a number of models of self-government that have been proposed, and I'm sure you're all familiar with them. One of the models, of course, is a form of self-government defined by territory. Another form of self-government is defined by nation or people. When we're speaking of aboriginal self-government for whatever group or people you represent - in the case of the representatives from the Indian Association, they've made it very clear that they're here to provide us with information and background and not in a representational capacity - I'd be very interested in learning your views on which type of self-government you're speaking of, which type of self-government you prefer, or whether or not you feel it's necessary to choose between those models, whether it's possible to have a model that is not entirely defined by territory or by people, whether there's a combination of models that might be possible. My question is to each of the organizations, and perhaps I could start with the Metis Association.

MR. DESMEULES: We see it as an evolving situation. Like in the framework agreement, we're training our people now to take over different kinds of services, because if we had self-government tomorrow morning, we'd fall flat on our butts, eh? It has to be a training process and an evolving kind of process, and evaluating this process as we go along. Then it was asked before, how do you deal with it? You can get it legislated. Once it becomes firmly entrenched and working, then get it legislated. That's how I see it. I can't see it just coming in slam-bang overnight. It just won't work, because you need the people with the administrative skills to run this massive machine. You know, it will involve your kinds of laws and regulations that you have in other types of government.

MR. CHIVERS: Could I just focus a bit more on the case of the Metis people? The settlement framework is a jurisdiction based on territory. It's not based on jurisdiction over a people as such. I'm wondering: in the long term - and I appreciate your

comments with respect to this is not going to happen overnight - in terms of working towards a constitutionally entrenched form of self-government, what form of self-government would you be working towards? Are you working towards territory or people?

MR. DESMEULES: Well, it would probably be both. If we talk about urban, we're not necessarily talking about territory; we're talking about settlements, how they are evolving right now. They're well off. Bills 34 and 35: we're into a stage. The entrenchment of the land is being boycotted by Indian Affairs in Ottawa; we know that, because this government would have entrenched that land a long time ago. It's in the Alberta constitution, but you can't get it down there. There are many other reasons why they do that in Ottawa. Like, we don't get any money from Indian Affairs, yet we handle every problem that they don't handle. We don't want any money from Indian Affairs; we don't even want to be in the same room with them. I say that in every meeting that I sit in, so don't look surprised if I say it about Indian Affairs. You know, I still think that big glass building and the coffee cup are still there.

MR. CHIVERS: Representationally you've touched on one of the delicate and sensitive issues that applies not just to the Metis people, the Metis nations, but also to the Indian people, the Indian nations, and the Inuit to a certain extent; that is, that there are urban aboriginal peoples from all of those nations. How do you see the representational rights going with a form of self-government in the case of the urban aboriginals?

MR. DESMEULES: Well, I see it going pretty well much the way we're organized right now, just expanded upon with different kinds of models in different communities. I see us having an overall provincial organization. I see us having small organizations going on, and I see them having some attachment to that. We'll always need a collective voice to deal with the different governments; you know, one voice that collects all the other voices and puts it together. Otherwise we'd have mass confusion. Also, it's an operation that our people are pretty familiar with, the way things are going now. But we have to change our organization and get ready for the 21st century. We're dealing with an old horse, and we have to change; we have to modernize and bring it up to today's speed.

In a sense we are developing those models as we go along, but how I see the working of self-government is that it's a phased-in kind of thing. Say through the framework agreement: it's a phased-in and an education process for both sides, because otherwise it won't work; it'll be just another program. The government does all our programs. It says, "Here's a program." It goes for nine months. The guy says: "Well, it's no good, but you'll be coming out with another program next year, eh? Because it's election time." We're programmed to death. Let's get that clear, okay: we don't want programming anymore. We're finished with programs. We want permanent things. For example, if you go to the penal system, it's \$65,000 to keep a prisoner in jail. We could probably do it for \$30,000 in our communities for the same thing, you know. We keep feeding these big institutions. We've become business. We're like a factory to these institutions; we're a renewable product. That's why we have such a big debt. These institutions have got out of hand in our overall society, and the society just can't pay for it anymore.

MR. CHIVERS: I appreciated your comments with respect to the Cawsey commission. I think you're touching on some dimensions of that with respect to the relationship to the . . .

MR. DESMEULES: Well, it's a national dimension. Do you know how many studies were done on the natives in the justice system the last 20 years? Three thousand. We were doing recommendations from 1976 for the Kirby inquiry.

