National Inquiry into Missing and Murdered Indigenous Women and Girls
Truth-Gathering Process
Part 3 Expert & Knowledge-Keeper Panel
“Indigenous Laws & Decolonizing Perspectives”
Canadian Human Rights Museum
Winnipeg, Manitoba

Part 3 Volume 2

Wednesday August 23, 2017

Day 2: Indigenous Laws & Decolonizing Perspectives
Drs. Val Napoleon & Hadley Friedland

Elder Kunuk Muckpulook & Sandra Omik

Dawnis Kennedy Minnawaanigogiizhigok

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Manitoba Keewatinowi Okimakanak (MKO)  Jessica Barlow (Legal counsel)
Jared Wheeler (Legal counsel)
Missing and Murdered Women and Girls  Angie Hutchinson (Representative)
Coalition Manitoba
Manitoba Moon Voices Inc.  No Appearance
Native Women’s Association of Canada  Virginia Lomax (Legal counsel)
(NWAC)
Nunatsiavut Government  No Appearance
Pauktuutit Inuit Women of Canada  Beth Symes (Legal counsel)
Quebec Native Women Association  No Appearance
Union of BC Indian Chiefs  No Appearance
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Women’s Legal Education and Action Fund  Mary Eberts (Legal counsel)
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The use of square brackets [ ] indicates that amendments have been made to the certified transcript in order to correct information that was mistranscribed. Bryan Zandberg, Registrar for the National Inquiry into Missing and Murdered Indigenous Women and Girls, made all amendments by listening to the source audio recording of the proceeding. The amendments were made on April 14th, 2019 in Vancouver, British Columbia.
Upon commencing at 9:20 a.m.

**MS. CHRISTA BIG CANOE:** Good morning. Good morning, everyone. Hello. We're going to get started.

To start the morning, we're going to actually have Grandmother Belinda come up and do a prayer. And I just have a couple of housekeeping items to let you know about for the day.

So there is coffee and snacks being brought and put out that will be for morning break. You'll be on your own for lunch but there will be snacks and coffee and tea this afternoon as well.

We will be starting in a good way with Elder Belinda, Grandmother Belinda, and then we will be going into the calling our witnesses from yesterday and with the rest of the day's schedule.

So chi-miigwetch.

**ELDER BELINDA VANDENBROECK:** So I'll just have to say it out loud?

**MS. CHRISTA BIG CANOE:** Well, I'll give you a microphone.

**ELDER BELINDA VANDENBROECK:** Hello. Good morning, everybody.

It's good to see you here. I'm glad you're here and I wish we did have more of the family members come. For me it has been a real learning curve here. I
learned a lot yesterday. Tuma Young is absolutely amazing, isn't he? Like I just -- I really connected with his presentation.

And you know just trying to understand Indigenous law, Aboriginal law, how does it all work with our system today, it's a very difficult situation because we know that we are in a system that's already been developed and has been used for how many hundreds of years already. So it is a very difficult thing.

Yes, we know that families are very concerned about the things that they think are not happening, and my suggestion to that would be, please send the information of whatever it is that you are concerned about to them. That is the process of how we can do that.

And yes, a lot of people have different opinions about this whole inquiry. My feeling is that the highest purpose for what we are doing this for is the families, and we must always remember that, and to honour the families, to honour those who are still missing and haven't come home.

I am going to ask you as well that when you say your prayers anywhere for the murdered and missing, including men, that we pray to the spirit of the water that they were born with, the water in the bodies of the people that are missing and have been murdered; very important,
very sacred.

So when you say your prayers, pray to the water of that individual that's still missing. I think that's the most honourable thing we can do at this moment because we don't know where they are, and always praying that we will find them.

So I will begin the prayers. I will say it first in my language and then I will say it in English so you can understand.

--- OPENING PRAYER/PRIÈRE D’OUVERTURE:

MS. CHRISTA BIG CANOE: I just have two more housekeeping announcements and then I'll ask to open court, if that's okay? Okay, thank you.

Chi-miigwetch, Grandmother Belinda.

There are two more housekeeping announcements. One is that I kindly ask that you turn your cell phone volume off. We do understand that this is live streamed and people may be taking pictures, but just to ensure that your cell phone is off.

And also, a reminder that the first five rows are designated for families of survivors of violence and their support systems and we appreciate you keeping that space for them.

At this point, Chief Commissioner and Commissioners, I ask that we reconvene and open, calling
Dr. Val Napoleon and Dr. Hadley Friedland to continue their chief examination.

CHIEF COMMISSIONER MARION BULLER: Since this is a second sitting, could the witnesses be reaffirmed, please?

MS. CHRISTA BIG CANOE: Yes, certainly. (A short pause/Courte pause)

MS. CHRISTA BIG CANOE: Also, if any -- I see some of the health supports in the room. So throughout the course of the three days because there are people and public members coming in and out, we do want to let you know that we have health supports available at this place and also at the Oodena Fire.

So the sacred fire is burning throughout the day and you're welcome to go there. There is a health tent. We also have health staff in the room along with grandmothers that are supporting, so elders that are supporting and providing guidance for support.

Should anyone need it you can look for our health supports. They will be wearing the name tags. If you ask any staff member wearing the purple name tag, they will point you to health supports or -- and you will notice that grandmothers also have the purple lanyards on. So please feel free to reach out or talk to them or if you need assistance with anything don't hesitate.
THE REGISTRAR: Okay. Good morning, Drs. Friedland and Napoleon. I will just reaffirm you quickly. Welcome.

DR. VAL NAPOLEON: Resumed/Sous le même serment

DR. HADLEY FRIEDLAND: Resumed/Sous le même serment

THE REGISTRAR: Okay, thank you.

--- EXAMINATION-IN-CHIEF BY/INTERROGATOIRE PRINCIPAL PAR

MS. CHRISTA BIG CANOE (CONT'D/SUITE):

MS. CHRISTA BIG CANOE: Good morning. Dr. Napoleon and Dr. Friedland, you had completed with a presentation that had a PowerPoint and one of the last slides is up on the screen behind you. I just have a couple questions just to confirm some of the information in it.

And I will start with, in your presentation yesterday you had talked a little bit about some gender issues and specifically -- sorry. Yes, sorry.

Specifically we had been talking about some gender oppression issues and I wanted to ask about the vulnerability of girls and women and where the vulnerability exists.

(A short pause/Courte pause)

DR. VAL NAPOLEON: Thank you for your questions. One of the things that we have written about is that Indigenous women and girls are not inherently
vulnerable. The way that vulnerability is created is by economic, political, legal and social decisions that go on around women and girls.

And one of the stories that I often use to demonstrate this is an old -- it's an ancient story from the Wolf Clan in northwestern British Columbia where there was a father who refused to let his daughter marry and no one was good enough. Many, many came to seek her hand and he would refuse them all. And then one day there was a group of mentioned that arrived and one of them was a very beautiful young prince.

And the people gambled. It was one of the ways that people celebrated and spent time together. So they gambled and gambled and they had a wonderful time and visitors were fed.

Then in the night the young man went up to the young girls -- her -- the young women's sleeping platform and run away with him, and she did. They left.

And when they got outside he threw a cloak over her head and then they travelled. He put her on his back and they travelled over the mountains, many mountains and valleys.

And they got to his village. She looked around. She was very in love with her husband, very in love.
But she looked around and she saw old and young women and some of them had sores from the cold and from the fires on their legs. And they were the slaves. They were slave women. And one of the things about the wolves was that they had a fear of human blood.

So one of the slave women talked to her, talked to the young woman and said, "Don't you know that all of us used to be his wives? He got he tired of us and now we're slaves and the same thing is going to happen to you as soon as he hears about another young woman".

And so they made plans to escape and they only had one pair of snowshoes. They organized it around her menstruation. She pretended to menstruate. And so they were sent out up halfway up the mountain.

So they had one pair of snowshoes, and the slave woman put the snowshoes on. And the young woman stood on the snowshoes on the back, and they went like that.

And they travelled and they travelled and they travelled over mountains, over valleys. And then they could hear a whistling and they knew that the wolves were on their trail. And so because the young man and the people there were wolf people they transformed between being wolves and being people, being humans.

And so they heard the whistling and they
started to travel again and again as fast as they could go.

With the wolves closing in on them they came to a hemlock tree, and the young woman -- the slave woman threw her up into the tree but she was -- she was grabbed by the wolves and torn apart and she was devoured.

And the young woman stayed in the tree. And she wouldn't come down, no matter what. The young prince would change her to human and back and they tried to dig up the tree and all these things but she stayed up.

And finally, the father of the young man said enough, leave her. And they left.

And after two days she finally came down from that tree and she started to travel to try and find her way home. She travelled until her moccasins wore worn out and she had nothing and she was hungry and cold.

And Loon Woman found her and took her in and healed her and made her strong again.

And the young woman wanted to go and find her family. And Loon Woman took her and painted her face so that there was a moon and there were stars on her face. And she gave her the name of "Alek" (phonetic).

And so then she left to find her way home and she did.

And when she got home she was celebrated.

And she carefully painted her face and she was taught by
Loon Woman and was presented in the feast hall which is the public, political and legal form.

And all the children since her carry that oral history today and that name, her name still is alive and those crests are still a part of the people's history.

And so there is many ways to learn from that, that story. One of the things, like some people will say -- when we talk about it, we start asking community members about it or other people and some people will say, "Well, she should have just did what her father told her to do and just, you know".

And then -- but if we take it further and we start unpacking it, it was like why did she make that decision to go with somebody she didn't even know? Like, what were the conditions of that -- that were a part of her life that -- where she felt that was the only thing she could do, or was it the only thing she could do?

So you can start unpacking the story to see it from her perspective or the slave woman's perspective and you can bring these different perspectives to talk about the violence, to talk about legal agency, to talk about her as a decision maker in her life and what are things in her life that can either prevent or support the violence that would happen to her.

