Exhibit: National Inquiry into Missing and Murdered Indigenous Women and Girls
Location/Phase: Part 2 Regina
Witness: Brenda Lucki
Submitted by: Anne Turley
Add'l info: P02P02P0101
Date: JUN 25 2018
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K DIVISION ABORIGINAL PERCEPTIONS TRAINING

Facilitators 4 DAY AGENDA

DAY 1

08:00 - 08:15 Welcoming comments (Kim)

* Training Branch to speak
* OIC from Aboriginal Policing to speak
* Introductions of Candidates
* Discuss Pre and Post Training Survey (Assessment)

08:15 - 9:15 Opening Ceremony/Prayer- Aboriginal Elder – (Phillip Campiou)

* After Elder speaks, group to go outside for smudge (weather permitting)

09:15 - 09:30 Purpose & Approach & Quick look at content (Slides) (Agenda) (XXXX)

09:30 - 10:00 Perceptions "Exercise A" (Nathan)

10:00 - 10:15 Break

10:15 - 12:00 Perceptual Screens (Slides) (Kim)

1200 – 12:45 Lunch

12:45 - 13:45 Aboriginal Concepts of Law & Justice (Slides & exercise) (Donny)

* Facilitator to introduce concept
* Exercise Vol. 1 page 24 – 61
* Break class into group of 5
* Have Group answer questions on last slide
* Allow 40 min for reading and discussion
* Allow 20 minutes for presentation

13:45 - 14:00 Break

14:45 - 16:00 Impact of the Justice System on Aboriginal people / Current Realities (Slides & Exercise) (Kim)

* Facilitator to introduce concept
* Exercise Vol. 1 Appendix 1 (after page 144 in Binder)
* Break class into 4 groups
* Allow 45 min for reading and discussion
* Allow 30 min for presentation

HOMEWORK - READING FOR CASE STUDY (Volume 3 - Pages 57 - 84 prep for Case study)

DAY 2

08:00 - 08:15 Review (Nathan)

* Introduce Lyndon Linklater

08:15 - 10:00 Aboriginal Rights (Lyndon Linklater)

- International Law
- Constitutional Framework
- Indian Act

10:00 - 10:15 Break

10:15 - 11:15 Treaty Process / Court Interpretations / Land Claims (Lyndon Linklater)

11:15 - 12:00 the Métis (Kim)

12:00 - 13:00 Lunch

13:00 - 14:30 The Inuit Experience (90 minute Kikkik video) (Donny)

14:30 - 16:30 Case Study - Case Assignment/ Presentation/ Debriefing (All Facilitators involved)

DAY 3

08:00 - 08:15 Review (XXXX)

08:15 - 09:00 Education - the Past Experience / Introductory Remarks (XXXX)

09:00 - 09:15 Break

09:15 – 10:30 Video – We Were Children (XXXX)

10:30 - 12:00 Guest Speaker / Circle Sharing / Debriefing (Guest speaker – Gordon Burnstick)

12:00 - 13:00 Lunch

13:00 – 15:00 Blanket Exercise

15:00 - 15:15 Break

15:15 - 16:30 Education - The Vision for the Future / Building the Future (Donny)

* Break into 4 Groups as per slide (Ref: Volume 4 – page 25 – 38)

READING FOR NEXT DAY (Volume 6 Pages 15 - 65)

DAY 4

08:00 - 08:15 Review (Donny)

08:15 – 8:30 Personality Test (Drawing of the pig) (XXXX)

08:30 - 11:00 The Necessity of Healing (XXXX)

*** Break in to 3 Groups**
*** Exercice Vol 1 Pages 127 – 130, Pages 131 – 136, Pages 137 - 144**
Blanket Exercise

11:00 - 11:15 Break

11:15 – 12:00 - Current Issues
- Conflict Management Strategies for Disputes in Aboriginal Communities (Nathan)

12:00 - 13:00 Lunch

13:00 - 13:20 Training Branch (1393's) – Someone from Training will come in to class

13:20 - 14:00 Promising Practices (Kim)

14:00 - 15:00 Session Evaluations (All Facilitators Involved)

*** Circle Debriefing**

*** Certificate Presentations**

Updated 2017-02-27

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Aboriginal Perceptions Training Course

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Logistics

- Breaks and Lunch Times
- Punctuality is important
- Washrooms, Break Rooms
- Parking lot for Outstanding Questions

Attendance

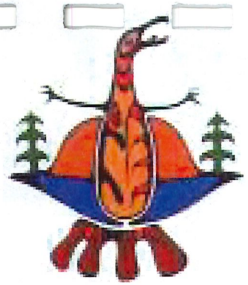
- Attendance at the entire session is mandatory…
- If you cannot attend this entire course, please discuss with one of the Trainers
- Please put all cell phones and pagers on silent or vibrate.
- Please return calls during breaks and not during class time – remember you should only be contacted in case of an emergency during training.

Introductions

- Who are you ?
- Where are you from / current position?
- What do you hope to learn this week?
- What do you value most in life?

Dr. Joe Von Stein

A former philosophy professor, states the course doesn't aim to teach officers about Aboriginal culture, but rather the history that influences how they feel about police. RCMP are still resented by Aboriginal people for the police force's role in carrying out government policies, like forcing children into residential schools. Dr. Von Stein strongly believed "To be a good police officer, you should understand 'why are they angry?'".

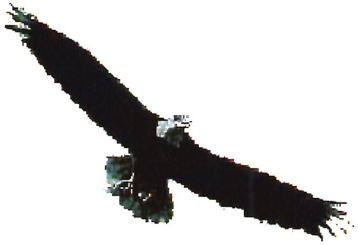


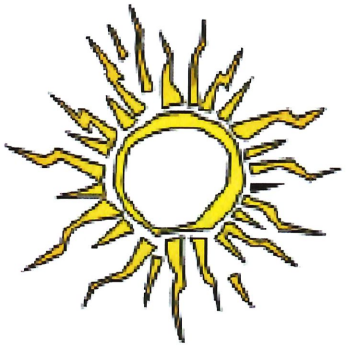
Purpose and Approach

- To provide participants with an understanding of Aboriginal Perceptions / attitudes towards the Canadian Justice system;

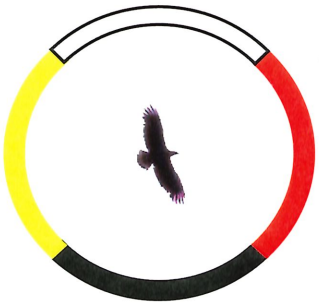
- To enable participants to recognize the factors which have influenced these perceptions; and

- To examine our relationship with Aboriginal people and understand how tensions between us have emerged and why they are so hard to resolve.





A Quick Look at Content



Agenda - Day 1

- Opening Ceremony
- Welcome and Introductions
- Purpose and Approach
- Perceptions
- Aboriginal Concepts of Law & Justice
- Impact of Justice System on Aboriginal people / Current Realities

Agenda - Day 2

- Aboriginal Title
  International Law
  Constitutional Framework
  Indian Act
- Treaty Process
- Court Interpretations
- Land Claims
- The Métis
- The Inuit Experience
- Case Study and Debriefing

Agenda - Day 3

- Education the Past Experience

  Video: The Mission School Syndrome

- Guest Speaker / Circle Sharing / Debriefing

- The Necessity of Healing

- Vision for the Future

Agenda - Day 4

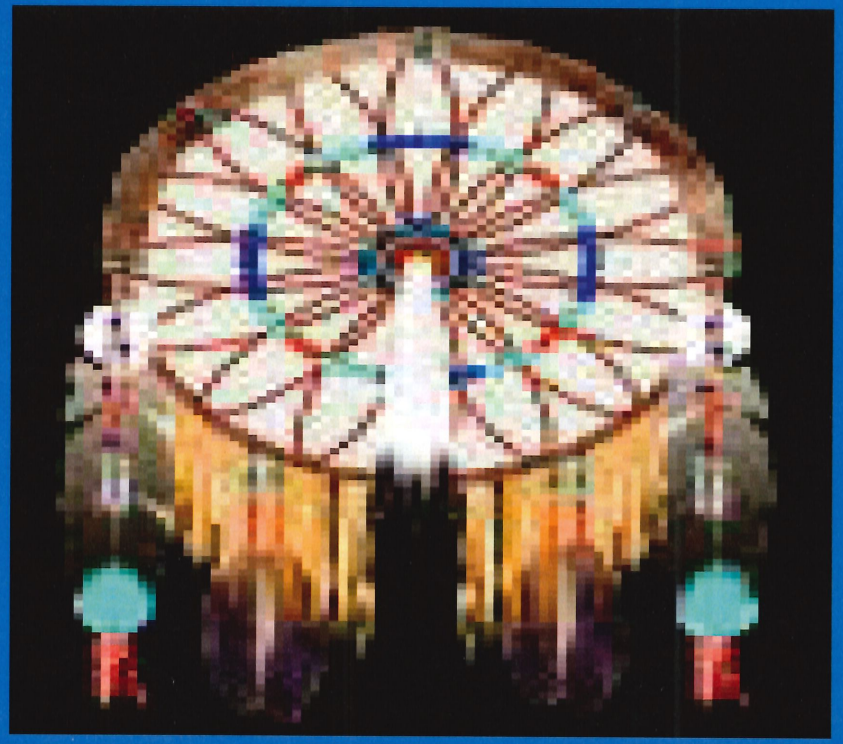
- Aboriginal Visions of Self-Government
- Aboriginal Right to Self-Government
- Current Issues / Promising Practices
- Video: No Turning Back
- Conflict Management Strategies
- Training Branch (1393's)
- Conflict Management Strategies
- Evaluations / Certificate Presentations

Perceptions "Exercise A"

Take 5 minutes to answer these questions to yourself.

1. **Where did you live while you were growing up and how did that influence who you are now?**
2. **As a child, what adult had a major influence in your life?**
3. **What do you remember about your favorite holiday as you were growing up?**
4. **How would you describe the influence of education on your life?**
5. **What experience(s) have had a significant influence on the way you see things?**

PERCEPTUAL SCREENS



PERCEPTION

"We see what is behind our eyes."

Chinese Proverb

1. **Why do people perceive reality in different ways?**

2. **What factors affect our perception?**

3. **How may our perception of others lead to misunderstandings?**

FACTORS AFFECTING OUR PERCEPTION

- **Situational**
- **Biological**
- **Cultural**

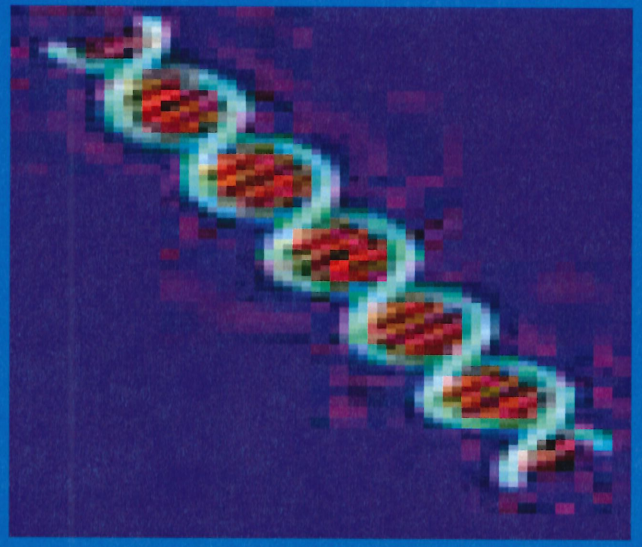
SITUATIONAL FACTORS

- The position of a situation we are in, can have different influences on our perceptions.

- Hunter vs.. Hunted
- Rich vs.. Poor
- Exploiter vs.. Exploited
- Police vs.. the Detained
- Time and place of birth
- Conquered people vs.. the conqueror

BIOLOGICAL FACTORS

- Gender
- Gene Pool
- Intelligence
- Talents and Abilities
- Disposition



CULTURAL FACTORS

- Self-sufficient
- Multi-ethnic
- Highly-structured
- Informal vs.. formal
- Complex

FACTORS INFLUENCING OUR PERCEPTIONS

- Social Structure
- Social and Ethical Values
- Child Rearing Practices
- Education and Perception
- Professional Experiences
- Language and Meaning
- Ideological Factors
- Psychological Factors

SOCIAL STRUCTURE

Rural

- Self-sufficient
- Independent
- Informal
- Generalist
- Traditional base

Urban

- Complex and Specialist
- Multi-ethnic
- Highly Structured
- Formal Institutions
- Hierarchical Authority
- Codified Laws
- Specialized Agencies for Control

SOCIAL ETHOS

- Religious Tradition
- Legal Tradition
- Role Expectations
- Future or Present Orientation
- Assumptions about the Nature of Man

CHILD REARING PRACTICES

- Verbal Stimuli
- Repression of Conflict
- Imposed Structure
- Visual Stimuli
- Non-Interference
- Natural Development
- Differences in Upbringing Based on Gender

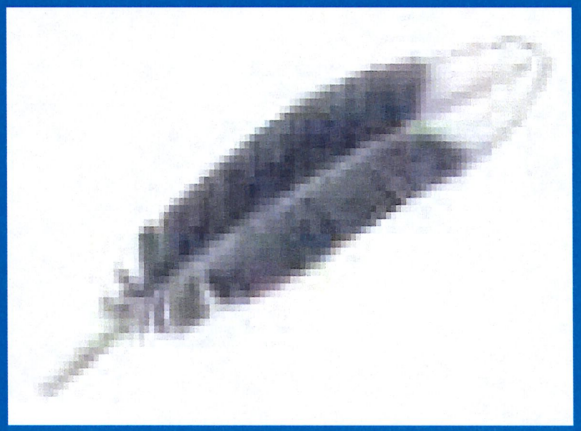
EDUCATION

- Degree and Type of Education -

- **The Rational Mind Logic – Mathematics, Science, Technology**
- **The Humanistic Mind – Philosophy, Theology, Literature, Arts**
- **Total Development – Intellect, Body, Spirit, Emotion**
- **Primary Reliance on Inductive or Deductive Reasoning**

SYSTEMS OF TRUTH

- **Other worldly – Gods or Ideas – Intuition and Revelation**
- **Earth-centered – Physical Universe – Discovered through Senses**
- **Human-centered – Agreed Upon – Relative, Never Absolute**



Language and Meaning

- Structure and Complexity of Language
- Size of Vocabulary
- Complexity of Sentence Structure
- Accommodation Flexibility
- Acquaintance with other Language Systems: Mathematics, Music, Art, etc.