MR. CHIVERS: Perhaps I could continue this with you later because we're getting a bit off topic and I'm wondering if I could get the views of the other groups and organizations that are present with respect to the forms of self-government and their preferences.

MR. NOSKEY: Well, I hate to go against what we have already as a geographic area which we have authority to govern. I think that's one form of self-government: within a geographic area. I think if outside of a geographic area - say for the city of Edmonton, for example. If all the native people there got together and hammered out some sort of agreement and a consensus and presented it to the government and negotiated, I think that would be the form of government for them.

5:06

MR. CHAIRMAN: Okay. We're going to run into a bit of a time problem here, but perhaps members could respond quickly.

Doris, could you . . .

MRS. RONNENBERG: I think Pat wanted to respond to the other question, the inherent right to self-government.

MR. CHAIRMAN: Okay, but before you do that, Barrie Chivers has posed a question to each of the groups. If you don't feel like responding, you're under no obligation to do so.

MRS. RONNENBERG: Well, he can respond to that.

MR. CHAIRMAN: Okay. Pat.

MR. BRASCOUPE: Well, I think there's sometimes a misconception about what "inherent" means. I mean, it's good that you can have an open discussion about it. You may get different answers, but one thing is for sure: the one thing that's common about "inherent" is that that's the source of our sovereignty. It is not necessarily the form and substance of our governments, but that is the source. You have different sources of sovereignty. Regena Crowchild was talking about sovereignty coming from Britain or, if you will, in Quebec, where I live, sovereignty possibly coming from somewhere else.

The point, though, is that when you talk to people at the community level and you're saying, "our inherent rights," which include self-government, if people question whether we have inherent rights or not, the people in the communities are really saying, "Are those people questioning our inherent humanity?" In other words, "Do they have a source of sovereignty, and we don't?" It comes down to something very simple like that. People questioning people's inherent rights are questioning their inherent humanity. We have court cases that question our humanity in this country today, like in British Columbia, with the Delgamuukw decision in a court, suggesting that we weren't organized peoples with organized societies, that we didn't have laws; we didn't have traditions; we didn't have cultures; we didn't have languages. I think when you talk about inherent, that is what they're saying. If you question our inherent rights, including self-government, you're questioning our inherent humanity, and that is not acceptable. To reflect it in the Canadian Constitution is a reflection of what we are, and we'll continue to fight for that

particular acknowledgment. I think that's very safe to say. A lot of times we don't get into that discussion, but we should.

Now, as to how we organize ourselves, because there are the two levels of government, as the gentlemen were saying, that's when we negotiate. But if people ask us to wait 10 years for a right that we already have, then you get into a really big debate. Why do that? I mean, don't we have enough history to show that we shouldn't be doing that? In other words, a precondition of our success as people, whether it's employment or in economic spheres or social spheres or whatever, is the recognition, definitely, of our inherent rights, including self-government and our title to the land and the resources. Because we've got to straighten this thing out. I'm sure there are going to be other hearings and commissions wandering around Canada asking the same question. I'm sure the Royal Commission on Aboriginal Peoples is going to be asking that question to straighten out some of these things in people's minds. I hope so anyway. I'm hoping they speak out before February 28, when the joint parliamentary committee comes down.

You talk about urban government. I'm very active, just like many other people, in urban issues, and it seems strange to us again that somehow or another there's something wrong, maybe inherently wrong, with urban government. I find it really fascinating that, for example, in the nation's capital you have at least four levels of government working at the same time. You have six city governments working in the same geographic area. You have the federal government, who owns land, or so they think. You have a regional government who does certain things. You have a provincial government who does certain things. And you have the federal government doing things through federal legislation like the national capital commission Act. You have all those kinds of governments mingling around with each other, hopefully making life better for everybody, yet somehow or another when you talk about urban Indian government, it becomes too complex. It becomes too hard to figure out. Well, I've got news, you know: it ain't that tricky, and it isn't complex now.

Let's talk about something simple. I think conversation should get down to things that are simple and real. Let's talk about aboriginal education for a minute. Every government has a responsibility to make sure that their children are educated in a way that reflects something about who they are. If you go into urban situations today, that's not being done as well as it could be. If you want aboriginal education, talk about our treaties; talk about what the relationship is to Canada, even nonaboriginal children if they want to go to that same school. You can have schools in urban centres where there are Roman Catholics only, where there are Protestants. You can have private schools, you can have provincially run schools, but you can't have aboriginal schools, not unless somebody else says it's okay. I think it's that simple, you know. When you talk about aboriginal education, it's just as much a part of self-government as anything else. So my suggestion is, if you want to talk about aboriginal self-government in an urban setting, let's talk about what could be done if we were controlling those systems. We've done remarkably well, considering the systems, and we're doing remarkably better, but we could do a heck of a lot better.