And so when you think about Loon Woman as a
helper, you think about the young woman who was -- became -- was vulnerable in the initial part of the story, and you think about the kinds of decisions and where there's help and when -- when the ability to make important decisions, you either don't have the resources or the support or the experience to make the kinds of decisions that would enable safely -- so in every situation we can only draw on the experience we have and make the best decision that we can at that moment in time.

And so the question is do we equip our young women to make better decisions, not that the entirety of violence is the responsibility of women to prevent but that we have a deeper understanding of all of our -- of all of who we are and our ability to care for one another and to build safety around each of us, especially those who could be vulnerable if they weren't provided with the support that they needed.

**MS. CHRISTA BIG CANOE:** And so when we look up at the slide and we talk about shifts, so my question is kind about the shifts, the shifts that we need to make from moving from those general questions about the traditional gender roles to the how do you understand about gender and sexuality shape our legal interpretations, I just want to be clear that and contextualize what you believe in your opinion you think some of those big shifts need to be
around gender, sexuality and sexual orientation.

**DR. VAL NAPOLEON:** I think that we need to find ways to talk about hard questions in our lives and in our communities. I think that many of the conversations around women, women's roles are polarizing. I think that there is also narratives of despair that can completely trap us into that there is only one view of Indigenous women and that's an important view but what happens, like do we get trapped by those, the narratives of despair?

So the Indigenous women and girls who have gone missing and who experience violence in our lives, do we understand them as legal agents making the best possible decisions at points in their lives that they were able to make or do we just understand them as not having the capacity or something which caused that?

So it's understanding the fullness of who Indigenous women are and our abilities, along with a broader understanding of the world that we are a part of to change the narrative, to see the possibilities. And so I have done work in talks in shelters in talking about, you know, the different ways that women can resist. Again, not that it's -- that the fault of violence is women but that everybody resists, even if it's in the way we think. And so we can think about all the different ways that women are resisting violence now and we support those ways that they
are doing it.

So it's not looking at the present or the past with idealized eyes. My colleague, John Borrows, said if you idealize Indigenous law or you idealize the past then you don't have any resources to deal with the very real problems today. And the only way that we're going to -- the only way that we're going to be able to take on the reality that is our lives and is our communities is by being critical, by being rigorous, by being thorough, by understanding as best we can and also seeing that sometimes what gets in the way of us working with Indigenous law or any law is that which we think we know about Indigenous law or any law. And so it's about those assumptions and setting those aside.

So this chart is about challenging our own assumptions at every step of the way, at every level of the work in the community or in your law office or in front of the law class. You have to keep challenging the assumptions.

MS. CHRISTA BIG CANOE: Thank you.

So please, either one of you or both of you feel free to answer this question. You know discussions about oppression, oppression of Indigenous women and girls and two spirit or transgender individuals, these are arguments that don't arise in a vacuum.
So the question that I would like you both to address is when we look at that oppression and what we are seeing, those assumptions that Dr. Napoleon is talking about, what are some of the ways that we can either take a deliberative approach or what are some of the tools and resources that we can look to, to help us build some of that shift?

DR. HADLEY FRIEDLAND: I think there's a lot to that. I think fundamentally that starting point that Indigenous women and girls are legal agents are making decisions and we need to look at the circumstances and what choices are actually available.

Drawing on the story of the Wolf Clan a little bit let's take teenagers. I mean teenagers are going to make mistakes. Everybody in this room has made decisions to go to a party to do something to -- you know something silly, normal teen age. Some teenagers die. Some teenagers are raped. Some teenagers never come back from that, and some do.

And I think we need to look seriously when we look at how did the young woman come home and what did she have? She had the support of a slave woman. Loon Woman healed her and restored her honour and brought her home with support and dignity, right?

So how do we put that in place for our young
women today where -- when people make mistakes, when people find themselves in circumstances that are suddenly beyond their control we need to have supports in place where they can come with honour and dignity?

**MS. CHRISTA BIG CANOE:** And just if I may, in addition to those sort of -- the steps that we need to take to create the shifts, from a larger community or society perspective what are some resources like anyone here today could start to look at to start having those conversations within their communities and even within your own resources?

What are some suggestions, some practical suggestions about if you want to have conversations about this as a community organization? What are some of the tools people can access, and if you can help me with that that would be helpful.

**DR. VAL NAPOLEON:** There is -- I think that one of the best things is to create safe spaces for conversation in which people can have respectful debate and to not view debate or argumentation as a negative but, rather, something that allows us to learn and to think deeply and to be challenged. I think that being able to create those safe spaces for those conversations are really important and we need to look at like what happens if you solidify particular roles based on gender whether it's
through clothing or through roles in society are then unchanged.

One of the things that -- in India there has been some work which look at forms of nationalism where it's actually the forms of nationalism which allow tremendous violence against women because when women fail to live up to that role or live up to whatever is held up as being the proper role for them, then it's okay to be violent. And so there is -- it's taking everyday kinds of things and talking about them.

But the other thing with -- there is also amazing work on the setting up of justice shelters so that there's -- so the justice shelters, if we think about them, they are set up in places of war where the state system has been torn down, and the other ways that would normally provide safety for people are not available. So it's setting up spaces in communities or in areas where there's -- the different kinds of dangers are, one, they are recognized and that, two, that there is -- we think about what are the best kinds of supports for those people in justice shelters.

So there's -- there are people -- there are people doing this in different ways across the way. At Aseniwuche Winewak Hadley was one of the people that set up just a safe house for kids to go to, but there is practical
things that we can do.

Patricia Montour used to say that being self-governing means not minding your own business. It means that when your brother's kids are in danger you go and get those kids. So it's on different levels. It's individual and it's family and it's collectives and it's community. But it's beyond community because sometimes our communities are not safe places and all my relations is a very oppressive concept in those situations. So we have to be real about the kinds of dangers that are around women and children that we have collectively created.

DR. HADLEY FRIEDLAND: I wanted to add for concrete resources from the Indigenous Law Research Unit, the gender toolkit is available online and is free and anyone can access. And it's a toolkit with exercises encouraging the type of conversations Dr. Napoleon is saying is important. And there is also the graphic novel "Mikomosis" and a teaching guide for that that is accessible for youth, for community members and university students just to start those conversations.

MS. CHRISTA BIG CANOE: You can -- actually anticipated my next question was which was a shift, and it's an important conversation. I’m sure some of my friends will have some questions for you in cross-examination around the gender shifts as well.
But I just want to shift to what about education resources and storytelling from different ages? So I mean we know that the University of Victoria, based on your evidence yesterday, has the Indigenous Law Research Unit and that we are seeing more and more of these. You addressed different projects within your slide presentation, but what about resources that are meant for all ages or that collect youth at an age to understand Indigenous law and practice? How important are those? Would you like to share some comments about them?

**DR. VAL NAPOLEON:** One of the ways all of us each children, like in every society we teach children through stories and they learn law through stories. So there is of course Indigenous stories, but there's also -- there's also -- there is non-Indigenous stories where you can see similar kinds of things being taught to children about authority about responsibilities, about decision making and so on.

So I think that the more kinds of materials are really important but even more important is like where there are perhaps parents who aren't able to do that with their own children that there be a larger network around people to support the children in those families, so that to breakdown the kinds of isolation that's very real around a lot of children.
There are -- there are numbers of Indigenous authors, Tomson Highway and others who are writing amazing resources for children. So I think -- I think that there is lots of work going on in education and I think that supporting more of that to embrace Indigenous intellectualism, public intellectualism, starting from when babies are born. I think that that has to be all the way up.

I think that if we look at the Indigenous pedagogies of previous generations they were training the mind as well as the body and the spirit and the emotional parts of ourselves. And today we don't spend enough time on our intellects and we need to rebuild public intellectualism, Indigenous public intellectualism along with the other strengths that make a strong people.

**DR. HADLEY FRIEDLAND:** I would say my opinion, and I think this is a little more personal, is just I think about my daughter and my niece in that picture, and I think about what it has done for them to meet Val, to be mentored and see a strong brilliant Indigenous woman who is a law professor in their life and what that has meant for them as young teens and young women growing up and believing that -- Tuma Young told the story yesterday of being in grade eight and not being able to see hope.
And I think it's really important that we are all mindful of what we are making visible and what we are erasing. I, as a mother and an aunty, I can't pretend I don't teach safety in a world where people looking at my daughter may decide to prey on her because of the way she looks, but I also want her to see possibilities far beyond that and to be -- to make sure that she sees that being celebrated and made visible and amplified from every direction, from Indigenous and non-Indigenous people. I think that's crucial.

MS. CHRISTA BIG CANOE: Thank you.

I only have a couple more questions and it's actually just to -- sort of a housekeeping issue, and I will then be asking the Commissioners to make a number of exhibits as evidence that's been tendered to be made exhibits.

So provided to counsel and in -- your material includes: "What is Indigenous Law? A Small Discussion" by Val Napoleon. Val, you actually wrote this.

DR. VAL NAPOLEON: I did.

MS. CHRISTA BIG CANOE: And it's contained -- you can actually find this in the gender toolkit that's publicly available right on the website, the University of Victoria website. And I just wanted to confirm that this is your opinion in this. You have offered it as your
opinion?

   DR. VAL NAPOLEON: Yes.

   MS. CHRISTA BIG CANOE: Yes.

   And there was one other article. It's the Cree legal summary and can -- Dr. Friedland, can you just tell me a little bit about it quick?

   DR. HADLEY FRIEDLAND: Oh, that's one of the final reports from the Accessing Justice and Reconciliation project that was completed in 2014 in partnership with the Truth and Reconciliation Commission, and that's available on the Indigenous Bar Association's website.