ISMS

- **Capitalism**
- **Socialism**
- **Consumerism**
- **Protectionism**
- **Fundamentalism**
- **Nationalism**
- **Nativism**

PSYCHOLOGICAL FACTORS

- Temporary Moods
- Ingrained Moods
- Motivation and Drive
- Conditioning
- Desensitization
- Instability
- Frustration
- Stress

Misconceptions / Perceptions

(Video)

ABORIGINAL CONCEPTS OF LAW AND JUSTICE

Objectives

- To introduce several traditional Aboriginal concepts of law and justice.
- To define the differences and similarities of these perceptions.
- To point out the major differences between them and the current Canadian concepts of law and justice.

TRADITIONAL JUSTICE

- Micmac
- Ojibway or Chippewa
- Iroquois
- Huron
- Blackfoot
- Cree
- Carrier
- Tlingit
- Southern Coastal Tribes

TRADITIONAL JUSTICE GROUP EXERCISE

Group # 1	**-Micmac (Migmaw)**	**Pg 24-26**
	-Ojibway or Chippewa	**Pg 29-31**
Group # 2	**-Iroquois**	**Pg 33-37**
	-Huron	**Pg 40-42**
Group # 3	**-Blackfoot**	**Pg 44-46**
	-Cree	**Pg 48-50**
Group # 4	**-Carrier**	**Pg 52-54**
	- Tlingit	**Pg 56-58**
Group # 5	**-Southern Coastal Tribes**	**Pg 59-61**

VOLUME # 1 SESSION # 3

TRADITIONAL JUSTICE GROUP PRESENTATIONS

- **Please prepare a presentation for the class and answer the following questions for each tribe: (located after page 62 Vol 1)**
- **1. History of the tribes.**
- **2. Who makes the laws?**
- **3. Who enforces the laws?**
- **4. Who judges infractions?**
- **5. What are the consequences?**
- **6. List similarities with today's justice system**

Impact of the Canadian Justice System on Aboriginal People

- To examine the term "Justice"
- To review the four corners of Justice.

Group Assignments

- **Group 1 – Legislation Vol. 1- App "1" Read page 12 and 13 then answer questions on page 27 of appendix 1**
- **Group 2 – Enforcement Vol. 1- App "1" Read pages 13-15 then answer questions on page 27 of appendix 1**
- **Group 3 – Prosecution Vol. 1- App "1" Read pages 15-17 then answer questions on page 27 of appendix 1**
- **Group 4 – Punishment Vol. 1- App "1" Read pages 17-18 then answer questions on page 28 of appendix 1**

HOMEWORK

Reading – Prep for Case Study

Volume 3 Pg 57-84

Aboriginal Title

Background Information

Presentation divided into five parts:

- International Law
- Constitutional Framework
  - Indian Act (Origin and Intent)
- Treaty Process
- The courts interpretation

International Law

- Indian Rights were not an invention by the North American Indians

- Indian Rights are based in International Law (Conquest by Spanish and Portuguese of Central and South America)

Constitutional Framework

The Royal Proclamation 1763

- Passed to regulate the relationship between Indians and the European settlers.
- Prior to the Proclamation, European settlers would do what they wanted to acquire land.
- Aboriginal lands can only be purchased from the Crown and the intent was to protect the Indian population.
- This declaration confirmed that Indians had rights.

Constitutional Framework

Constitution Act 1867

- Divided legislative jurisdiction between Parliament and provincial legislatures.

- 91(24) - Parliament has exclusive legislative jurisdiction over "Indians and lands reserved for the Indians"

Constitutional Framework

The Indian Act 1876

- An Act to govern the relationship between the Federal Government and the Indians
- This Act established a parent / child relationship
- This Act identified Indians as wards of the Government and not citizens of the new nation of Canada.

The Indian Act

- Historically, Indian policy and legislation was devised largely without Indian consent or participation.
- Both Indian policy and Indian Act legislation were developed by members of the dominant society, and;
- They reflected the views and values of that society, at that time, in regard to the proper place and role of aboriginal people.

The Indian Act

- Set down a policy and procedure for the Crown to acquire, in an orderly fashion, Indian lands.
- Also affirmed the first major principle of British Indian Policy: that Indian people on Indian lands were to be protected from unscrupulous land speculators and traders.

The Indian Act

- Objectives of the Indian Act
  - place Indian people temporarily on reserved lands;
  - convert them to Christianity;
  - dress them in European clothes;
  - Teach them to become self-sustaining British citizens by becoming productive farmers

The Indian Act

- To achieve objectives, the act would identify three systemic cornerstones:
  - A system of land cession treaties;
  - A system of Indian reserves and supervisory Indian agents; and
  - A system of schools to educate Indians first at day and industrial schools, and later at residential schools

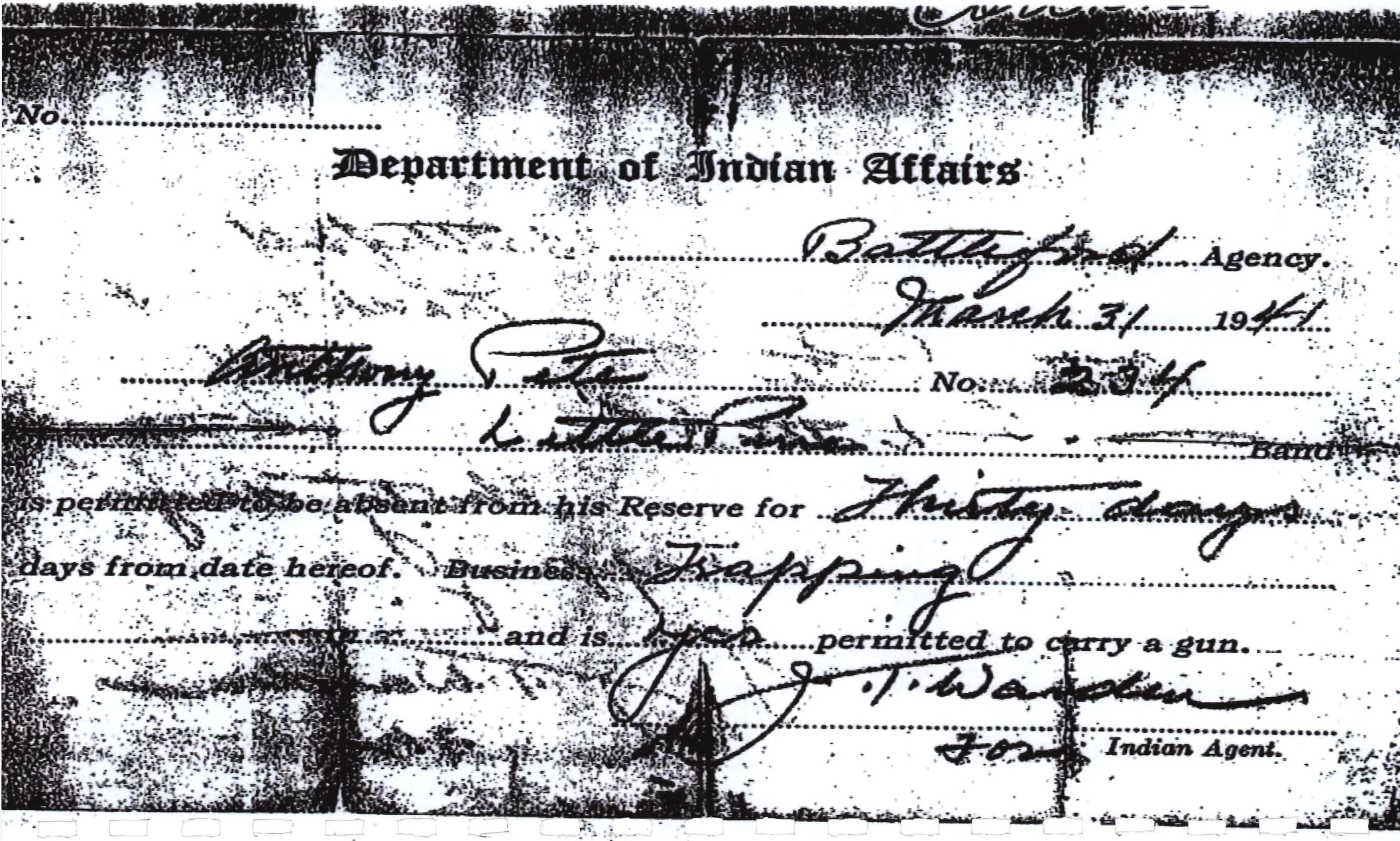
The Indian Act

- Old Indian ways persisted, and the policy of Indian assimilation was not showing tangible results.
- Government again revised the Indian Act to give more powers to local Indian agents and to heavily penalize Indian people for persisting in the old ways.
- Act amended 17 times since 1876

The Indian Act

- "The Pass" system was instituted during the Northwest Resistance years. It was to be a temporary measure during the events of 1885 to control and monitor Indian people and keep them from joining the Resistance against the government.
- Indian people were restricted to their Reserves. If they wanted to leave, they had to get permission from the Indian Agent. An Indian person who was absent from the Reserve without a pass was classified a criminal.

Pass to Leave Reserve



No.....

Department of Indian Affairs

.....Battleford.....Agency.

.....March 31.....19 41

.....Anthony Pete..... No. 294

.....Stoney.....Band

is permitted to be absent from his Reserve for ..Thirty..days

days from date hereof. Business ..Trapping.....

.....and is ..not..permitted to carry a gun.

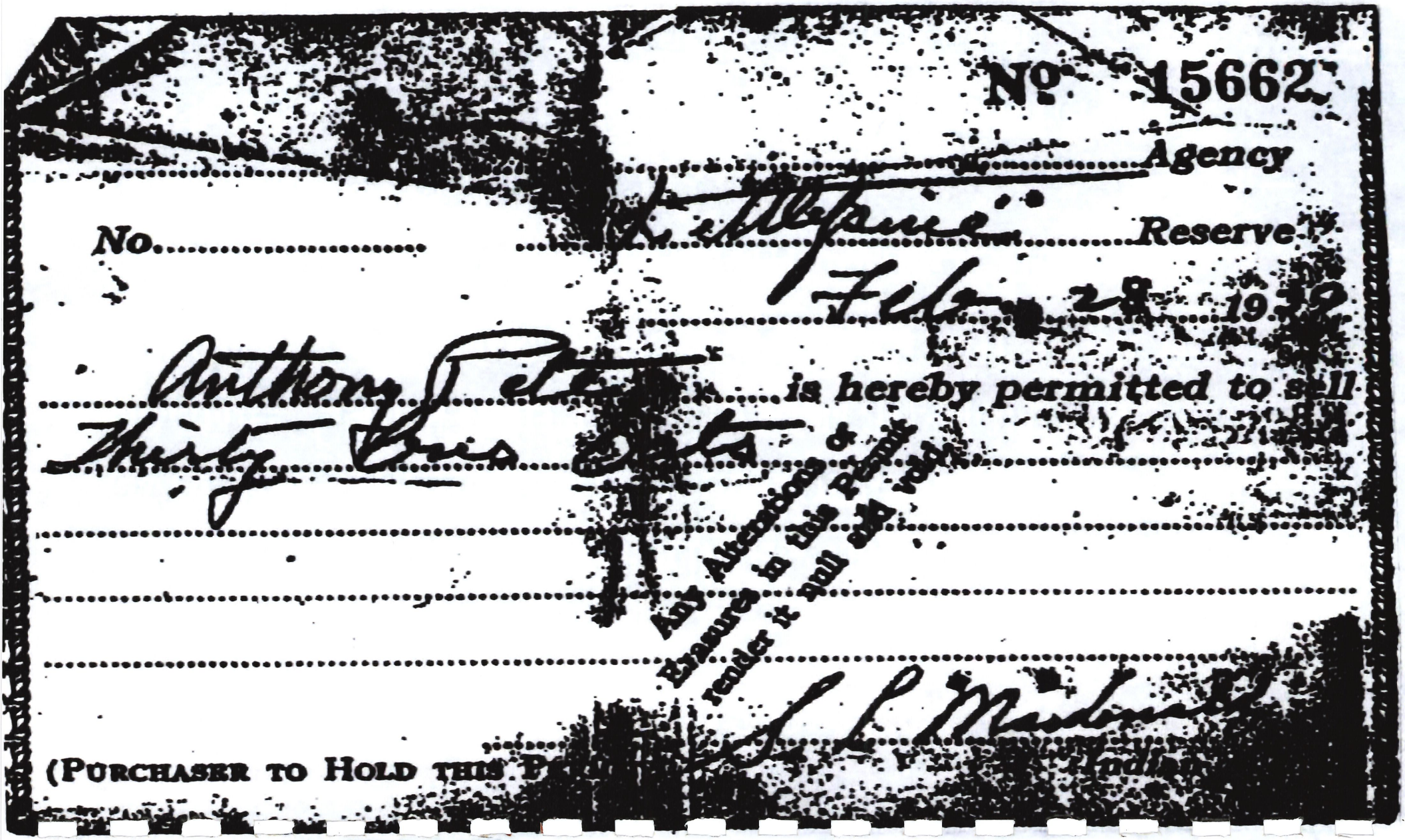
.....J. T. Wadsworth

.....for Indian Agent.

The Indian Act

- The Department of Indian Affairs had control over the financial transactions of Indian people. Sales and purchase transactions were strictly monitored under the permit system.
- Examples of when a permit was required:
  - Sell cattle and grain;
  - Sell a load of hay, firewood, lime, charcoal
  - Sell produce grown on the Reserve; and
  - Buy groceries or clothes.