So that would be my general answer to the question as to whether representation or whether territory. The Algonquians have absolutely no problem with providing land to other nations in Ottawa if, in fact, there are negotiations going on. Because we have to negotiate. I mean, even your own form of self-government is under review and is under evolution. Trying to stick people into one little pigeonhole and saying, "Well, I want to know all that you're going to do there before I'm going to accept it," I think is very unfair. The basic question, I think, that

has to be answered in a true dialogue is: what are you afraid of when it comes to aboriginal government? What kind of powers are you afraid we'll exercise that somehow or another are going to offend you? It shouldn't be a discussion about how many powers we need to make lives better for our people; it should be about those powers that you think we shouldn't be exercising. I think that would be a lot healthier discussion, a lot easier discussion, because most nations are going to say, "Yeah, education, child care, social services, justice systems: all those things that failed us, we want to improve, and the only way we can do it is do it ourselves." Because, man, it ain't working.

If you want to have a discussion, my suggestion - maybe not today - is, what are they afraid of? Whether it's the federal government or the provincial government, what are they afraid of when we talk about exercising our rights? I think that'd be a very healthy discussion, not only for us but also for Albertans.

MR. CHAIRMAN: Well, thank you very much. One thing Canadians like is lots of government. They just don't like the politicians that run them.

Now, perhaps Regena could respond.

MS CROWCHILD: I'll just answer it very quickly. You know, everybody seems to have a fear about what this treaty relationship is. What is it going to cost Canada to honour the treaty agreement? You know, when a treaty is a compact between two or more independent nations with a view to the public welfare - when Europeans came, our people as nations entered into this arrangement, into this agreement, in view of our interests.

What is a nation? I think maybe if we explored that, it might help us to understand. There are lots of nations in this world. We have the indigenous nations. Then you've got Great Britain as a nation. You've got Russia, which is a group of different people that are a nation. There are different nations around this world. Nobody ever questions their government, where their source of authority lies. A nation is a group of people, is a people, who are organized under a single political society. We had that. We still have that today. They usually inhabit a distinct portion of the earth, a land base. This is our land. This was our land; it's still our land. Usually, but not necessarily, they speak the same language. We all have a common language within the various nations of people on this land. Those languages are still being used today. We use the same customs. We have customs in the way we deal with issues with our political institutions, with our family lives, and so on. Our family structures, our government structures: they're all in there, and they still are there today. And we are distinguishable from other groups by our origin and our characteristics. Just like if you look at the British people, you can tell who's British. You can tell who's from Yugoslavia, you can tell who's from Africa, and you can tell who's an indigenous person from this land.

5:16

Because we possessed that authority, we were able to enter into a treaty relationship. We still maintain that authority, the right to govern ourselves. This way of life that we talk about - our political structures and so on and how we dealt with our people, how we communicated and interrelated with other nations of people - is still there, and that's what we're talking about. I think the biggest problem here is that Canada cannot accept the fact that we are nations, that we are distinguishable from them, and that we were here before them, because they never question the other nations around this world as to who they are, where their source of authority is. I think we have to begin looking at it like

that. Canada has to accept this. Those were the words the imperial Crown used on our people, and it still exists today. Those were not our words; they were your words, your people's words. Now, today, are you trying to tell us that the imperial Crown was only kidding? They still exist today, and we still qualify under the definition of what a nation is. That's how we got our sovereignty as a people, and that's how we intend to continue running our governments.

MR. CHAIRMAN: Thank you very much, Regena. Well, I guess you've made a clear explanation as to your understanding of what you believe "inherent" to be. I guess the problem is that most of us don't believe that the British system of government was made by God but rather made by men and women working together to try and resolve a process by which we live together. So we may be fundamentally coming from different perspectives. But it's been a very useful dialogue and exchange. I understand that you must move along, as we must move along to have something to eat. I would just advise you that we've invited four delegates from each association for dinner in room 312 with members of the committee, and we've made arrangements for the Legislature cafeteria, which is on the first floor, to remain open for the convenience of the public and anybody else present in the room. We will reconvene at 7 o'clock in this room.

Thank you all for your presentations. Thank you very much, Regena, for bringing your group with you today. We'll proceed at 7. We now stand adjourned. Thank you very much.

[The committee adjourned at 5:18 p.m.]