   MS. CHRISTA BIG CANOE: And do you adopt the work that's done as your opinion or that it forms part of your opinion as well?

   DR. HADLEY FRIEDLAND: Yes, I do.

   MS. CHRISTA BIG CANOE: And so, Commissioners, I actually have a small list of exhibits that we have talked about, material.

   Once this is made an exhibit it does become part of the public record and accessible and it also allows my friends to ask questions in relation to it. So I kindly ask that we -- that I tender the curriculum vitae or resume of Val Napoleon as Exhibit 1.

   CHIEF COMMISSIONER MARION BULLER: All right. Did you add that (inaudible)?
MS. CHRISTA BIG CANOE: Jen (phonetic) is going through the tabs as they go in.

CHIEF COMMISSIONER MARION BULLER: Okay.

MS. CHRISTA BIG CANOE: Would you like me to reference the tabs?

CHIEF COMMISSIONER MARION BULLER: No.

MS. CHRISTA BIG CANOE: Okay, as Exhibit 1.

CHIEF COMMISSIONER MARION BULLER: Okay.

Exhibit 1 is Dr. Napoleon's CV.

--- EXHIBIT NO./PIÈCE NO. 1:

Curriculum Vitae of Dr. Val Napoleon,
11 numbered pages.(EH010101)

MS. CHRISTA BIG CANOE: I tender Dr. Hadley Friedland's CV as Exhibit 2.

CHIEF COMMISSIONER MARION BULLER: Dr. Friedland's CV as Exhibit 2, please.

--- EXHIBIT NO./PIÈCE NO. 2:

Curriculum Vitae of Dr. Hadley Friedland, 14 numbered pages.(EH010102)

MS. CHRISTA BIG CANOE: The Indigenous Legal Traditions Core Workshop Materials.

CHIEF COMMISSIONER MARION BULLER: Okay.

The workshop materials are Exhibit 3.

--- EXHIBIT NO./PIÈCE NO. 3:

INTERNATIONAL REPORTING INC.
Colour copy of Indigenous Law Research Unit document titled "Indigenous Legal Traditions Core Workshop Materials" by Drs. Napoleon and Friedland, 13 numbered pages including text and original artwork by Dr. Napoleon.(EH010103)

MS. CHRISTA BIG CANOE: Thank you. The "What is Indigenous Law?"

CHIEF COMMISSIONER MARION BULLER: "What is Indigenous Law?" is Exhibit 4.

--- EXHIBIT NO./PIÈCE NO. 4:

Article, "What is Indigenous Law? A Small Discussion" By Val Napoleon on University of Victoria Law letterhead on four unnumbered pages, and bearing Indigenous Law Research Unit logo.(EH010104)

MS. CHRISTA BIG CANOE: Thank you. And the "Accessing Justice and Reconciliation" is Exhibit ---

CHIEF COMMISSIONER MARION BULLER: That will be "5".

MS. CHRISTA BIG CANOE: Thank you.

CHIEF COMMISSIONER MARION BULLER: Sorry. "Accessing Justice" is Exhibit 5, please.
--- EXHIBIT NO./PIÈCE NO. 5:

Colour copy of "Accessing Justice and Reconciliation, Cree Legal Summary, Cree Legal Traditions Report (Community partner Aseniwuche Winewak Nation) comprising 45 numbered pages.

(EH010105)

MS. CHRISTA BIG CANOE: And the final exhibit or the final document I am asking or tendering would be the slide presentation that was available and this will be on the exhibit list and -- for today for these witnesses.

CHIEF COMMISSIONER MARION BULLER: Okay. Is it properly called the PowerPoint or the ---

MS. CHRISTA BIG CANOE: Sorry, the PowerPoint presentation of Dr. Napoleon and Dr. Friedland.

CHIEF COMMISSIONER MARION BULLER: Okay. PowerPoint presentation is Exhibit 6, please.

--- EXHIBIT NO./PIÈCE NO. 6:

PowerPoint presentation of Drs. Friedland and Napoleon "Indigenous Law, National inquiry into MMIWG" dated August 22, 2017 comprising 30 colour slides on pages that were not numbered.

(EH010106)
MS. CHRISTA BIG CANOE: With that I conclude the examination in-chief. My friends may have questions for you, but I am going to kindly ask that we have just a short five-minute break so that we have an opportunity to touch base with counsel.

CHIEF COMMISSIONER MARION BULLER: Sure, five minutes (off mic).

Thank you. Five minutes, please.

--- Upon recessing at 9:57 a.m./

L’audience est suspendue à 9h57

--- Upon resuming at 10:11 a.m.

L’audience est reprise à 10h11

MS. CHRISTA BIG CANOE: Okay. We are going to get started again. At this time the parties with standing have an opportunity to cross-examine Dr. Napoleon and Dr. Friedland. The first party that will be cross-examining is the Assembly of Manitoba Chiefs.

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

JOËLLE PASTORA SALA:

MS. JOËLLE PASTORA SALA: Good morning, elders, grandmothers, survivors, family members and good morning, Commissioners. Bonjour.

My name is Joëlle Pastora Sala. I am counsel to the Assembly of Manitoba Chiefs.

Good morning, Drs. Napoleon and Friedland.
Thank you for your presentation yesterday and this morning.

I have just been advised that my questions have been a little bit more limited than I had anticipated so for my questionings I will try to address who I am asking the question to. However, if the other one -- if I am asking Dr. Napoleon and, Dr. Friedland, you would like to answer, feel free.

So Dr. Napoleon, keeping in mind your caution about not being able to explain Indigenous law in a few sentences or in a two-hour presentation, would it be accurate to say that one of the main purposes of your presentation yesterday and today was to discuss some basic concepts of Indigenous law?

**DR. VAL NAPOLEON:** The purpose of the presentation was to demonstrate that Indigenous law hasn't gone anywhere in Canada. And it exists in the ways that people are trying to work in their communities, but that it's been undermined and that the work before us all is to rebuild it and that there are structured critical ways that we can do that and that we have to put in the time and the mental work as well as emotional and spiritual work to do that, so that we don't idealize Indigenous law and so that it is capable of dealing with the realities that our communities are living with. Some of those communities are very dangerous places for women and girls.
MS. JOËLLE PASTORA SALA: In your materials and in your presentation yesterday, you cite the work Dr. John Borrows which lists five main categories of sources of Indigenous laws. Correct?

DR. VAL NAPOLEON: Yes.

MS. JOËLLE PASTORA SALA: And the first source of five that are listed by Dr. John Borrows is sacred law?

DR. VAL NAPOLEON: Yes.

MS. JOËLLE PASTORA SALA: And it would be accurate to say that Dr. Borrows is not the only Indigenous academic who has written about the importance of sacred law in Indigenous laws. Correct?

DR. VAL NAPOLEON: Yeah, offhand, I know that there are authors who have referred to Indigenous law and the sacred. I'm not able to put any other authors to mind right now.

MS. JOËLLE PASTORA SALA: Right. So --

DR. VAL NAPOLEON: I do want to clarify that our work with the sources of law is to extend the conversation about them. And so it's not saying that the laws themselves are sacred but that it's founded on an understanding of the sacred. The difficulty that can be created by calling laws sacred which they are a human creation even though they may -- our interpretations of
them are human, I should say, is that when those laws are problematic, humans have to be able to collectively and legitimately change them.

**MS. JOËLLE PASTORA SALA:** And something of other scholars who have written about the importance of sacredness in Indigenous laws would include Anishinabe scholars like Aimée Craft, Aaron Mills or Heidi Stark, for example? Are you familiar with these?

**DR. VAL NAPOLEON:** I am familiar with Heidi's work, Heidi Stark, Dr. Stark, yes.

**MS. JOËLLE PASTORA SALA:** Would it be accurate to say that in your written materials and in your presentation you refer to Indigenous laws as an intellectual process and earlier today you referred to not being able to spend enough time on our intellect; would that be accurate?

**DR. VAL NAPOLEON:** We approach the work of Indigenous law using the medicine circle which suggests that there has to be equal time between the mental which is the intellectual, the physical, the emotional and the spiritual and the work that we do, because we're not equipped or qualified to speak about medicine or spirituality. What we focus on is law. That's our focus and that's how we work.

**MS. JOËLLE PASTORA SALA:** And Indigenous law
as an intellectual process?

**DR. VAL NAPOLEON:** Yes.

**MS. JOËLLE PASTORA SALA:** And one of the methods you propose for thinking about and engaging with Indigenous laws in your materials and presentation is a case brief approach. Correct?

**DR. VAL NAPOLEON:** That's correct.

**MS. JOËLLE PASTORA SALA:** And keeping in mind your caution about -- Dr. Friedland, about ensuring that methods that are used to engage with Indigenous laws are transparent, could you and/or Dr. Napoleon identify some of the limitations with working with the case brief approach?

**DR. HADLEY FRIEDLAND:** Well, any one method is not going to be fully effective to encompass all of any legal tradition, Indigenous or not. So the case brief method gives us a way to be transparent and focused and start from that intellectual place to move to other parts of the medicine wheel.

On the slide before that in our PowerPoint presentation we talked about other methods for engaging and talked about how when people start with one method and particularly with the Indigenous Law Research Unit, starting with the case briefing and analysis, they found themselves able to -- and this, I also found myself able,
to engage through other methods in a better way, in a way
where I more fully understood what was going on whether
that was out on the land learning from elders, whether that
was in ceremony, whether that was learning in ways that
were not case briefing, the connections were much stronger
because we were using all parts of the medicine wheel very,
very explicitly.