Pass to sell Oats



No. 15662

Agency

No. ..... Reserve

Feb 28 1912

Anthony ... is hereby permitted to sell

Thirty Bus ... Oats

Any Alteration or Erasures in this Permit render it null and void

(Purchaser to Hold this P...

The Indian Act

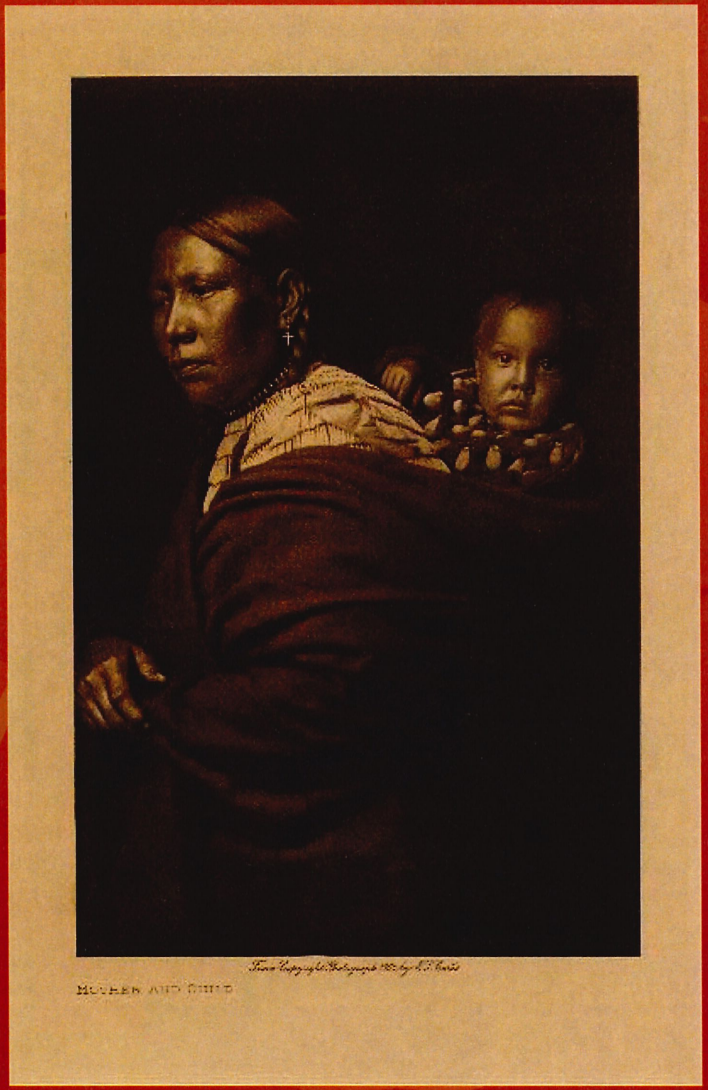
- The 1894 Act gave the Minister of Indian Affairs the power to direct industrial and residential schools and made attendance compulsory, with strict truancy penalties.

- 1927, section 141 Indian Act was inserted into the act, banning the pursuit of land claims.

The Indian Act

- " Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the object of this Bill" (Superintendent-General Duncan Campbell Scott .1920)

The Indian Act



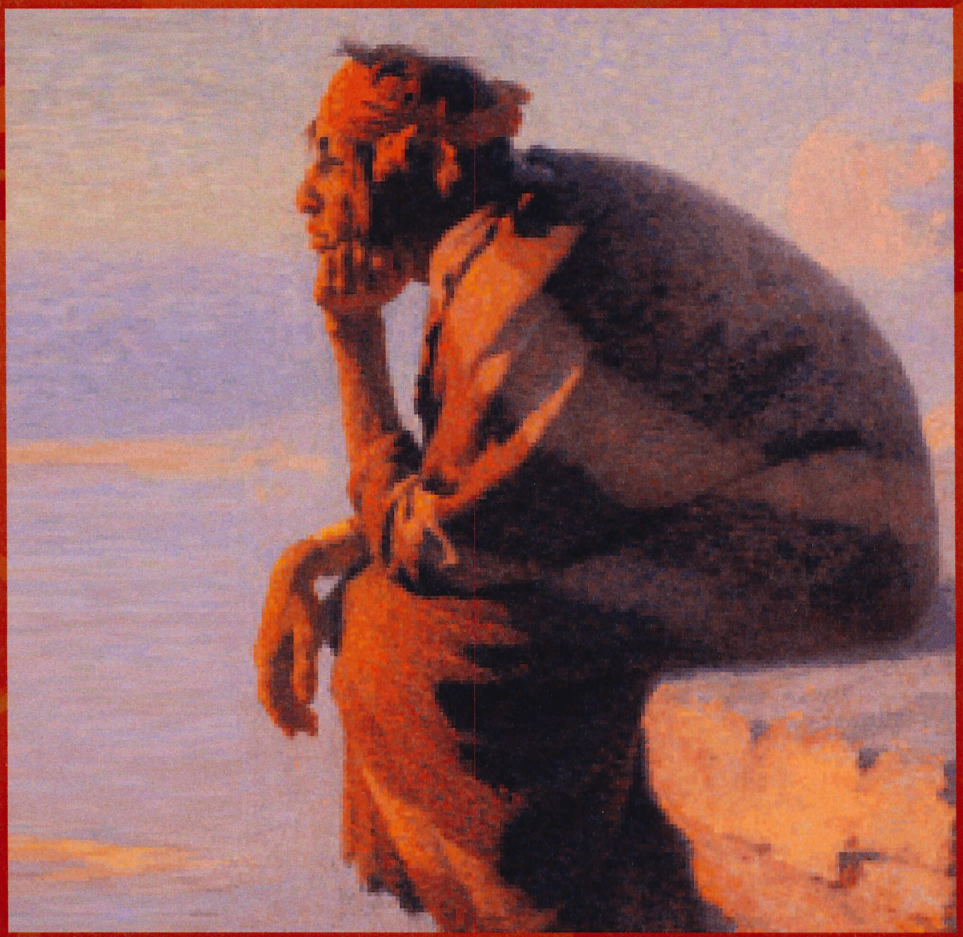
- Definition of "person" in the statutes until 1951 - "an individual other than an Indian"
- Indians could become persons by voluntarily enfranchising
- There was no federal vote for the Indians.

The Indian Act

- In 1960, the Federal Elections Act was amended to allow Indian people to vote.

- In 1961, section 112 concerning compulsory Indian enfranchisement provisions, was deleted from the Indian Act.

The Indian Act



- But after 247 years of formal Indian administration, living conditions on Indian reserves are still comparable to third world countries in many instances.

Constitutional Framework

The Constitution Act, 1982

- The Act was repatriated and Canada became a true country.

Constitutional Framework

The Constitution Act, 1982 – s.35

- (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

- (2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

- (3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

- (4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Aboriginal People of Canada

- First Nation
  - Native
  - Treaty
  - Status
  - Non-status
  - Bill C-31 (1985)
  - Band member
  - Non-band member
- Inuit
- Métis

The Treaty Process

- Government to Government
-
  - **Crown to Nation (First Peoples)**
  - **Nation to Nation (First Peoples)**

- **Part of the Treaty Process was to compensate the Nations for surrendered lands.**

The Treaty Process

- In Eastern Canada, prior to Confederation, Treaties of friendship and economic cooperation were signed, thus recognizing each other as separate, distinct peoples with responsibility over their own affairs.

- In Western Canada, after Confederation, numbered treaties were signed with no consultation for the most part, and exerted control from Crown.

The Treaty Process

- Treaties form integral part of the relationship between the Crown and Aboriginal People
- Treaties gave rise to inherent rights recognized by the courts
- Modern Land claims agreements attempt to complete unfinished business / broken promises

The Treaty Process

- - 11 Treaties in Canada. First Nation people were promised the following:
- - Health Care
- - Educaton
- - Right of the Land
- - Hunting, Trapping and fishing rights
- - ammunition and other staples such as farming equipment

Approach of the Courts

- Approach has evolved over time
- Prior to 1982 Aboriginal and treaty rights could be limited by federal legislation
- After 1982, Government actions that adversely affect these rights must be justified and as a result more cases are evident in the courts.
- Developments in law occurring at an accelerated pace

Approach of the Courts

- Approach of Govt's and courts have changed largely due to s. 35
- Decisions made by the courts have impacted:
  - Equality between men and women
  - How Aboriginal rights are established
  - Federal fiduciary responsibility
  - Ability to hunt and fish (for sustenance vs. commercial)
  - Treaty Interpretation
  - Aboriginal right to self-government

Approach of the Courts

- Guerin (1984)
- Sparrow (1990)
- Badger (1996)
- Van der Peet Trilogy (1996)
- Delgamuukw (1997)

Aboriginal Title

- **Group #1** Reading One- Pg 17-20 Vol. 2
- - Answer the questions on Pg 20

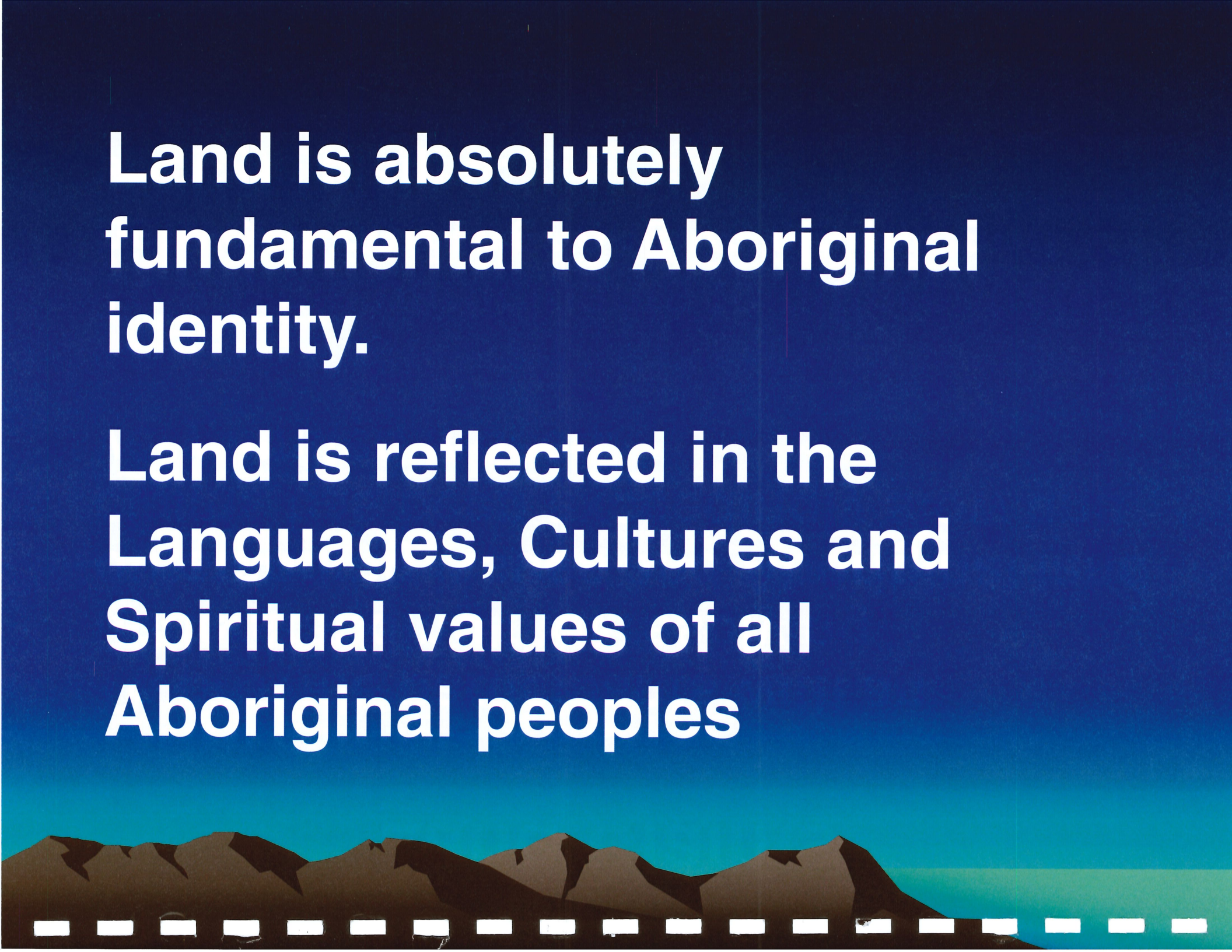
- **Group #2** Reading Two- Page 22-29 Vol. 2
- - Answer the questions on Pg 29

- **Group # 3** Reading Three Pg 32-33 Vol. 2
- Explain in detail what the Extinguishment of Aboriginal Title entails.
- Explain to large group what reading is about

Land Claims

- To provide participants with an understanding that resolving outstanding issues and Aboriginal land claims has been exceedingly slow and very limited indeed.

- To enable participants to differentiate between comprehensive claims and specific claims.


Land is absolutely fundamental to Aboriginal identity.
Land is reflected in the Languages, Cultures and Spiritual values of all Aboriginal peoples

- Aboriginal peoples have legitimate concerns about the progress in resolving specific claims. (i.e. oil and gas industry)

- Commitment and mutual understanding is essential on both sides.

- Treaty rights must be interpreted in a evolutionary manner.

Resolution of Land Claims

- Indigenous people were the sole original owners and occupants of what is now known as Canada.

- British Common Law recognizes the validity of Aboriginal title.

- Recognizing this title leads to the necessity of purchasing/resolving this interest.

- Those Aboriginal people who have signed Treaties are not without complaints.

- Many promises made in the Treaties have not been kept or were never initially fulfilled.

- Federal/Provincial legislation has affected hunting and fishing rights.

- Indian Reserve lands have been expropriated without adequate compensation, illegally sold, and lost through moving boundaries or by redefinition or sold below fair market value and have been mismanaged by Indian agents.

Types of Claims

- **Comprehensive Claims** – term used to designate claims which are based on traditional Aboriginal use and occupancy of land.

  - Land, hunting, fishing, trapping rights

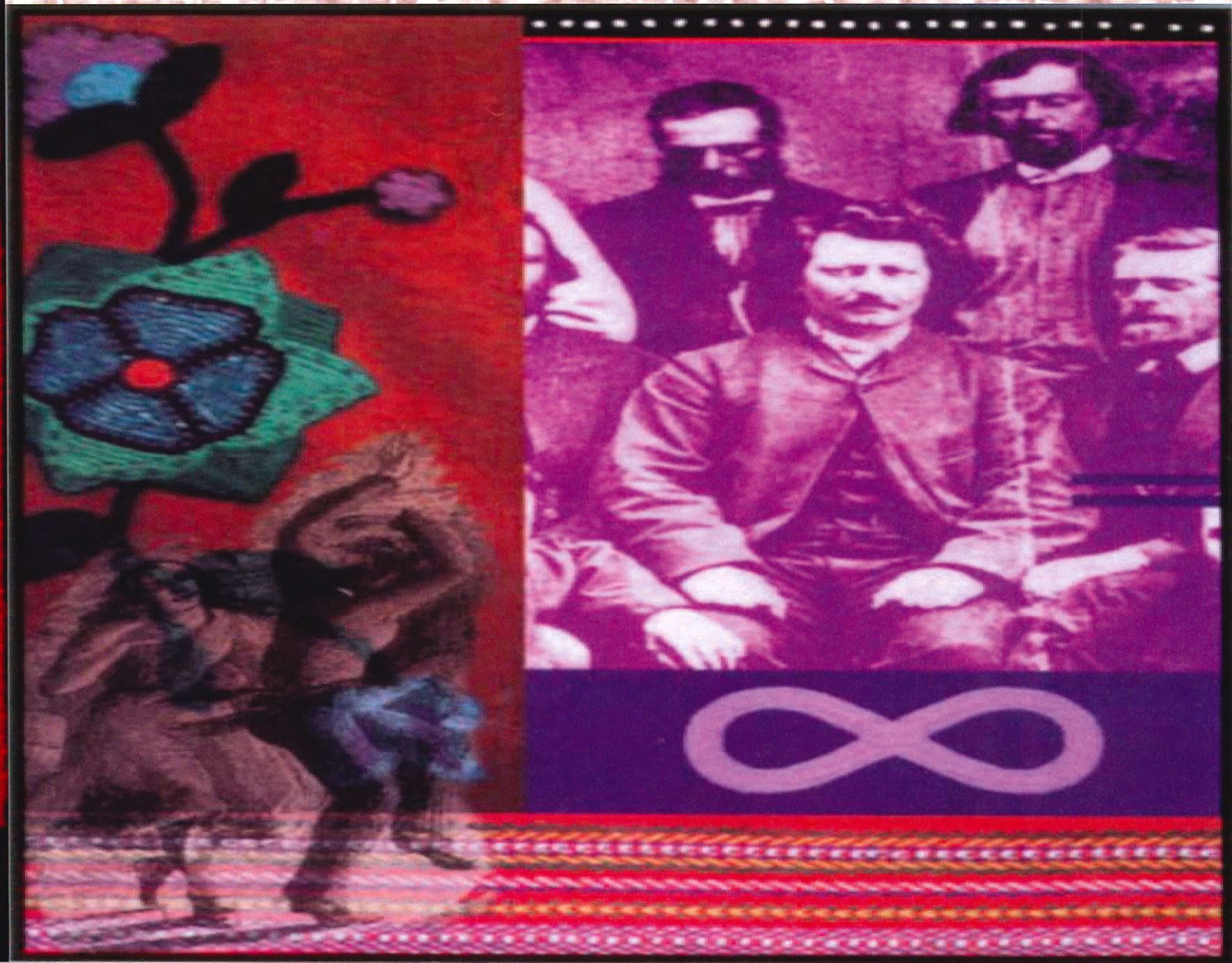
Specific Claims – term used to designate claims which relate to the administration of lands and other First Nations Assets and to the fulfillment of Treaties

Following Confederation, 13 Treaties were concluded between the Indians and the Government of Canada.

Eleven of these treaties extended from the Quebec border to Northeastern British Columbia.

TREATY 8
TREATY 10
TREATY 5
TREATY 6
TREATY 9
7
TREATY 4
2
1
3

The Métis Nation



Presentation Overview

- Métis History & Culture
- Present Day Community
- Definition of Métis
- Métis Population
- Métis Homeland
- The Powley Case/ Métis Rights

Métis History & Culture

- Traditionally Métis people were those who had First Nations and European parents.
- Early in Canadian history many of these people worked as interpreters and guides for the different Forts and trading companies.
- The Métis being of "mixed blood" had unique ability to live in both cultures.

Métis History & Culture

- Due to their unique way of life the Métis also developed their own political and legal culture with strong democratic traditions early on such as the elected buffalo councils to organize the buffalo hunts.
- By 1816 the Métis had began to develop a distinct National consciousness such that they started to challenge the monopoly the Hudson Bay Company had in the fur trade.

Métis History & Culture

- By 1870 the Métis population in the Red River Colony began to grow and the provisional government under Louis Riel had negotiated the entry of Manitoba into Canadian Confederation.
- However, federal promises of land under the Manitoba Act went unfilled which eventually lead to the now-notorious Scrip system.
- These certificates for land or money replace the direct land grants.

Métis History & Culture

- Unfortunately in many cases Speculators who followed the scrip were able to defraud Métis families of their scrip leaving many communities impoverished and frustrated.

- Although the Royal Proclamation of 1763 made the Crown responsible for the well being of all Aboriginal peoples and forbid the dismembering of their lands, the government continued to ignore the abuse and refused to recognize the Métis as a sovereign people thus refusing to acknowledge their responsibility for the Métis.

Métis History & Culture

- This lack of recognition of Métis rights soon lead to the North-West resistance of 1885 lead by Louis Riel.

- Despite the support of many First Nations, Riel's Provincial government was quickly stopped and Riel arrested, tried, and executed in Regina on November 16,1885.

Present Day Community

- Today the Métis are still known as one of three distinct Aboriginal Peoples in Canada. Although recognized under section 35 in the 1982 Constitution, the Federal government has yet to recognize a definition of Métis citizenship.

- A self determining people, in September of 2002 the Métis National Council adopted a national definition of "Métis" for citizenship within the Métis Nation.

Present Day Community

Definition:

"Métis means a person who self-identifies as a Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation ancestry, and is accepted by the Métis Nation."

*Based on this new definition the Métis Nation is now in the process of implementing this definition, as well as a consistent acceptance process across the Homeland.

Present Day Community

- Although the Government of Canada neither prepares or maintains lists of Métis individuals, Stats Canada estimates that there are 350,000 – 400,000 Métis citizens in Canada, representing approximately 26% of the Aboriginal population in Canada.

- It is also reported that the Métis community is growing at a rate 4 times that of the national average, and with 1/3 of the population now being under age 14 the Métis community is exceptionally young and growing fast.

THE MÉTIS NATIONAL COUNCIL
RALLIEMENT NATIONAL DES MÉTIS

Métis Governing Structure

- For generations the Métis Nations has struggled for recognition and justice in Canadian federation.
- In 1983, the Métis Nation formed the Métis National Council (MNC) as their national representative body.
- The MNC receives it's mandate and direction from the democratically elected leadership of the 5 governing bodies Ontario westward.

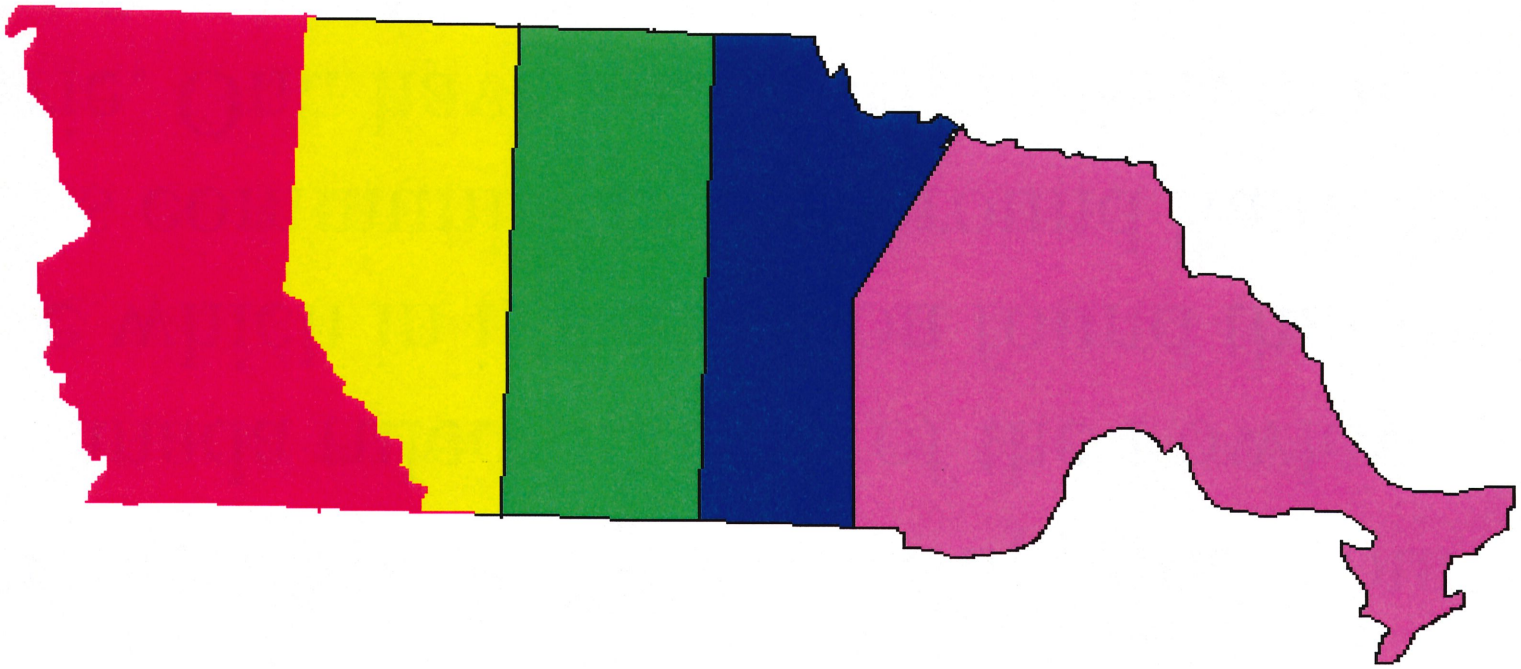
THE MÉTIS NATIONAL COUNCIL
RALLIEMENT NATIONAL DES MÉTIS

Métis Governing Structure

- Overall the MNC's goal is to secure a place in Canada for the Métis Nation which includes obtaining improved social and economic conditions.
- Unlike the treaties there has been little to no formal agreement between the Federal Government and the Métis Nation regarding such responsibilities.

THE MÉTIS NATIONAL COUNCIL
RALLIEMENT NATIONAL DES MÉTIS

Métis Governing Structure



MPCBC

MÉTIS NATION of ALBERTA

METIS NATION - SASKATCHEWAN

MANITOBA MÉTIS FEDERATION INC.

the Métis Nation of Ontario

The Powley Case/ Métis Rights

In September of 2003 the Supreme Court of Canada ruled in favor of the Powley Case which in it's decision found that the Métis community in and around Sault Ste. Marie, Ont. have an Aboriginal right to hunt for food under Sec. 35 of the Constitution Act, 1982.

The Powley Case/ Métis Rights

Why is the Powley decision important?

This decision marks the first time in Canadian history that Métis rights were affirmed as all previous cases had centered on First Nations or Inuit peoples.

The Powley Case/ Métis Rights

Post Powley…

- The Métis Nation believes that the Powley decision will help to pave the way for future negotiation in terms of Métis Rights.
- This decision still faces much controversy within Canada as very few provinces have recognized this decision.
- In Alberta the Provincial Government has implemented the "***Interim Harvesting Agreement***" which the Métis Nation of Alberta are challenging as they feel it is to restrictive for it's membership.

Métis Nation of Alberta

- The Métis Nation of Alberta (MNA) is the oldest of the Governing Members with MNC, with roots dating back to 1928 when a small group of Métis from the Cold Lake area began to meet.
- The Métis Nation of Alberta was then founded in 1932 to represent the interests and concerns of the Métis people of Alberta.
- It's primary objective was to secure an autonomous land base for the Métis people.

Métis Nation of Alberta

- In November of 1938 the Métis Nation of Alberta was successful in establishing the ***Métis Betterment Act*** with the Provincial Government.

- Under this Act the Province of Alberta set aside Settlement areas (colonies) for Métis people.

- This proved to be a most historic event, as to date Alberta remains the only Province in Canada to have an established Métis land base.

Métis Nation of Alberta

- The Métis Nation of Alberta represents a very diverse membership of over 65,000.
- This membership resides all across the province with 5% of the Métis population living on one of the 8 Métis Settlements.

Métis Nation of Alberta

Although the Métis people of the 8 Métis Settlements are represented by the Métis Nation of Alberta, they also have an elected government which oversees the direct needs of those people living on the Settlements.

This elected body is referred to as the ***Métis Settlements General Council.***

∞ This map shows the Present day Métis Nation of Alberta geographically broken into six Regions which include the eight Métis Settlements are as follow;

- **Paddle Prairie**
- **Peavine**
- **Gift Lake**
- **East Prairie**
- **Buffalo Lake**
- **Kikino**
- **Elizabeth**
- **Fishing Lake**

Merci
Questions

The Inuit Experience

Historical Differences:

- Until 1950's most of the Arctic was unoccupied, except for the Inuit and some Government (RCMP), Military, and Hudson's Bay employees.
- Lived a more traditional lifestyle for a longer period of time.