**MS. JOËLLE PASTORA SALA:** So are there any
limitations to the case brief approach?

**DR. HADLEY FRIEDLAND:** There's limitations
to the case brief approach as there is to any method. It's
going to address one area. It's very good at getting to
the reasoning behind ---

**MS. JOËLLE PASTORA SALA:** Okay.

**DR. HADLEY FRIEDLAND:** --- behind the
stories, and that's something, as I said at the beginning
of yesterday, when we have a cultural genocide erasing
people's thinking is a part of that, so it brings out the
thinking. But it's a start. More is always needed
wherever you start, right?

**MS. JOËLLE PASTORA SALA:** Thank you.

Shifting away from this focus on Indigenous
law as an intellectual process, are each of you able to
explain your understanding of the relationship between
Indigenous legal traditions and ceremony and spirits?
DR. HADLEY FRIEDLAND: Can you clarify the purpose of that question? I am just not sure what you mean by that. So we definitely talked about that that's an aspect of Indigenous legal traditions but are you ---

MS. JOËLLE PASTORA SALA: I'm just hoping you can expand on your understanding of just the relationship between what you call Indigenous law and you explain -- or Indigenous legal traditions and ceremony and spirits, just your understanding of that relationship.

DR. VAL NAPOLEON: So, thank you. Indigenous peoples are whole peoples. We're whole as individuals as well as collectivity's and in the work that I've done with Gitksan law and the development of Gitksan legal theory as well as work that we have done elsewhere, law is a part of a whole. We can understand it as a distinct mode of governance along with all of the other ways that we manage ourselves, including our spiritual lives.

So our understanding of life and death and our cosmology, our oncology, are all implicit in the way that we interpret law. So what we are advocating is that when we think about Indigenous law we do so in its entirety. We have some tools.

But at the end of the day what we want to advocate is that law is -- it is a complete system and it's
an -- absolutely central to people managing themselves as self-governing, self-determining peoples, and that we have to do that groundwork.

So that there is no way that any of that can be separated from the spirit but -- so it's a matter of the starting place. What we do is we work with people in the starting place and then it's up to communities to do -- to add their expertise according to their cosmology. So we don't -- we're not expertise in that -- or experts, rather, in those areas of law.

**MS. JOËLLE PASTORA SALA:** So at the recommendation of counsel, I provided an article of the Globe and Mail. Do you have a copy of that article in front of you?

**DR. VAL NAPOLEON:** Yes.

**MS. JOËLLE PASTORA SALA:** Commissioners, do you have a copy of the article?

If you could go to the third page of the article, please, and just the last paragraph, and I will read it to you. It's an article that interviews former NWAC presidents and that last paragraph says:

"Ms. Jacobs said that that the inquiry must also show respect for the spirits of the women who have been killed."

"What does that mean to have ceremony
for the dead? What does that mean when we're talking about them? And when should we be talking about them? And how should we be talking about them?"

Ms. Jacobs said."

Do each of you see that?

DR. HADLEY FRIEDLAND: Yes.

DR. VAL NAPOLEON: Yes.

MS. JOËLLE PASTORA SALA: What is your understanding of how the relationship between ceremony and spirit and Indigenous law relates to the work of the National inquiry into Missing and Murdered Indigenous Women and Girls?

DR. HADLEY FRIEDLAND: So I want to start by saying I think these questions by Bev Jacobs are very important ones.

One of the things when you're sworn in as an expert, you have to be very careful to not go beyond your expertise. And I think it's very important that we are humble and that we say I can speak for myself and say these are important questions and I hope they are being answered.

And I don't have the expertise to form an opinion on these, other than acknowledge they are important questions and we need to honour these spirits.

DR. VAL NAPOLEON: Another -- I want to say
I have a lot of respect for Bev and I always look forward to working with her when I can. And one way to perhaps conceptualize these questions as well as the concerns that are expressed here is, first of all, there is so much pain with these issues. There is just so much pain not just for the past but fear about the future, and those are very, very real. And so trying to do this work is in light of all of that.

One of the things that I have learned from the Gitksan and working with the Gitksan is that we might think about it as a spectrum. First of all, no system of law is ever separate from the political, economic and social forces around it, including Indigenous law. So whatever is going on for us and the dynamics that surround our communities, Indigenous law is a part of that which is why we have to be so critical of it because it can turn into fundamentalism and it can turn into oppression, okay.

So if we think about Indigenous law as a way that we manage ourselves through time, we think about the feast of the Gitksan. The work, the legal work is done before the feast and it's announced and witnessed at the feast. Some of the work that then will also go on, like is the spiritual work and there are different places in that process for that to go on, you know before or after the feast.
And so we look at the whole system. There's legal work. There's the public work. There's the spiritual work. And you have to look at the whole spectrum, not just part of it, and we have to do all the work.

**MS. JOËLLE PASTORA SALA:** Just thinking back to what the both of you were qualified in, and just keeping in mind Dr. Friedland's comment about not wanting to speak above or out of your expertise, my understanding, Dr. Friedland, was that you are qualified in methods, Indigenous law and public education and that, Dr. Napoleon, you are qualified in Indigenous law and legal theory.

And my question was around those methods and how can the Commissioners think about Indigenous laws and ceremony and spirit and apply that specifically to the national inquiry.

**DR. HADLEY FRIEDLAND:** Okay.

**MS. JOËLLE PASTORA SALA:** And this is my last question, just for...

**DR. HADLEY FRIEDLAND:** Okay. And I thank you for clarifying that and I think definitely we spoke to that yesterday. And I will repeat that definitely spirit and ceremony is one method for engaging with Indigenous laws and it's an important part of us as whole people and whole communities.
And that is a method that I can identify and speak to on abstract terms, but I do believe that I would need to be given greater permission to share more from my understanding.

So thank you.

MS. JOËLLE PASTORA SALA: Dr. Napoleon, do you want to say anything before?

DR. VAL NAPOLEON: We recently spoke at the Canadian Federation of Law Societies of Canada and one of the questions the federation was asking myself as well as Koren Lightning-Earle and Dean EagleWoman and other women was what does a lawyer need to know today in Canada about Indigenous law in order to be competent? And that's such an important question, what should lawyers know about Indigenous law?

And so you know, the starting place of working with any Indigenous issues is to figure out which legal order is in play to figure out what work has been done and how it can be drawn on for whatever you're working with, whether it's governance or family or, you know, any area of law. But the assumption, the starting place is that Indigenous law exists and that it has to be rebuilt, and to look at then how -- how does the work that one has taken up enable that or is on the outside of that?

So it's a way of thinking and a way of
incorporating. That's part of what we are proposing.

**MS. JOËLLE PASTORA SALA:** Okay. Thank you,

Dr. Napoleon and Dr. Friedland, and thank you,

Commissioners, for the time.

(A short pause/Courte pause)

**MS. CHRISTA BIG CANOE:** Mr. Wheeler?

**MR. JARED WHEELER:** Yes.

**MS. CHRISTA BIG CANOE:** On behalf of the

Manitoba Keewatinini -- please say it for me -- Okimakanak?

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

**JARED WHEELER:**

**MR. JARED WHEELER:** Correct. My name is

Jared Wheeler and with my colleague, Jessica Barlow, in the

audience, we are here on behalf of the Manitoba Keewatinini

Okimakanak ---

**MS. CHRISTA BIG CANOE:** Thank you.

**MR. JARED WHEELER:** --- or MKO.

**MS. CHRISTA BIG CANOE:** Okay.

**MR. JARED WHEELER:** MKO represents 30

Northern First Nations in Manitoba.

I would first like to acknowledge that we

are on Treaty 1 territory in the homeland of the Metis

Nation.

I would also like to acknowledge the elders

and the grandmothers in the room, any chiefs or other
leaders who may be with us today; families and survivors, the Commissioners, and those that have travelled to be here.

I would like to thank those elders that have shared their gifts with us both yesterday and today, as well as the Little Boy Water Drum for leading us in the pipe and water ceremonies yesterday.

Also, I would like to thank the Keepers of the Sacred Fire and the Commission staff that have been assisting.

So I have some questions for Drs. Napoleon and Friedland. First, Dr. Napoleon, at Tab 2F of the written materials it's marked as Exhibit 4, you write about an asymmetry or imbalance of power between Indigenous legal orders and Canadian Western laws and institutions. Correct?

DR. VAL NAPOLEON: M'hm, yes.

MR. JARED WHEELER: Dr. Napoleon, would you say in your opinion that the asymmetry between these legal orders can perpetuate harms in Indigenous communities?

DR. VAL NAPOLEON: I think that contemporary processes, be they political, legal or economic, can continue to undermine Indigenous legal orders or they can seek to strengthen Indigenous legal orders. And part of the work is to figure out what those particular power
relationships are and to attend to them.

**MR. JARED WHEELER:** Okay. Would you say in your opinion, are Canadian laws and institutions alone able to remedy the many issues associated with missing and murdered Indigenous women and girls?

**DR. VAL NAPOLEON:** One of the things that I said yesterday was that the violence against Indigenous women and girls is one of the results from a failure on the part of Canadian law as well as Indigenous law.

Where there are gaps and violence is a consequence of that kind of lawlessness and part of the work is to rebuild Indigenous -- Indigenous law. Canadian law has been -- is a part of colonization and understanding how that is still at play today is one of the tasks of -- that Indigenous communities are engaged in and need to continue to be critical of.

**MR. JARED WHEELER:** Dr. Friedland, you said yesterday that Indigenous laws offer a particular response to universal issues. Correct?

**DR. HADLEY FRIEDLAND:** Correct, yes.

**MR. JARED WHEELER:** Dr. Friedland, then, would you say that Indigenous legal traditions themselves may hold more practical and promising answers for restoring and maintaining safety, peace and order in Indigenous communities?
MR. JARED WHEELER: And Dr. Friedland, in your written materials, specifically at Tab 2G, Exhibit -- I believe it was marked as Exhibit 5, the Cree legal summary work, and yesterday you shared in your presentation that some of the overall community response principles in Cree legal orders that you have studied, are in place to ensure group safety, prevention of harm and protection of the vulnerable. Correct?