Video: KIKKIK 51-172

Case Study

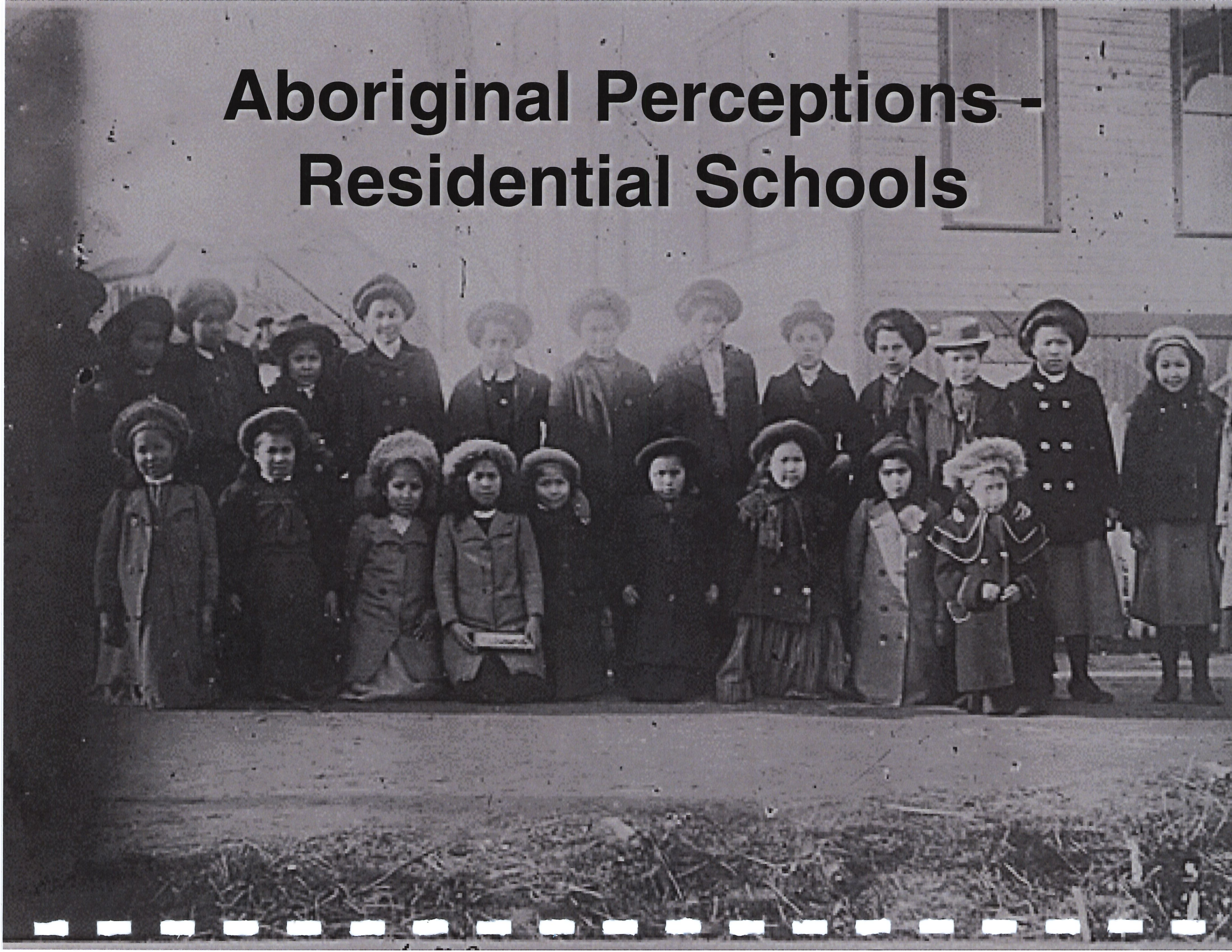
- Break into 4 Groups

- INAC
- Six First Nations
- Commission
- Observers

Case Study (Conclusion)

- Can we now see the importance of operating in good faith?
- Can we see the importance of respecting our opponents?
- Can we see the importance of good communication?

Aboriginal Perceptions - Residential Schools



Objectives

- To help participants understand the tragic consequences of the Residential School System for generations of Aboriginal children and their communities and indeed, for all Canadians.

- To review the ethical implications of removing children from their homes and communities for purpose of "civilizing and assimilating them in the dominant society.

- To enhance the cultivation of our outlook which encourages a new relationship between Aboriginal and non-aboriginal Canadians

The Past Experience

- The Constitution Act in 1867 assigned responsibility for Indians and their lands to the Federal Government – Indians became wards of the Government

- Federal Government adopted a policy of assimilation – a policy designed to move communities, and eventually all Aboriginal peoples from their helpless "savage" state to one of self-reliant civilization – a Christian Canada

The Past Experience

- This "civilizing" and stern assimilative strategy was implemented through education.
- 1908, the Minister of Indian Affairs, Frank Oliver wrote "we must elevate the Indian from his condition of savagery and make him a self-supporting member of the state and eventually a citizen in good standing."
- The Davin Report "Industrial Schools for Indians and Half-Breeds", March 1879 called for the application of the principle of industrial boarding schools - off reserve schools in civilizing Indian children.
- Children were removed from their homes and communities as the "influence of the wigwam is stronger than that of the day school."

The Past Experience

- The Davin Report received unqualified support of the Churches, the Government, civil servants as well as that of priests and parsons.
- It was seen as the most promising approach to respond to the constitutional and Christian obligation to the Indian people
- This socializing power of education was viewed as indispensable to an industrial society's need for order, lawfulness, labor and security of property
- As Aboriginal leader George Manuel bluntly wrote, "Residential Schools were the laboratory and production line of the colonial system."

The Past Experience

- Residential school system was an attempt by successive governments to determine the fate of Aboriginal people in Canada by appropriating and reshaping their future in the form of thousands of children who were removed from their homes and communities and placed in the care of strangers.

- These strangers, teachers and staff, were to employ "every effort against anything calculated to keep fresh in the memories of the children habits and associations which it is one of the main objectives of industrial education to obliterate." Reed report, Indian Affairs, 1889.

The Past Experience

- School system's concerted campaign "to obliterate" Aboriginal languages, traditions and beliefs, and its vision of radical re-socialization were characterized by mismanagement and under-funding.

- The system provided inferior educational services and a woeful mistreatment, neglect and abuse of many children - facts that were known to the department and the churches throughout the history of the school system.

The Past Experience

- 1943, Superintendent of Welfare and Training, Indian Affairs, R. Hoey received from the principal of St. George's School (in B.C.) A set of shackles that have been used routinely "to chain runaways to the bed" and reports of other abuses at the school.

- He wrote, "I can understand now why there appears to be such a widespread prejudice on the part of the Indians against residential schools.

- Such memories do not fade out of the human consciousness very rapidly".

PUPILS AT HAY RIVER SCHOOL.

The Past Experience

- **The memory has not faded.**

- **It has persisted, festered and become a sorrowful monument, still casting a deep shadow over the lives of many Aboriginal people and communities and over the possibility of a new relationship between Aboriginal and non-Aboriginal Canadians.**

Misconceptions

(1) No one knew at the time about the conditions of residential schools:

- Ample evidence church and government worked together to keep known abuses from public view.
- Canadians could read reports since 1920
- Conditions included inadequate nutrition, health standards and staff training.

Misconceptions

(2) Aboriginal people asked for residential schools:

- Gov't funding of Aboriginal education is a legal obligation negotiated in Treaty.
- In exchange for sharing territories, Aboriginal people wanted schools
- They wanted a system based upon consent, not coercion

Misconceptions

(3) The schools were well intentioned. Everyone believed at the time that assimilation was a good policy:

- Students experience of residential schools were not all bad.

- System designed to educate and colonize people against their will.

Misconceptions

(4) Hardly any Indian children actually attended the schools:

- Over 130 residential schools existed over the period 1800 – 1900.
- The number peaked to 80 in 1931.
- About 1/6 of children between 6 and 15 attended schools.
- By 1940 approx 8000 Indian children were enrolled in 76 residential schools across the country.

Misconceptions

(5) Residential Schools happened a long time ago. It's history now. Aboriginal people would be better off if they stopped dwelling on the past and get on with their lives.

- Approximately 80,000 students alive today.
- Akaitcho Hall in Yellowknife, Nt. Closed in the 1990's.
- Residential schools introduced features to Aboriginal Communities that have been passed on from generation to generation.

Testimonies

- Kidnapping
- Sexual abuse
- Beatings
- Needles pushed through tongues as punishment for speaking their language.
- Forced wearing of soiled underwear on the head
- Wet bed sheets on the body

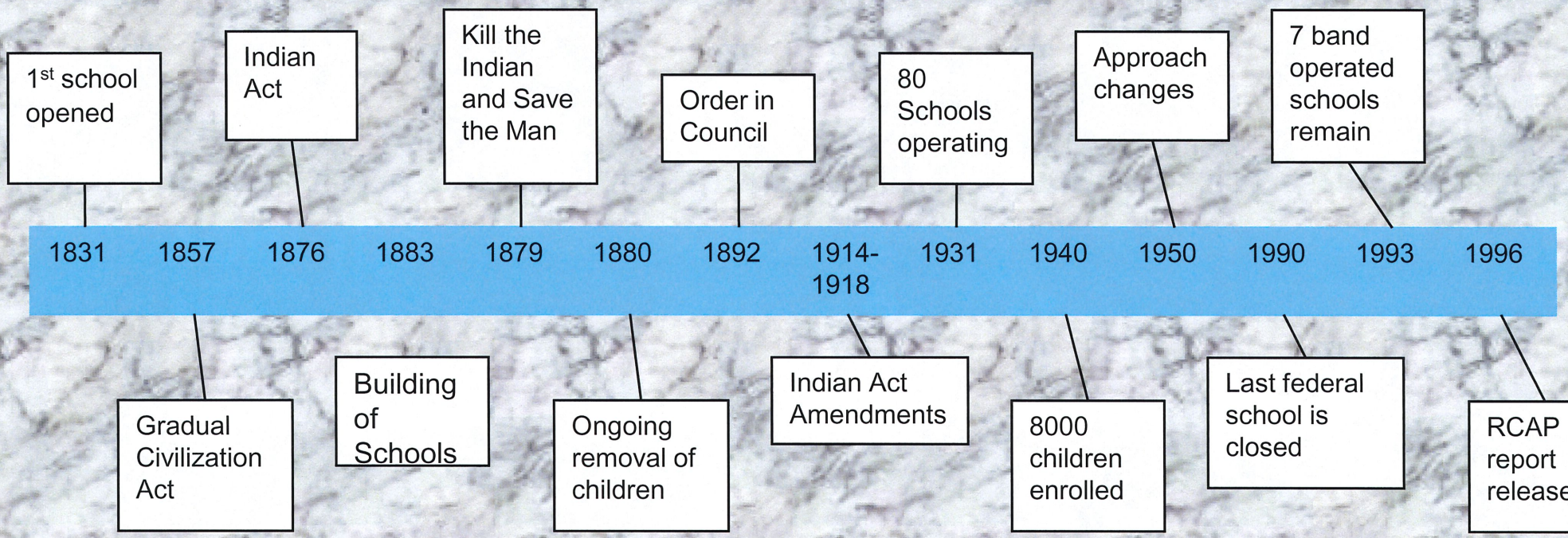
Testimonies

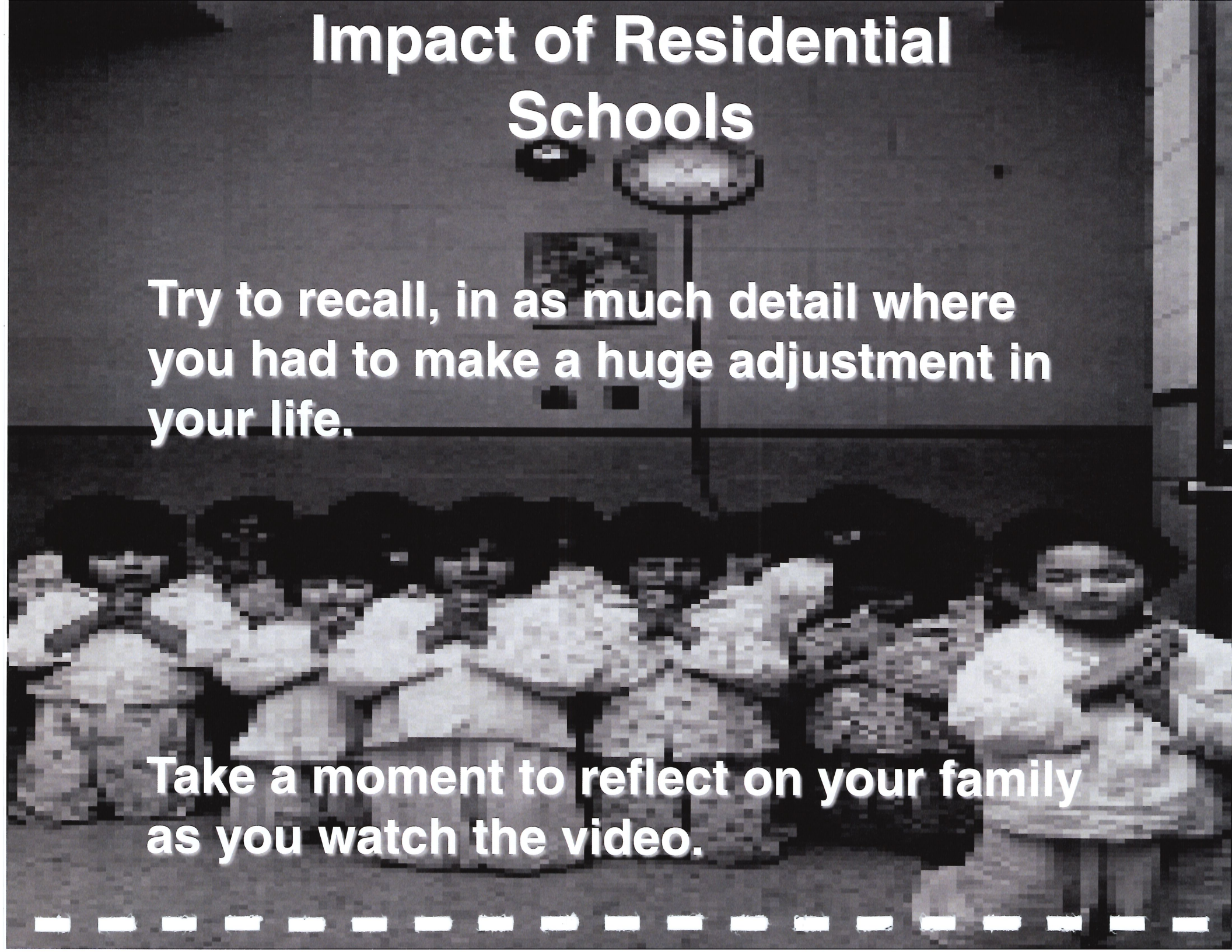
- **Faces rubbed in human excrement**
- **Forced eating of rotten/ maggot infested food**
- **Stripped naked, ridiculed in front of other students**
- **Stand upright for several hours**
- **Immersion in ice water**
- **Hair ripped from heads**
- **Use of students in medical experiments**