DR. HADLEY FRIEDLAND: Correct.

MR. JARED WHEELER: And you have told us that Indigenous legal orders hold mechanisms for addressing harms against vulnerable people such as women and children; right?

DR. HADLEY FRIEDLAND: Correct.

MR. JARED WHEELER: And today, Dr. Napoleon, you said that the entirety of violence is not only for women to prevent?

DR. VAL NAPOLEON: That's right.

MR. JARED WHEELER: Right. So would you say that Indigenous legal orders focus on a person suffering from harm, including family members, as well as on a person perpetrating harms?

DR. VAL NAPOLEON: I'm sorry, could you repeat?
MR. JARED WHEELER: So my question is whether the focus in some Indigenous legal traditions is not strictly on -- is not victim-centred but holistic-centred. It focuses on both a person that has suffered from harm as well as a person perpetuating harms?

DR. VAL NAPOLEON: The legal orders are structured so that there is authorities distributed throughout.

So, like, I'll speak to the one I am most familiar with which is the Gitksan and the violence, lateral or physical violence within Gitksan society you would see the lineages, the house groups and the clans as being the major legal actors that are responsible for both the victims and the offenders. And they are matrilineal in that they break up male power blocks in the overall functioning of that society. So the authorities are distributed and the responsibilities are understood as being collective as well as individual.

So I think what's useful is to look at what are the aspirations of law, like law never achieves all of its aspirations. Canadian law doesn't and the problems and difficulty Canada is having in fulfilling its legal responsibilities in the Caring Society case, for instance. So there's always areas of -- where one needs to improve.

So if we look at what is it that law is
aspiring to, that's where we see similarities in different legal orders. We see people and the decisions they have made through time for that safety, community safety, is paramount. We see inclusion is paramount. We see fairness as paramount.

So there is what -- the aspirations of law is a way to inform what the processes themselves should be and how that system ought to operate in order to achieve those aspirations.

MR. JARED WHEELER: And so one of those aspirations then, perhaps this is for Dr. Friedland, given the work with the Cree legal orders, one of those aspirations is to hold perpetrators accountable for their actions. Correct?

DR. HADLEY FRIEDLAND: That's correct.

MR. JARED WHEELER: Okay. And within Indigenous legal orders, for example, the Cree legal orders that you have studied, community healing of a perpetrator of harm is one method of actually reducing future harm?

DR. HADLEY FRIEDLAND: That's correct.

MR. JARED WHEELER: Would you say that a community response to healing can increase a perpetrator's connection to the community?

DR. HADLEY FRIEDLAND: I think the important part with that is at times it can and sometimes that's what
needs to happen but when speaking to elders to explain that principle of healing. One thing that's important is it's one of several responses. So it's not always possible. And that's something the elders really stressed when they spoke to me.

Healing is ideal and it's a place to start but it isn't always possible, and it's hard work. And sometimes people aren't ready to heal and there still needs to be community safety. That's why it's one of several principles. You can imagine in Canadian law there's different sentencing principles, and imagine if suddenly every judge was told, you can only use rehabilitation. What would -- what would things look like?

So we need to recognize the complexity of healing and the complexity that healing is one of several principles that can be used together. Another principle might need to be implemented first, and so on. So just to...

MR. JARED WHEELER: And just to clarify, that would be -- that would include healing for a perpetrator for families, for the community themselves or a person who suffered from harm.

DR. HADLEY FRIEDLAND: Yes.

MR. JARED WHEELER: And dealing with all those things in a holistic manner?
DR. HADLEY FRIEDELAND: Yes, and I think -- I think the story of Lune Woman again is one I draw on, but there are stories like that that I think many Cree people could share as well where it's important for everybody to have the resources to heal and be restored to dignity and health as an honour.

DR. VAL NAPOLEON: I think part of what your question raises is that we're talking about the scale of legal order, not the scale of communities. So there are procedural -- again within the Gitksan, if there is a legal question that comes up or a conflict that comes up and they don't have anybody who can view that neutrally then you go to a different village, so that the systems of accountability in order to ensure protection and safety in every situation are fair.

So there are many of the oral histories which contain those kinds of procedural processes like the ways that people can be accountable and ensure safety, as well as there is investigative processes. Every society that we looked at in order that there is -- that the fullness of the issues be understood prior to any decisions being made. So it's beyond the community level at the scale of the legal order that we have to work.

MR. JARED WHEELER: I think I'll leave that as my questions. Thank you very much, and thank you,
Commission, for the time.

**MS. CHRISTA BIG CANOE:** Thank you.

Ms. Hutchinson?

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

**ANGIE HUTCHINSON:**

**MS. ANGIE HUTCHINSON:** (Speaking in Native Language). Good morning. My name is Angie Hutchinson and I am here as a representative for the MMIWG coalition within Manitoba.

My first question is I just wanted to ask some follow-up to the discussions around the Lune Woman story. I don't disagree with you that supports for individuals who have experienced violence are important but within that discussion there was little mention of the perpetrators of violence and essentially removing them from the conversation.

So I am wondering if you can expand on this story and expand on addressing perpetrators of violence and essentially removing them from the conversation. So I am wondering if you can expand on this story and expand on addressing perpetrators of violence and those societal norms around violence in the context of Indigenous laws and applying Indigenous laws and principles.

**DR. HADLEY FRIEDLAND:** Thank you for bringing that up and I think one of the things we said
yesterday is you couldn't learn Canadian law with a single story and you couldn't learn Gitksan law or Cree law or Anishinabe law from a single story. So I think that story focuses on certain aspects.

And there's other stories that do focus on how do you address somebody that's becoming dangerous who is causing harm? So we used the example of Sioux women yesterday with a woman who was becoming harmful and in that story there was also a shaman who had caused incredible harm. And in that story the shaman, they don't explain how but he died within four days.

And when -- when you look at -- when you look at stories in my research regarding Whitiko cases where people become harmful and do dangerous things, where healing is possible, people prefer healing. Sometimes separation is necessary, sometimes supervision.

And there are cases where people had to be incapacitated and in very old, old stories that might have been capital punishment in both legal systems and in both legal systems that's not an option anymore. But there is also stories, for instance, of someone becoming dangerous where there were RCMP outposts, and so people would bring them to the RCMP outposts to keep other people safe.

There was not one story when I looked through Whitiko cases starting from the very beginning.
where any European recorded them. I was looking at
historic documents, so written materials. There was not
one where someone was allowed to endlessly prey on the
vulnerable. So there was always some way to protect the
vulnerable and that -- I think that is a foundational
principle that we have to keep in mind.

**MS. ANGIE HUTCHINSON:** So just so I am
clear, the statement that you are making is that
perpetrators of violence shouldn't be allowed to endlessly
prey on vulnerable individuals.

**DR. HADLEY FRIEDLAND:** That is correct.

**MS. ANGIE HUTCHINSON:** At the -- towards the
end of your presentation yesterday morning, there was a
statement around rebuilding our lawfulness from the ground
up to address violence against Indigenous women and girls.
Were you referring to our Indigenous lawfulness?

**DR. VAL NAPOLEON:** Yes.

**MS. ANGIE HUTCHINSON:** And within that
statement are you stating that it is Indigenous peoples'
responsibility to build that lawfulness?

**DR. VAL NAPOLEON:** I think that the reality
is that many Indigenous communities don't have the
resources. We receive requests all the time from
communities to work with them. Some communities will have
resources and others have no resources, and/or they can

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only get, pardon me, resources to research the
environmental law but they can't get resources to deal with
family violence or child protection; right. So the kind of
funding that is available ends up determining the kinds of
legal -- Indigenous legal research that they are able to
do.

So what -- and the way that we have been
working with communities is to focus on the rebuilding of
Indigenous law, areas of law that -- so we have, you know,
I mentioned water. There is also lands and resources and
governance and so on.

So there is rebuilding area by area,
Indigenous law. And we have done so without comparing that
or looking for legitimacy from Canadian law because the
idea is to build enough Indigenous law so that the
relationship with Canadian law is one of symmetry as
opposed to assuming -- as opposed to Indigenous law not yet
being articulated in a way that people find it useable and
applicable.

So it -- so we have just been focusing on
that groundwork and then supporting people now at the stage
of figuring out how it relates to Canadian law and how
people are going to go forward with that kind of
implementation.

So it's -- yes, it's all of -- I think that
Indigenous law is all of our responsibilities because Canada is multi-juridical and denying Indigenous law whether it's through lack of support or ignoring it or calling it cultural practices or all of the ways that Indigenous law has been undermined and denigrated. Those -- that's the work of all of us in order to do.

So every law student that goes through law school should learn at least one Indigenous legal tradition, one Indigenous area of law. You know whether it's contracts or torts or criminal law or constitutional law that should be a part of our legal education.

**MS. ANGIE HUTCHINSON:** So given that response of not wanting to look for symmetries within the Canadian law and Indigenous law, what lessons or recommendations would you have then for the Canadian system and Canadian law systems to accommodate or make space for Indigenous law so that these systems can co-exist?

**DR. HADLEY FRIEDLAND:** I think there is lots of work to be done. There is questions to be sorted out about harmonization and jurisdiction, resources, enforcement.

There is a lot of work to be done. But at the core of that if we don't do the intellectual work first, if people within the Canadian legal system can't have some understanding that Indigenous legal traditions
are full, complete, active systems of law that require hard work to engage with, that require method and time to understand and resources to rebuild at this point, our questions are going to fall flat on the other issues, the institutional issues because they are going to continue to be asked in the abstract.