Testimonies

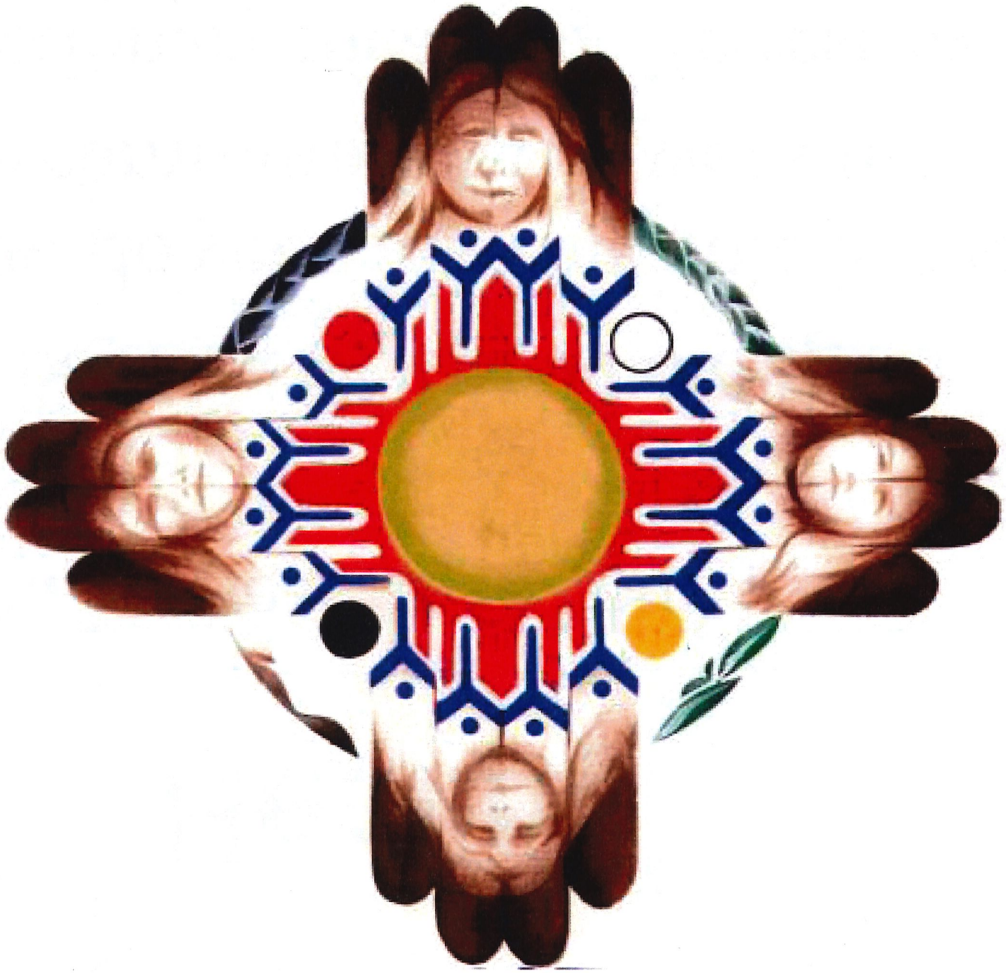
- **Bondage**
- **Confinement in closets without food or water**
- **Electric shocks**
- **Forced to sleep outside**
- **Walk barefoot in winter**
- **Forced labor**
- **Could not speak their own language.**

History of Canada's Residential School System




Impact of Residential Schools
Try to recall, in as much detail where you had to make a huge adjustment in your life.
Take a moment to reflect on your family as you watch the video.

The Necessity of Healing



Healing

- What is healing to you?

- To become well or whole again.
- How do you view your role in the healing of the communities you work in?
- Dictionary meaning: To restore or be restored to health.

Healing

- Healing for each of us
  - Is culturally based
  - Carries many definitions in the context of different languages
  - Frequently used, but without common definition

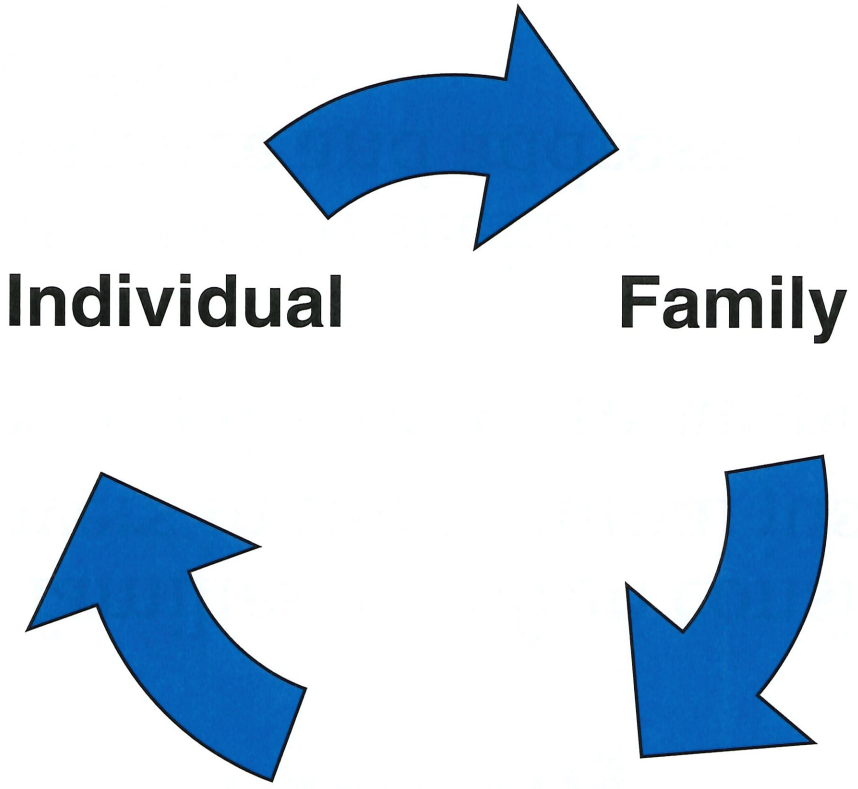
Three Aspects of Healing

- Starts from within, moves outward, starting with individual, family and then the community
- It must address all parts of life concurrently and keep them in balance
- It may start from a series of discreet programs. "Program" to "Process"
  - Treatment, therapy, counseling, etc

Healing

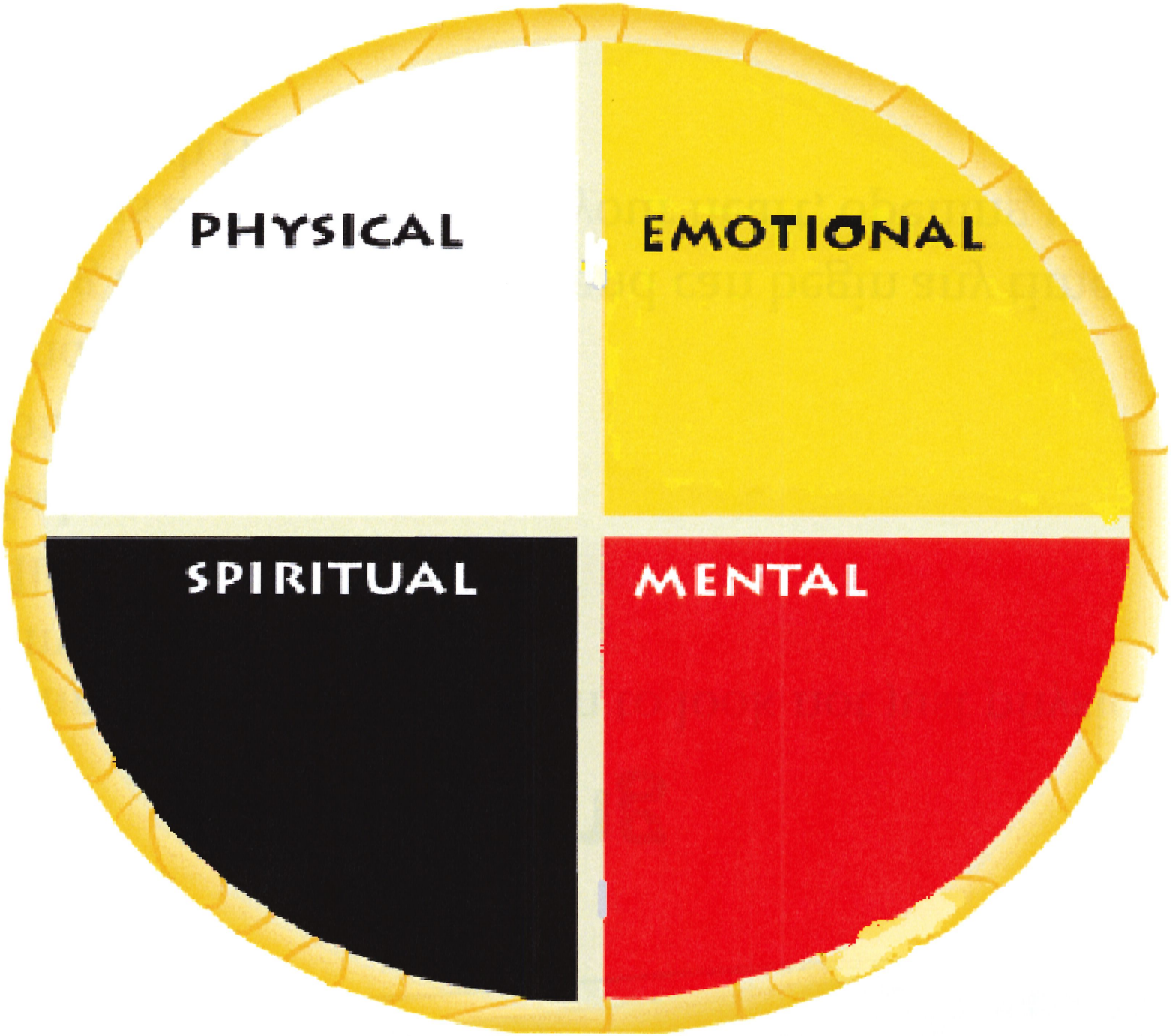
- Victims and families are often considered the forgotten players in the criminal justice system
- In the healing model they are supported and protected
- The healing approach seeks to repair the harm done by the offence and addresses the underlying causes of the offence
- As an Aboriginal community response to crime, "Healing" deals with victims of crime and offenders

Moving from Within



Healing

- Healing starts when we begin to look not just physically but inwards
  - Mind
  - Body
  - Soul (Spiritual)
  - Emotions
- Healing begins individually and can begin any time
- Healing is about recovering your heart, opening up, and dealing with the pain


PHYSICAL
EMOTIONAL
SPIRITUAL
MENTAL

Balance and Wholeness

- Community healing includes involvement, trust, responsibility, positive parenting, communication and clear expectations
- All of which must be re-established and be in harmony with one another to balance and heal the community as a whole.

Healing

- **"Healing is like an eagle flying free and letting go of everything".**

RCMP apology

In a speech delivered during the signing of the Public Safety Protocol between the Assembly of First Nations and the RCMP, the RCMP's Commissioner apologized to Canada's Aboriginal people for the RCMPs involvement in the Indian Residential School legacy, May 2004.

Many aboriginal people have found the courage to step outside of that legacy of this terrible chapter in Canadian history to share their stories. You heard one of those stories today. To those of you who suffered tragedies at residential schools we are very sorry for your experience. Healing has begun in many communities as you heard today, a testament that is a testament to the strength and tenacity of aboriginal people and aboriginal communities.

Canadians can never forget what happened and they never should. The RCMP is optimistic that we can all work together to learn from this residential school system experience and ensure that it never happens again.

The RCMP is committed to working with aboriginal people to continue the healing process. Your communities deserve better choices and better chances. Knowing the past, we must all turn to the future and build a brighter future for all our children.

We, I, as Commissioner of the RCMP, am truly sorry for what role we played in the residential school system and the abuse that took place in that system.

RCMP Commissioner

Date Modified: 2007-09-25

Group 1

- Sandy Paquachon (First 3 Questions)
- Identify the issues that need to be addressed.
- Examine the underlying values and attitudes of Sandy, other inmates and correctional officers. Are these reflective of the larger community or only isolated incidents.
- What do you think might help Sandy heal and eventually return to her community.

- Vol 1 – page 127 - 130

Group 2

- "Jack"
- Identify the issues that need to be addressed.
- Examine the underlying values and attitudes of Jack and the Elder who worked with him.
- To what extent do you think does Jack's story demonstrate the great potential for healing.

- Volume 1 – page 131 - 136

Group 3

- The Impact of Community Sentencing and Mediation Initiatives.
- Identify the issues raised by the author.
- What do you think is the likely impact of Community Sentencing and mediation initiatives upon crime victims?
- What do you see as the major impact of these initiatives on the communities who are involved?

- Vol 1 – page 137 - 144

Visions for the Future

Visions for the Future

- **To explore the uniqueness of Aboriginal education, and the contribution it can make to Canadian society.**

- **To examine why schooling has continued to be such an alienating experience for Aboriginal children and youth.**

- **To think about organizing principles/patterns of Aboriginal education.**

Educational Experience Factors

- Removing children from homes
- Education was conducted by non-Aboriginal methods in a frequently hostile environment
- Few Aboriginal students had contact with Aboriginal educators attuned to their culture serving as role models.