So I think from the Canadian side we need to get specific. We need to have serious time for that rebuilding work, but also engagement and discussions so there is enough understanding that when solutions are built and agreements are signed and resources and enforcement are put in place in a scale and with a consistency that will allow principles to be effective, they are done in a way that there is enough understanding for that to be effective and competent.

DR. VAL NAPOLEON: Part of that hard intellectual work is reconciling the changes that either are -- the changes from historical legal institutions and law and contemporary legal institutions and law for our communities and collectivity's. There are contradictions there that have been created because people have had to make decisions, pragmatic decisions in order to be -- to survive in Canada.

And so thinking through what those changes are and what their consequences today are, like whether
it's -- like the different kinds of social norms that have changed and so on, like all of those things have to -- we have to deal with those. It's part of the homework.

MS. ANGIE HUTCHINSON: Thank you, just one final question.

In the video when you showed us part of your presentation, that introductory video, they mention the principles of managing power dynamics and embedding human dignity and agency within Indigenous law ---

MS. CHRISTA BIG CANOE: (Off microphone) time and so that other parties can actually have their time too. I'm sorry about the last question. (Inaudible) time, so if we could allow other counsel to have time to ask their questions as well, please?

MS. ANGIE HUTCHINSON: Okay. Thank you.

MS. CHRISTA BIG CANOE: And Ms. Leonoff?

Okay. Ms. Beth Symes?

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. BETH SYMES:

MS. BETH SYMES: Commissioners, elders and, in particular Elder Annie Buchan, friends, family, people who are interested in these issues, Dr. Napoleon and Dr. Friedland, I am Beth Symes. I am counsel to Pauktuutit, the voice of Inuit women in Canada.

Pauktuutit has focused on violence against
Inuit women and girls. My client is in various parts of Canada watching this on Livestream and one of our board members will be in Iqaluit to be present and be witness as Sandra Omik gives her testimony in about an hour.

I come as my day began with an email from my client. Yesterday a 22-year old Inuit woman was killed in Sunny Key, Nuwaq (phonetic) and a 26-year old man was medevac'd to Winnipeg with self-inflicted wounds. This is why we are here. This is a murdered woman, a murdered Inuit woman.

And I learned so much from your stories. And so I want to begin by giving you what I'll call the head notes of the only two stories that have been collected by the Arctic College in terms of family violence for Inuit women.

The first one, very short, is that a woman got beaten, escaped up a cliff, took her long hair, twisted it, rolled forward and the hair became the ivory tusk of a narwhal and her bruises are the black and blue spots on a narwhal.

The second story which is much longer and is the one I want to ask you about, is a woman, an Inuit woman beaten for many years, despaired, and she called for help. And the moon came by dog team to fetch her and she was taken off to safety.
Unfortunately, it doesn't have a happy ending. She became incredibly homesick and she asked to return to earth. Initially her husband was overjoyed with her return but in less than a year the beating resumed.

And so these are the only two stories in the interviews with elders that talk about beaten women, beaten Inuit women and family abuse. And so we'll come to the stories and my questions but I think it's helpful for everyone if we set out the stories so as my questions can hopefully be rooted.

And when you talk about Indigenous laws, of course in Canada we have First Nations, we have Metis and we have Inuit. And I know your backgrounds and the kinds of law that you have talked about are essentially First Nations laws; am I correct?

**DR. VAL NAPOLEON:** Yeah, we use the language of Indigenous but, yes, you're correct.

**MS. BETH SYMES:** And you've told me that in fact your project has begun to collect and it is now has a number of Inuit stories but that you lack the resources or you have not yet begun to analyze the Inuit laws from those stories.

**DR. VAL NAPOLEON:** We have actually analyzed hundreds of stories like right around the circumpolar but we haven't yet been able to work with the community with
those stories.

**MS. BETH SYMES:** And you told us yesterday that the laws vary from community to community. And so as between First Nations communities and Inuit communities where there is a difference of language, a difference of land, a difference of climate, a difference of history there might be, would you agree with me, significant differences in Inuit laws as compared to First Nations laws?

**DR. HADLEY FRIEDLAND:** I think there will be and there is differences between First Nations. I think as the Chief Commissioner said at the beginning of yesterday a Pan Indigenous approach is not going to work. It erases those details. So there is distinct legal responses in -- and because of course the Inuit presence is, as compared to other Indigenous peoples, is small, we sort of need to be here to be part and to say our placement.

Yesterday when you had us do the exercise and you told the story of the Sioux woman, I understood that your method was to teach us to look for legal principles. And you had us explore and it was interesting to hear the current -- the current legal principles as opposed to from ancient times.

That's what you were trying to get us to do:

What are the principles, the applicable principles for
today?

MS. BETH SYMES: That's correct. And am I correct that, like common-law, Indigenous laws can and must change?

DR. VAL NAPOLEON: And if we look at the oral histories we can see that. We can see the changes through time. Some of the oral histories we are looking at are 20,000 years old.

MS. BETH SYMES: And just to take a common-law example, all of my friends here remember the Stella Bliss case in which the court was just dead wrong, right? And when the issue was revisited they said we have made a mistake. We have looked at it, the legal principles, in the wrong way. And can you tell us as to whether or not over time certain legal principles in Indigenous laws are re-examined and, as a result, changed?

DR. HADLEY FRIEDLAND: I would say that definitely happens in every legal tradition because people are legal agents in our thinking and are looking -- we look to law to solve problems in front of us; right, in principled ways, and I think it's really important to recognize that all people due to thinking and process of change, and what's important is to be looking at legitimate processes for change, including voices, including critical thinking and allowing space for that in every legal
MS. BETH SYMES: Now, one of the things that you said yesterday that I found very helpful is that Indigenous laws must be lived out. They must be acceptable to Indigenous people. And by that do you mean by women as well as mentioned?

DR. HADLEY FRIEDLAND: Absolutely.

MS. BETH SYMES: You talked about equality and human rights within Indigenous laws. Is that a founding principle?

DR. VAL NAPOLEON: It's one of the founding principles and we work in different ways depending on the conditions in the community. So there is one region, for instance, where women ask to do separate workshops with us from men. So we had separate workshops. So we will -- like there are different realities that people have to live with, women have to live with, and we account for that as we're able in the work that we're doing.

So there's -- and we're also aware that we pay attention to the power dynamics that are going on in any gathering, and there is always examples of lateral violence. This place is no different but you see that locally. So it's a matter of where we can and we always insist on all voices being heard but also acknowledging that it's not safe in some places for all voices.
And I picked up two young women who were hitchhiking once from Prince -- I was driving from Prince George to Prince Rupert. It's about a 10-hour drive. And I said, "This is the highway of tears. This is where all these women have disappeared. They have been murdered". And they said, "You know, it's safer on the highway than in our community".

So you know -- we can't idealize our communities. Some of them, our communities and our families, some of them are unsafe for women and girls.

**MS. BETH SYMES:** And so taking those principles there are four of them and the last one was implementability, as Professor Young said, and you talked about applicability. But in particular, acceptable to Indigenous people, women as well as men and equality in human rights, as you reflect on the only two stories that I could find, and in particular the second one about the moon, can you help Inuit women understand from stories of despair how your principles apply?

**DR. HADLEY FRIEDLAND:** I want to be respectful to Inuit women and the Inuit people and Inuit law, so I don't want to hazard a guess based on what I have heard. What I do want to say is that is the work possible with those stories? Absolutely.

Would I love to sit down and do the work
slowly and thoughtfully? It would probably take me about
two or three hours a story. It might take me some time to
sleep overnight, to take some time to reflect on those
stories and do the analysis.

Would I love to sit in a circle or sit with
Indigenous women and discuss those stories and their
applicability today and the deep-rooted principles that are
within them? Absolutely. There is a lot to draw out of
there.

And what I draw out instantly when you told
me, though, is just the power -- and I am referring to the
paper written by Dr. Emily Sneider, my colleague Dr.
Napoleon and Dr. Borrows. What is that title?

**DR. VAL NAPOLEON:** Indigenous Law Resources
for Violence Against Women.

**DR. HADLEY FRIEDLAND:** Okay. And one of the
things they say in that paper is if we look to the past as
something idealized we're going to miss rich resources.
And those stories definitely show that Inuit people were
aware of this issue and had intellectual and other
resources to address this issue for a very, very long time
and that they exist and that it's possible and that they
are -- that needs to be honoured and revitalized and given
space in my opinion.

**MS. BETH SYMES:** Dr. Napoleon? Thank you.
MS. CHRISTA BIG CANOE: Ms. Lomax?

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

VIRGINIA LOMAX:

MS. VIRGINIA LOMAX: Good morning. My name is Virginia Lomax. I represent the Native Women's Association of Canada.

Thank you for being here today, everybody.

I would like to ask in what way can the Canadian legal system and its processes like this inquiry adopt or use or be guided or led by the principles in which you have expertise to uplift Indigenous women and girls and their families?

DR. HADLEY FRIEDLAND: I think that's a really good question and I think it requires again -- I spoke a little earlier about that hard intellectual work that needs to be done so we're not -- we're not making those questions completely abstractedly but to say concretely, definitely, and with the research that we've done, there are processes. There are procedures within Indigenous legal traditions and they're different, right? There isn't a Pan Indigenous reality. They are different from society to society.

And I think that work needs to be done. I want to acknowledge that that work takes time. It takes hard intellectual and other work and it takes then that
dialogue and discussion.

So I think it is definitely possible to have more symmetrical relationships as Dr. Napoleon referred to within Canadian legal processes, but that is going to take time and commitment and it is going to be a slow process. It is not going to -- it is not something that can happen with a snap of our fingers.

MS. VIRGINIA LOMAX: And you have mentioned that these processes take time and that they vary. And so could you please comment on your analysis of building these legal systems up and how this analysis can be provide -- how this analysis can be applied when there's a high level of violence in the community?