Educational Experiences

- Aboriginal people are inadequately represented in natural and health sciences and mathematics.

- If Aboriginals are to meet non-Aboriginals on equal terms, we must have engineers, managers, mathematicians, and scientists to look upon as role models, i.e. police officers, lawyers, judges, teachers.

Educational Experiences

- Education provided must be holistic; that is intellectual, spiritual, emotional, and physical development of participants must be encouraged

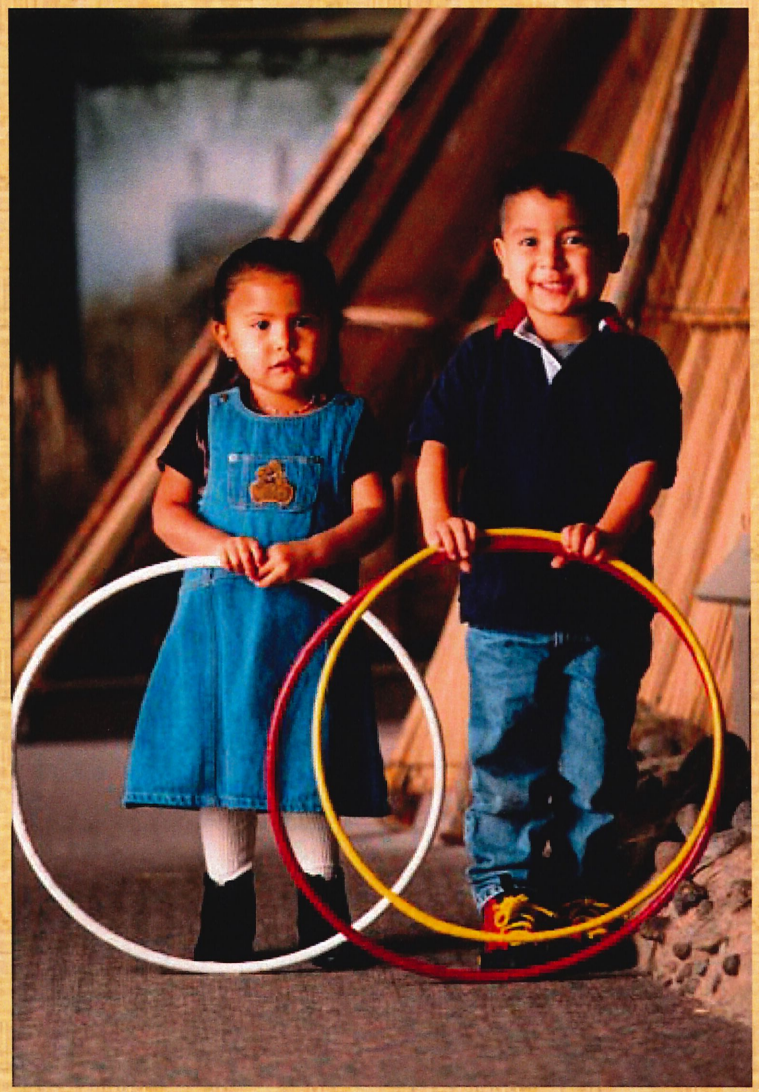
- Educate the mind with facts, but also nurture the soul

- Aboriginal students should be made aware that they are Aboriginal

- **As one Elder remarked "To educate ourselves and our children we must start with who we are through traditions, values and ways of life we absorb as children.**

- **We must recognize our identity - past, present and move towards the future; to connect our past and future, from childhood to an Elder we hope to become.**

Vision for the Future

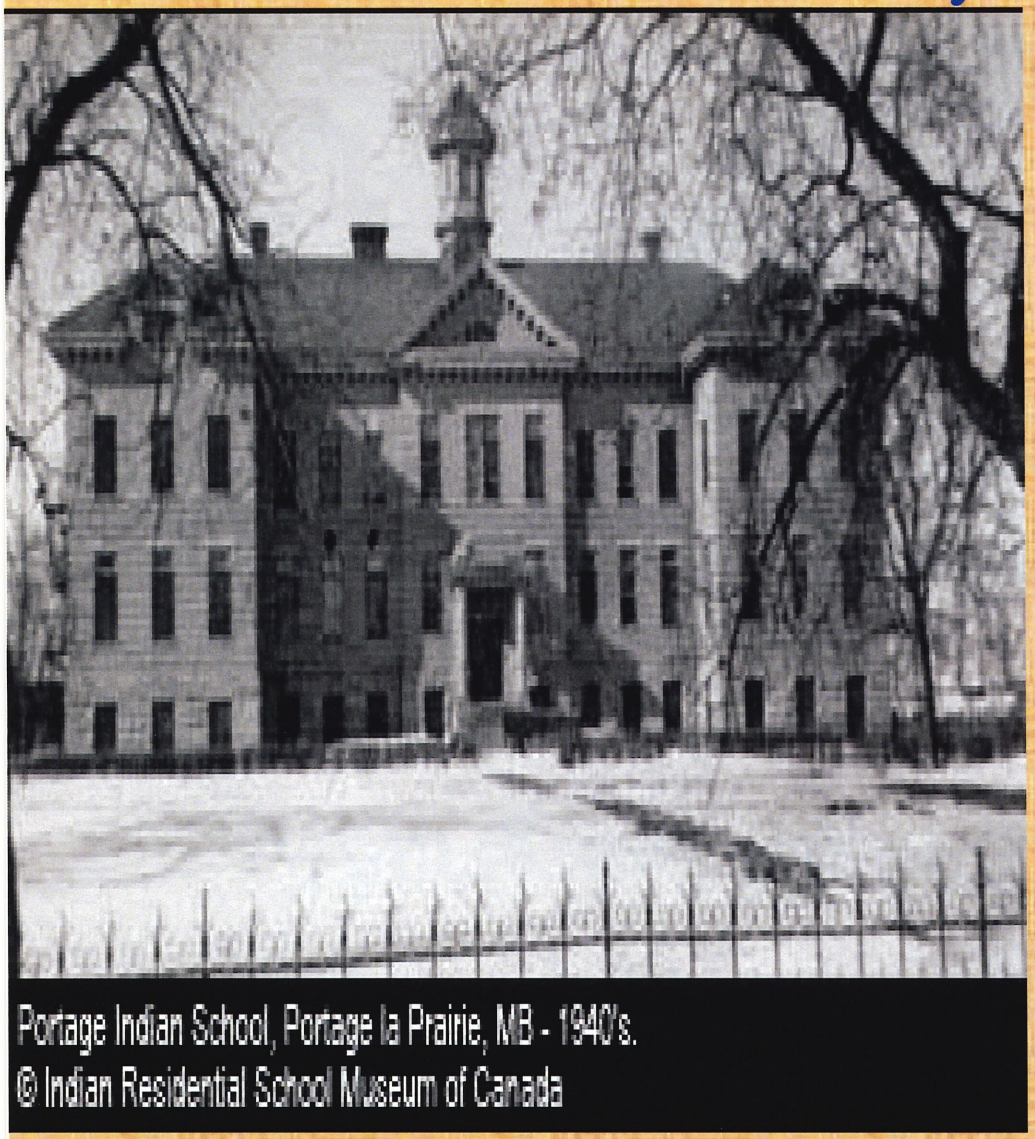


- Now we are going to remember the residential schools and try to create a better environment by building our vision of an Aboriginal School system.

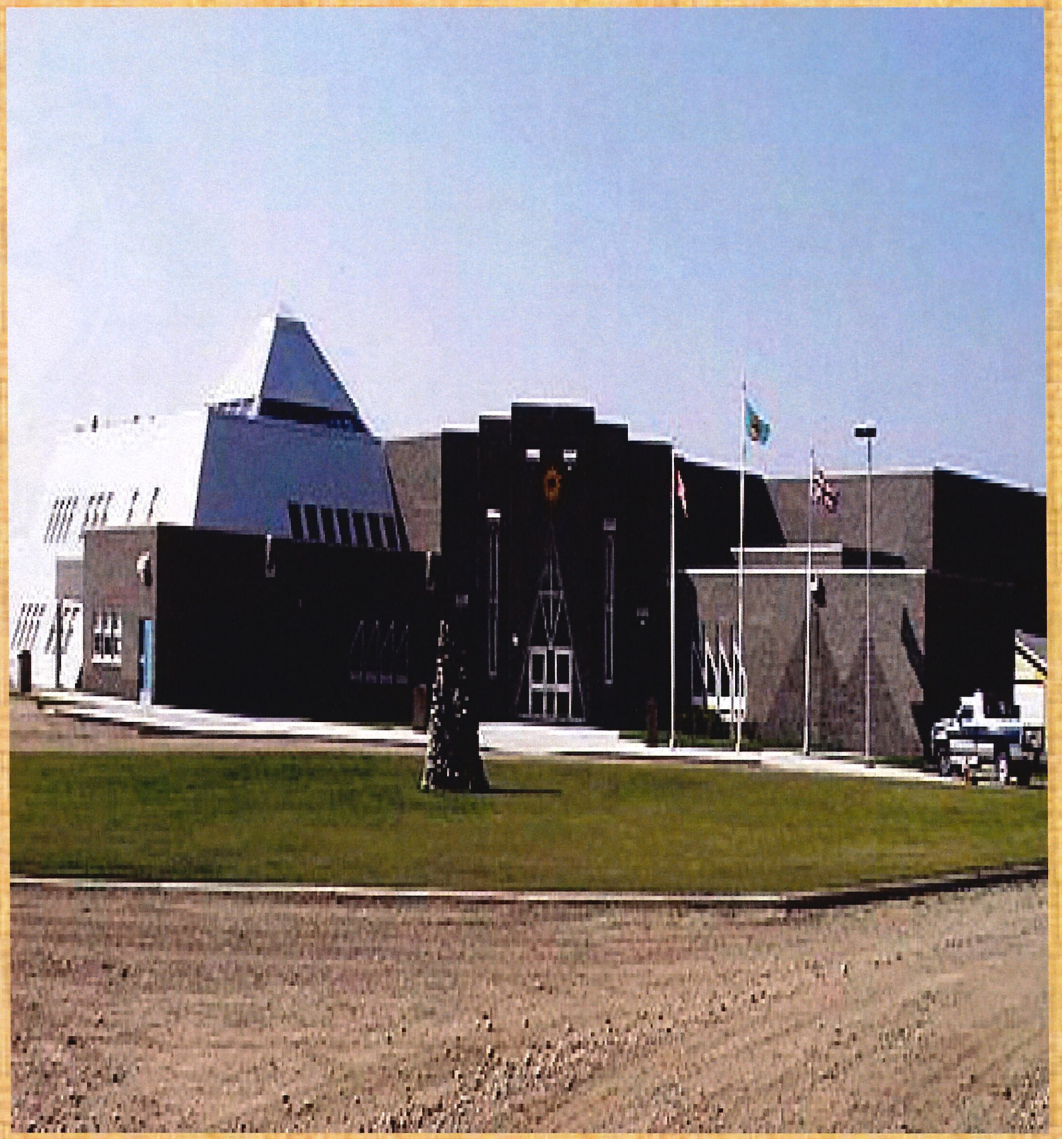
Vision for the Future/Building the Future

- **Group 1- Pre-School**
- **Group 2 - Grade 1 – 6**
- **Group 3 - Grade 7 – 9**
- **Group 4 - High School**
- **What kind of environment do we want to create?**
  What outcome do you expect when raising a child/teenager?
  What will you pay attention to?

Can we draw any comparisons between the residential school system and our groups visions of an ideal school system?



Portage Indian School, Portage la Prairie, MB - 1940's.
© Indian Residential School Museum of Canada



Aboriginal Vision of Governance
&
Aboriginal Right to Self Government

Objectives

- To examine the legal roots of the right to self-government in the doctrine of Aboriginal rights.
- To examine Aboriginal peoples vision of governance.
- To review the recognition of Aboriginal and treaty rights in the *Constitution Act*, 1982.

- Webster's Dictionary defines **SOVEREIGNTY** as supreme power over a body politic; freedom from external control; an independent state.

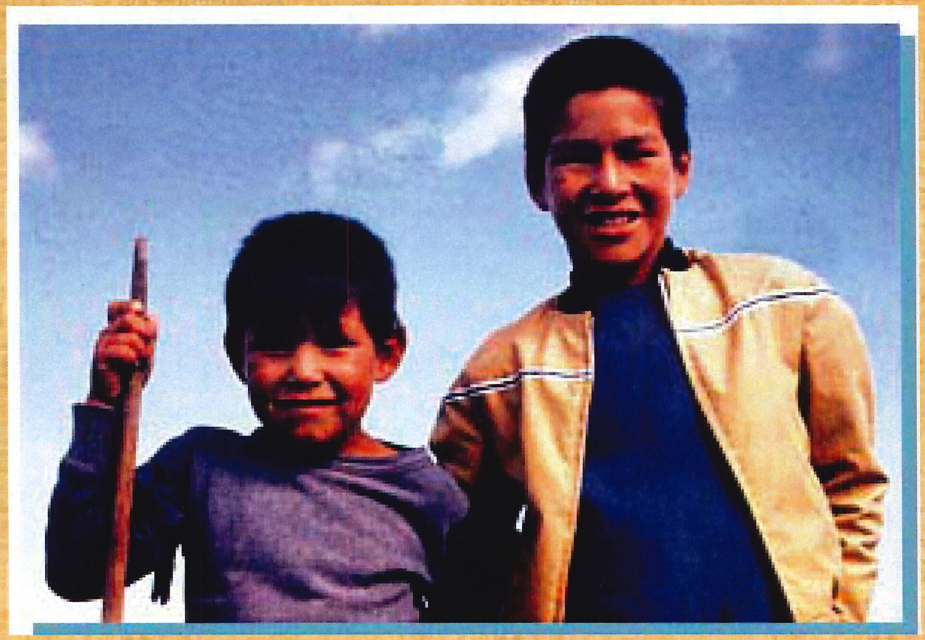
- **SELF-DETERMINATION** as free choice of ones own acts or states without external compulsion; determination by the people of a territorial unit of their own future political status.