DR. VAL NAPOLEON: So there are some communities where I think the reality is that it's going to be very unsafe for women to speak about violence. I think that's a reality, and so in those situations. Then there is other -- we have to imagine other ways that participation in the work of Indigenous law can go on.

So I think that being creative about methods of engagement at the local level is part of the homework that has to be done. But I think like doing the work of what were the historic ways of dealing with violence against women, like doing that research is in a way that includes everyone in the discussions and in the focus
groups and the interviews and the storytelling and in the analysis at every -- at every stage, making sure that those voices that are quieter at the back of the room are a part and feel safe to be a part of those processes.

And then through that like finding -- discussing what are Cree definitions of rape or Gitksan definitions of sexual assault, looking at different legal responses to those issues to -- at those particular kinds of harms and injuries and building from the ground up a body of law that deals with violence against women in that legal tradition, like what are the different -- who are the authoritative decision makers?

How do you approach this legal issue? What are the legal obligations? What are the procedural and substantive rights and the guiding legal principles so that you create the resources from the past, drawing from the past, and so that you can actually deal with the legal issue before you?

And then that's where you have to start dealing with the relationship with Canada because the state has monopolized the enforcement of law.

And so what we are able to do at the local level is talk about healing and so -- and the more dangerous kinds of offences then are taken up by the state. Some communities are comfortable with that. It's seen as a

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designation of -- as a way to deal with harms and dangers in their communities. But there's just so much more to learn and so much more to think about insofar as the efficacy of an entire legal order and whether it's complete or not and what happens when enforcement isn't a part of that legal order.

So I'm not -- you know there's questions there we don't know, but I think that the possibility of rebuilding is there and we have seen we are engaged with that and that we have resources from our past and from our societies that can be brought to bear.

We were lawful people in the past according to our laws and we are capable of being lawful again in our futures.

MS. VIRGINIA LOMAX: Certainly. And so if this process of building up and of healing is going to take a lot of time, if that's an accurate statement; yes?

DR. HADLEY FRIEDLAND: I think that is an accurate statement that ---

MS. VIRGINIA LOMAX: Then in the interim what can be done to ensure the safety of women and girls during that time?

DR. HADLEY FRIEDLAND: Yeah, and I think that's a really important question.

And I think -- I wanted to acknowledge
saying what do we do when this urgency is happening? What do when we know that things take time and how do we have something in place as people are brutally assaulted, as people are raped, as people are murdered, as we continue to lose people we love?

One of the things that Dr. Napoleon referred to is sometimes when people are speaking we need to look at what people have done that works in the past. We also need to look at what people are doing to keep themselves and each other safe today. We need safe spaces for women and girls to be able to talk about what is happening in places where there aren't going to be reprisals.

And we need ways and that's where I think allies are really important and outside/inside is important. We do need those spaces where those issues can be voiced in ways that it is more difficult to track back to an individual when a community isn't safe, when a family isn't safe.

And we need to listen to what women and girls are doing today to keep themselves safe. What's working and what can possibly be resourced? What can possibly be given more legitimacy and more support?

Because I am often completely humbled by absolute brilliance that I witness and listen to from women in communities in terrible situations who live on the
precipice of death every day and what they are doing to
survive in those circumstances is brilliant. And we do
need to acknowledge that and we do need to find ways to
support that and find ways so not all of their brilliance
is going to basic survival where they can have some
support.

**MS. VIRGINIA LOMAX:** And so throughout these
processes of healing and of building up and also these --
the processes like the inquiry itself, according to the
Indigenous legal principles in which you have expertise,
how should the bereaved be treated throughout the process
and what can be done to support the bereaved and the
victims and the survivors of violence?

**DR. HADLEY FRIEDLAND:** I think we're back at
that principle of healing and -- but I think we're also
talking about that restoration, right, the restoration of
dignity and respect and a place of safety.

One of the difficulties of any inquiry of
this nature as Dr. Napoleon talked about, is the relentless
pain -- is unbelievable pain and grief and horror that
people face. And part of it's being gentle. I don't want
to say that's a Cree legal principle but I would say there
is definitely principles about generosity and hospitality
and kindness and what that can do at an individual level to
restore but also at a greater level.
So I think we can draw on those traditions and we can also draw on just being mindful to the fact that we're walking -- we're walking in a space of a lot of pain, of a lot of heartache.

**MS. VIRGINIA LOMAX:** And so we talk a lot about inclusion in these processes, but can you identify anyone who may be excluded within the Indigenous legal systems in which you have expertise?

**DR. VAL NAPOLEON:** One of the things that I spoke to yesterday is that in order for women who -- and girls who experience violence to believe that they matter to a legal order is whether they think they matter is going to be determined by how they have been treated by it, whether it's by police or courts or social workers or whatever, like how people have been treated is going to determine whether they understand themselves as rights bearers in that legal order, and that's true the world over. No matter which legal order you look at or -- women are beaten and experience violence all around this planet. That's the reality.

And what I'm advocating is that we don't have -- we don't just ask that question about Canadian law. We ask that question about Indigenous law because our laws can also be oppressive if they are taken as fundamentalist, if they are just about maintaining the status quo in
oppressive political arrangements in any collectivity.

So the critical lens, I think, like those concerns that you have, we have to apply that critical lens all around us to make sure that we don't have blind spots in our perspectives.

**MS. VIRGINIA LOMAX:** Yes, and I was -- maybe I didn't make myself clear. I was asking specifically about Indigenous legal systems and who they may exclude.

I am specifically worried of the most marginalized in our society, two spirited people and transpeople, sex workers and street-involved people, incarcerated people and criminalized people and people in precarious housing situations and parents and children involved in the child welfare system. Can you identify any gaps in the legal systems that you have brought forward where these people may be excluded?

**DR. VAL NAPOLEON:** One thing I just actually want to clarify is that I am not an expert in Cree laws. I am a learner. I am saying I am an expert in method, but just to be clear about that.

But I would say all of those people that you named have vulnerabilities that have been created around them and we see them within communities and we see them in the cities. We do see those and I think naming those people are very important. We need to be aware of that and
there is rebuilding work going on.

We said at the very beginning after 300 or 500 years of colonialism, you don't have perfectly intact functioning, explicit Indigenous laws. There is holes and there's gaps.

And in every -- in every legal system and tradition we need to learn from mistakes. We need to find ways to listen to people that are being excluded. It's very important. If we just take the best bits -- I mean if you just took the best bits of Canadian law we could walk away tomorrow and say, oh, it's doing great, right, like -- and we know that's not true.

Yeah, so thank you for raising that.

**MS. VIRGINIA LOMAX:** Thank you. And in order to best employ Indigenous legal systems in this process in a process like the inquiry, can you make any suggestions of future types of experts who should be involved in this process and that should be included in the inquiry? Are there expert voices who may be missing?

**DR. VAL NAPOLEON:** So I don't know if I know who have been contacted, so I don't know if I have enough facts.

**MS. CHRISTA BIG CANOE:** I think (off microphone) ---

**MS. VIRGINIA LOMAX:** Okay, sorry.
MS. CHRISTA BIG CANOE: --- answer when there is future hearings.

MS. VIRGINIA LOMAX: Sure, sure.

MS. CHRISTA BIG CANOE: And I will just note that you are at time as well, please.

MS. VIRGINIA LOMAX: Okay. Thank you very much for answering my questions.

MS. CHRISTA BIG CANOE: Thanks.

Commissioners, we will have to take a break. That's not to say that we will not be addressing that there is three parties left that have time to ask questions, and I am just going to ensure though that we have two things, a request that we have the space cleared so that we can prepare for the next panel which is being videoconferenced in, and that you please direct counsel to stay in the room when it clears so that we can have a conversation around ensuring that we can continue cross, please.

And so can we break for 15 full minutes, please?

--- Upon recessing at 11:21 a.m.
--- Upon resuming at 11:43 a.m.

MS. CHRISTA BIG CANOE: Hello. Hi. We're going to actually recommence now.

The next counsel up is counsel for Assembly of First Nations. Let's proceed.
--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

JULIE McGregor:

MS. JULIE McGregor: Good morning. My name is Julie McGregor. I am legal counsel for the Assembly of First Nations.

Before I start my cross-examination I would like to acknowledge the Treaty 1 territory which we are here on today. I would also like to acknowledge the elders in the room, the drum and the medicines and I, most importantly, want to acknowledge the survivors and the families of missing and murdered Indigenous women. They are the reason we are here today.

I would like to start my cross-examination of Dr. Napoleon and Dr. Friedland by making reference to their summary of anticipated evidence and testimony. It's found at Tab 2A, but I'm not sure ---

MS. CHRISTA Big Canoe: I'm sorry. The summary itself is not exhibited as evidence.

MS. JULIE McGregor: Okay.

MS. CHRISTA Big Canoe: And so any of the exhibits or any of their testimony you are ---

MS. JULIE McGregor: Okay.

MS. CHRISTA Big Canoe: -- allowed to ask questions on.

MS. JULIE McGregor: Okay.
So Dr. Friedland and Dr. Napoleon, you mentioned in your evidence that violence against Indigenous women doesn't arise in a vacuum and that there is oppression that is based on everyday practices of sexism and vulnerability, and that Indigenous women aren't inherently vulnerable.

And I guess my first question is I want to talk -- I want to ask you about is the interplay between Indigenous legal traditions and the Canadian legal system because many our First Nations women who are victims of violence and their family members when they are -- when something happens they are exposed to the Canadian criminal justice system which often devalues Indigenous laws, Indigenous customs and beliefs and traditions. So I want to ask, how do Indigenous women and their families resist this oppression when faced with a system, a Canadian legal system that creates this vulnerability around them?