Inherent Right Policy

- Recognizes the inherent right of self-government as an existing Aboriginal right under our Constitution
- But does NOT define nature, scope, and content of the right
- Negotiates (rather than litigates) practical arrangements on self-government with Aboriginal groups

Aboriginal Traditions of Governance

- In most Aboriginal nations, political life has always been connected closely with the family, the land and a strong sense of spirituality.
- They generally view government as inseparable from the totality of communal practices that make up a way of life.
- Aboriginal view of government is not remote, divorced from the people and everyday life.



- One of the most striking characteristics of Aboriginal people is their diversity.

- Speak many different languages; they have distinctive cultures and traditions; their social, political and economic circumstances vary.

- This diversity is also reflected in their vision of governance.
- These visions have a common core.
- Ultimately, Aboriginal people want greater control over their lives and communities.

Group # 1 Vol. 6 Pg 24-30

- **Briefly examine & discuss the Aboriginal perspectives on sovereignty, self-determination, and self government.**

- **What was the consistent assertion by all writers.**

Group # 2 Vol. 6 Pg 32-42

- **Discuss the similarities and the differences between Aboriginal and mainstream Canadian thinking on:**
  - **the centrality of the land;**
  - **The rule of law;**
  - **The role of Elders;**
  - **The role of the family; and**
  - **Decision making.**
  - **Define potential problems/conflicts posed by these different approaches to governance.**

Group # 3 Vol. 6 Pg 59-65

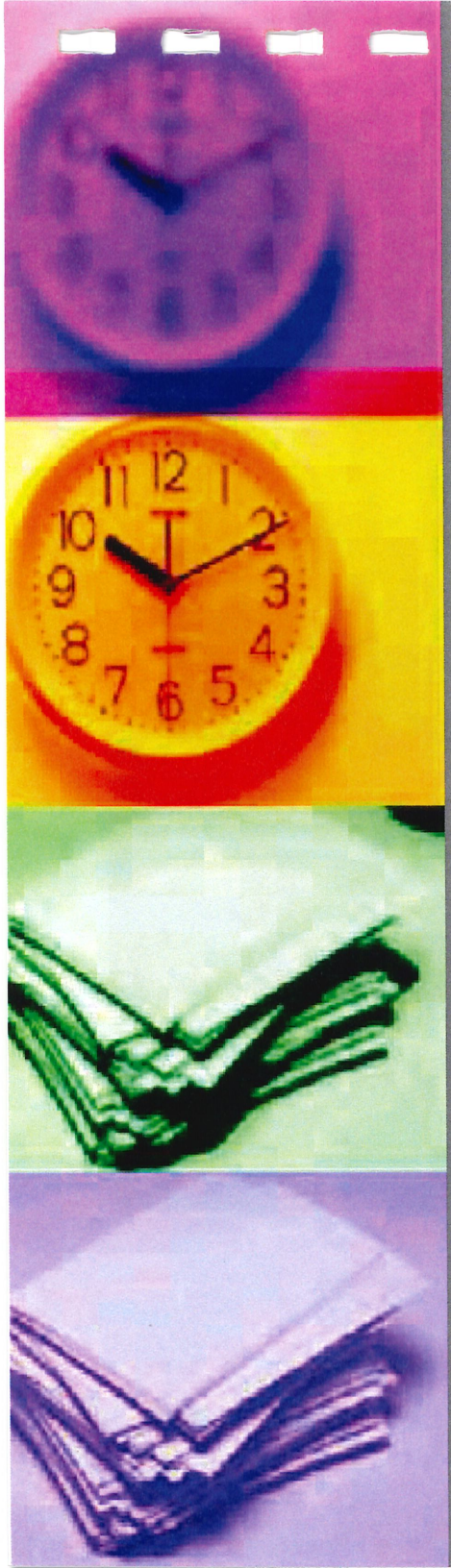
- Develop a "reasoned position" on the following issue:

- Do newcomers to Canada have the right to forget the regulations and pacts with the Canadian people and do they have the right to construct communities that exclude Canadians and suppress Canadian culture and laws?

Group # 4 Vol. 6 Pg 59-65

- Develop a "reasoned position" on the following issue:

- How does federal common law provide a legal bridge between Aboriginal nations and the broader Canadian community?



Current Issues

- Band Council Resolutions (BCR's) – Are they enforceable?
- Band Bylaws
- Terminating Residence on Reserves
- Indian Residential School Payments
  - Advance Payments (Elders)
  - Common Experience Payments
- Blockades
- Gangs

Blockades

Blockades

Watkwanonhwerá:ton ne ne tsi
weriáhsaien ne Kanehsatà:ke
Kanien'kéhá:ka rontathá:wi tsi
ronnatonhwentsiá:te.
Welcome to the heart of Kanehsatà:ke,
Kanien'kéha sovereign territory.
SIX NATIONS
YOU ARE NOT
ALONE

Gangs

Conflict Management Strategies for Disputes in Aboriginal Communities

Dealing with people can be very demanding. It takes a lot of energy to be calm in the midst of crisis, to be patient in the face of frustration, to be understanding and compassionate when surrounded by fear, pain, anger, or shame.

While most people can find the energy to do it occasionally, and some people have the resources to do it often, it is very hard to do all the time. And yet, 'all of the time' is the expectation we have of 'people workers'.

Source Unknown

- It has been said the Oka crisis of 1990 was perhaps the first time the voice of native people was actually heard. Why?

- The realization of this no doubt contributed to the creation of three similar crises namely Ipperwash and Gustafasen Lake in 1995 and Burnt Church in the summer of 2001.

- Though each of these was unique, all four evolved in the following sequence:

1. "Protestors Stand Firm" – Disputed territory occupied after efforts to negotiate fail.

2. "Mediation Attempts Fail, Talks Cease"

3. Violence erupts, barricades erected, "Stand-off" in place.

4. "Communication re-established, mediation begins"

Police can and do become involved at any phase. ***Once involved your object is clear- if violence is occurring, stop it by using minimum force, or take steps to avoid violence or a repeat of it and eventually help bring closure***

- ***The following "Guiding Considerations" are provided as a supplement to, not in place of, existing policies and procedures.***

- As a police officer your primary goal is safety for <u>all</u>, including yourself. Everyone's family will be worried. Whenever possible contact your family to assure them you are o.k. especially if there has been violence.
- Stay positive, this crisis will pass as all crises do. How it ends, and the degree of positive outcome will be strongly influenced by police understanding the big picture.
- **Building positive relationships with the community when all is quiet- <u>very important.</u>**

- Be process oriented vs. solution oriented
- Consider questions like- “What’s the rush?” – “What is the legal way to approach this?” Is direct action the only option? Is there another way? (Remember, in any barricaded situation protestors may include men, women, children, and elders)
- No matter what the issues are do not approach with a negative attitude. Your attitude will show in body language and if negative will seriously hamper efforts to establish trust.
- Be honest and sincere. Better to say nothing than to fabricate information.
- If asked about confidential information simply reply “I cannot answer that” Lies will come back to haunt you.
- Be confident not arrogant – be friendly and respectful, not rigid.

- Focus on “making peace” not “taking control”.
- In every situation there are many sides to the story. Do your best to hear them all.
- Involving First Nations Officers may be key (from our own agency first) Consider the facts these officers are under added stress, first, because they too are Aboriginal, and secondly because they may have family members living in the community, some of whom may be involved in the dispute.
- ***It is important to know the reasons for, history of, and what actually triggered the protest, in order to determine the possible outcome.***
- Emphasize you are not there to take sides but must do your best to maintain peace and order.

- When someone wants to speak to you “one on one” remember your “Oath of Office”.
- **Innovative approaches will be required.**
- Throughout Canadian history Aboriginal people have never surrendered when defending what they believed to be an Aboriginal Right. Never underestimate the power of emotion when it is tied to history and Aboriginal people in general have a strong sense of history.
- During mediation remember you cannot take away anyone’s position of influence or power without replacing it with something. Strive to create a “win” “win” situation or at least a resolution where each loses equally.

- ***People find it easier to agree with people they like. Sell yourself.***
- Don't personalize the problem. It is not your problem; you are there to help calm things down.
- Maintain a calm demeanor, others are no doubt far more nervous than you.
- Usually only a small faction of the community is radical and wants to keep the police out, the majority usually wants and needs police services.
- Unless absolutely necessary, Liaison officers/mediators should not be required to wear uniform, a vest or carry a sidearm.
- Timing and appropriateness should guide your actions during any phase.
- People in the community know the police are mandated to enforce the law and maintain peace and order. Police are judged more on how they go about doing this more than on what they do.

- ***<u>Phase # 1 PROTESTORS STAND FIRM</u>***
- At this stage, consider addressing this like a labor dispute.
- Ensure protestors clearly understand you are not there to take sides.
- ***Public safety is paramount. Equally so, for protestors, yourself and fellow officers.***
- If you can, meet with the leaders of the protest group, invite them to meet with your incident Command staff to clarify goals, reduce tensions and develop protocols.
- Engage in extensive communication. Talk to as many as you can but be sure to LISTEN, LISTEN, LISTEN – Listen with empathy. People often want someone to listen to them more than receive what they say they want.
- ***Make no assumptions; take nothing for granted, think outside the box***

- ***Phase # 2 MEDIATION ATTEMPTS FAIL – TALKS CEASE***

- Determine the reason for the protest and what actually caused the talks to cease. In other words what happened to cause the situation to suddenly change.
- Although mediation has not been successful to this point, maintain contact.
- Constantly monitor the situation to ensure safety for all.
- ***If elders or others want to leave, ensure their safety.***
- ***Identify officers who have the appropriate language capability.***
- ***Avoid inflammatory negative words, emphasize the positive***
- ***Elder/mentor may prove helpful, especially to young Aboriginal officers***

- ***<u>Phase # 2 MEDIATION ATTEMPTS FAIL – TALKS CEASE</u>***

- SMILE, SMILE, SMILE, - use appropriate humor and stay positive
- As tensions escalate use emergency equipment on police vehicles sparingly.
- Don't let anyone provoke or intimidate you, and again, remain positive.
- Do not take criticism personally. Like it or not you may be viewed simply as an enforcement arm of the government. It is up to you to convince people you are there because you care.
- Think long term. In the months and years to come you will no doubt meet these people again under completely different circumstances, they will remember you.

- ***<u>Phase # 3 VIOLENCE ERUPTS, BARRICADES ERECTED, "STANDOFF" IN PLACE.</u>***
- *Although roadblocks and or band office occupations to protest in-house political or Aboriginal Rights issues have the potential to become violent, they are usually initiated to vent frustration and bring attention to a long standing issue, not to actually cause physical conflict.*
- There may however be a few members of the protest group who will be openly aggressive and will try to provoke officers to react through provocative words and actions such as insults, damage to property and /or assaults.
- They may also be carrying "Warrior" Flag(s) as well as video cameras to record how police respond.

- ***<u>Phase # 3 VIOLENCE ERUPTS, BARRICADES ERECTED, "STANDOFF" IN PLACE.</u>***
- If however the protest appears peaceful and there is no immediate threat to life or property, direct police action or attendance may not be required
- Keeping public safety in mind, protestors may be convinced to rein-in their more aggressive members and limit their action to an information picket/roadblock, where police could assist with traffic control.
- If and when police are drawn in, focus on establishing quality communication, learn what this is all about and allow or cause mediation.

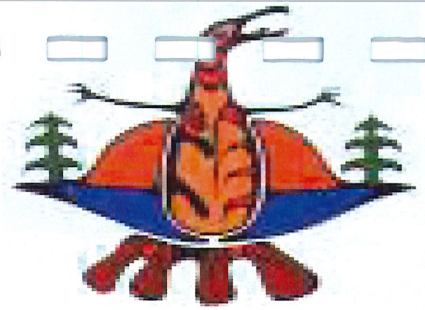
- ***<u>Phase # 4 COMMUNICATION RE-ESTABLISHED, MEDIATION BEGIN.</u>***
- If you are involved in post conflict negotiations do not expect to settle matters with one or two meetings. Protracted negotiation allows time to build relationships.
- Agreement is accumulated, not suddenly arrived at, often a very slow process, be patient.
- ***You cannot just take – you must also give.***
- As things settle down the community may recognize the importance of putting a healing strategy in place, if appropriate, assist and be part of it. Healing be needed for community people, protestors and your officers as well.
- ***Reflect on and document what was learned.***

- ***Group # 1 – Read Incident # 1 (Additional Readings–App "A")***
  - ***Answer the question " What would you do next?"***
- ***Group # 2 - Read Incident # 2 (Additional Readings–App "A")***
  - ***Answer the question " How would you address this?"***
- ***Group # 3 - Read Incident # 3 (Additional Readings–App "A")***
  - ***Answer the question " What do you feel would be an appropriate response?"***
- ***Group # 4 - Read Incident # 4 (Additional Readings–App "A")***
  - ***Develop a three day action plan***
- ***Group # 5 - Read Incident # 5 (Additional Readings–App "A")***
  - ***If you were the Chief of Police what would you do??***

Promising Practices

- Cultural Camps
- Meeting with Elders
- Learning the Language
- Learning the history of the area and the history of the families in that area.
- Getting involved in the Community
- Cultural Events/Pow wows
- Cadet Corps
- Mentoring programs

Questions ?



Conclusion

- Hopefully this course has provided participants with an understanding of Aboriginal Perceptions / attitudes towards the Canadian Justice system;

- Enabled participants to recognize the factors which have influenced these perceptions;

- To continue to examine our relationship with Aboriginal people and understand how tensions between us have emerged and why they are so hard to resolve.

- To continue to build trust within the Aboriginal communities and work towards safer and healthier Aboriginal communities.

Let us Take Care of the Children for they have a long way to go

Let us take care of the Elders for they have come a long way

Let us take care of those in between for they are doing the work