**DR. HADLEY FRIEDLAND:** I think that's a question that Indigenous women can answer on many levels. I think that resistance is happening on lots of different levels. And one of the things I had said earlier is, it's really important to listen to that to see how we can support and amplify how people are resisting that now. And what's working and what needs support.

**DR. VAL NAPOLEON:** There's also, again,
creating spaces for conversations about exactly those kinds of experiences when the police don't come or when you are treated badly by people who are supposed to be protecting you and helping you, and finding ways for those voices to not be silenced locally or in other purview, so making room for the voices and acknowledging the very real experiences of continued oppression after violence is experienced.

**MS. JULIE McGregor:** In your testimony this morning, you described the narratives of despair and I was wondering if you could provide a definition of narratives of despair and also provide examples of narratives of despair.

**DR. VAL NAPOLEON:** In part it's drawn from the work of a brilliant young woman whose name has gone out of my head and she wrote -- she did a talk about the danger of a single story and she talked about her own life experience as a young African-American woman. And she talked about if people view her with a particular narrative that they have in their head about who she is, what her experiences are, what her education is and so on, if that narrative is the only story that's told about her and her family, then the rest of who she is and her possibilities in the world are erased.

And so in looking at that it is tempting for the media and for others to focus on Indigenous narratives.
of despair when that is part of our experience, but we have
other narratives too because we're whole people. And we
have -- we have lots of women doing incredible work. We
met, you know, like two weeks ago the first Indigenous woman
who is a dentist in Canada. Like, so there is incredible
women out there whose stories also need to be a part of what
happens in Canada.

And we can erase all of those kinds of
possibilities for younger women if we only focus on the
narratives of despair. Those are important to tell. So I’m
not saying they are not important, but who we are as a whole
people as women in our entirety also need to be told.

MS. JULIE McGREGOR: Would you say that the
media and, as you say, institutions who adopt these
narratives of despair, is that -- you know, do they enforce
or perpetuate the violence that Indigenous women face or
oppression that they face?

MS. JULIE McGREGOR: What we do -- one of
the things that we do in communities when we first go in,
is we work with what's called a tele (phonetic) wheel. And
we set out that there are four, at least -- around the
world in people's resistances to oppression, there is at
least four ways of acting. One can act within the rules
because sometimes it's the only safe place, one can
challenge the rules or one can act outside the rules or one

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can negotiate the rules.

So in Indigenous communities we are always -- we are always in those different ways of resistances, and the reason we do that at the community level is to point out that there is no one way of working on any problem that we need all of the different ways that people have and the different skills that people have to work on the huge issues of environmental degradation, of social justice, of racism, of all of the different kinds of things that we experience.

And so what we try and do is avoid the creation or perpetuation of dichotomies which limit the thinking locally as well as academically.

So that's a broad answer to your question.

**MS. JULIE McGregor:** Would you say also that having narratives that exemplify the resilience of Indigenous women in this country and the successes of Indigenous women would counteract the narratives of despair that Canadian society has built up about Indigenous women?

**DR. HADLEY FRIEHLAND:** Yes, it's my opinion that that is an important part of this. It's important for again that whole picture and not just -- I think what we have to be careful about is not just the most terrible stories or the greatest successes but Indigenous women as whole people who do amazing things, who do funny things,
who do strong things, who do silly things and really
pushing that making sure that we have that.

**MS. JULIE McGREGOR:** I am going to move on
to another area which you spoke about. My client is the
Assembly of First Nations and they represent First Nations,
over 630 First Nations across this country as well as First
Nations citizens who live in both urban and First Nation
communities.

And I was interested in your -- you made
reference to justice shelters and safe spaces, and I think
you used -- Dr. Napoleon, you used an example from Dr.
Friedland of a safe space for children to be. How do you
think or what's your opinion on how that would work for
Indigenous women in not only First Nations communities but
also in urban areas?

**DR. HADLEY FRIEDLAND:** My colleague, Dr.
Napoleon, wrote in 2008 about an idea of Indigenous legal
lodges. Lodges -- so justice shelters come from
international work creating the idea that even as horrors
happen, even as everything falls down around you, people
are still dealing with it day to day like did someone steal
a loaf of bread? That's not -- but you know, a conflict
with a neighbour. And all of those levels from the very
mundane, day to day, and these huge betrayals of humanity
on a governance level need to be dealt with.
So I think -- I think the idea of that is very possible. I think they could happen where there are places where people are gathered and are looking for solutions and drawing on the best from perhaps several Indigenous legal traditions, perhaps Indigenous and non-Indigenous legal traditions and resources to come up with solutions together. And I think -- I think it's possible in urban and rural settings and the idea would be that it would be multidisciplinary and also multinational.

So you wouldn't necessarily only have one Cree community. You might have five Cree communities or you might have -- on the West Coast you might have Coast Salish. And I don't want to say everybody wrong but you might have four different nations that gather in one spot and look at -- McGill law school does -- has systemic learning with the civil law and the common law where you're looking and drawing on both. And I think -- I think that's possible and I think it's a very hopeful, practical way to move forward here.

**MS. JULIE McGregor:** So in your final slide of your presentation, and in response to questions from my colleague from the Assembly of Manitoba Chiefs, Dr. Napoleon, you mentioned -- your final slide said there is much work to do but there is much hope.

And in response to my colleague's question,
you said that there is a starting place and there has to be a starting place for all of this. And I was wondering if you can elaborate and, please, provide examples of what the starting place is now and what practical steps do we need to take right now to start the process of, you know, revitalizing our Indigenous laws and traditions.

DR. VAL NAPOLEON: I think that there has to be multiple starting places because the problem is -- the problems are huge and complex. We do need the research which is a part of the rebuilding of Indigenous legal orders and legal processes and we have to deal with the contradictions of the past and the present and we have to deal with realities of local politics and dangerous communities and so on.

So we have to -- there is a huge context around the work of rebuilding -- researching and rebuilding Indigenous law. But there is also the practical and the everyday, the issues of safety, issues of poverty, issues of governance that people need to find ways to talk about or ask about or to in some way -- just even feeding their kids, I mean there's always like in addition to all the other work that goes on, there is the work of the everyday and getting through that.

And so the work of Indigenous law, of rebuilding Indigenous law there we have to deal with the
practical realities of the everyday and the safety and those concerns while also engaging as many people as possible in the -- in the actual rebuilding processes.

**MS. JULIE McGregor:** I think my time is up. Thank you very much, Dr. Friedland and Dr. Napoleon.

**UNIDENTIFIED SPEAKER:** Thank you.

**UNIDENTIFIED SPEAKER:** Thank you (inaudible).

**MS. CHRISTA BIG CANOE:** Next, can we please have, I guess, r. Kirsten Manley-Casimir, counsel for Ontario?

**DR. MANLEY-CASIMIR:** On the advice of two members of the Elders Council of the Indigenous Justice Division, Elder Pauline Shirt and Elder Gilbert Smith, who are both affected family members, Ontario would like to give -- to put the families first and give our time to the Manitoba Coalition to ask our questions. --- (Applause)

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. ANGIE HUTCHINSON:

**MS. ANGIE HUTCHINSON:** (Speaking in native language) to my relatives for giving me this time to share some of the families' questions here today.

So the question that I wanted to pose to both Drs. Friedland and Napoleon is in the introductory
video you talked or it mentions the principles of managing power dynamics and embedding human dignity and agency as part of those Indigenous principles. You have also spoken a lot about how individuals need to see themselves as rights-bearers within the legal process.

We know that many of our survivors and families who have lost loved ones feel disempowered and disengaged within both the policing and justice systems. So what recommendations for these systems or what lessons can you offer for these systems to ensure that family members feel that they are rights-bearers and that they have agency within these systems? Part of this inquiry is to look at how systems contribute to the level of violence that Indigenous women and girls and two spirited individuals face. So what recommendations for changes can you provide to look at disrupting these systems and changing these systems so that our families and that our loved ones and our survivors feel that they are rights-bearers within the systems?

**DR. VAL NAPOLEON:** So we know that in Canada we have urban settings with many different peoples and we have small communities across the north and through the rest of Canada and a process for a small community on the north coast of British Columbia might look a little different than that in Vancouver. So understanding that diversity is a
first step in just thinking about what an approach might be.

I think that the other homework that has to be done is to look at -- to talk to the people who are actually the intended people to receive the services and what are their actual experiences?

What are -- what are the expectations and understanding of what they need and what should be available to them and what is their actual experience and looking at the difference between what service providers and so on think they are doing and that which is actually impacting and affecting the lives very directly of women and children. So, and then building from that, but also like that work can go on.

While at the same time, the work of rebuilding Indigenous law can go on in terms of what are the stories about orphans? What are the stories about families? What are the stories about grandparents and so on? Where are the stories where there has been violence? Where are the stories where there has been misuse of power, of misuse by leadership and so on?

And bring all of those into -- with the families and with everyone who you can invite into those processes so that you build a collective experience. But it's grounded in the very real lives of the women and children so you start there, as opposed to from the outside.
We're talking abstractedly about respect and talking abstractedly about all kinds of things while at the same time perpetuating lateral violence. So I am suggesting a different starting place in how we work and how we understand one another.

**MS. ANGIE HUTCHINSON:** So just so that I am understanding -- excuse me -- you're saying that it's important to hear from those individuals and their interactions with the systems.

Would you suggest that it would be important to ensure that families and survivors' voices are heard within the institutional hearings of this process so that those systems can start to hear some of those recommendations from families and survivors themselves?

**DR. VAL NAPOLEON:** I'm talking -- I'm imagining a process at a local level. So I am imagining somebody like my mother talking about the violence in her life or the violence of my relatives talking about the violence in their lives. So that's what I'm thinking about here.

What I'm not equipped to do is to talk generally about inquiries. There are many kinds all around the world and it's not my area.

But to do the work of Indigenous law in any way that would matter you have to talk to the people who are
actually affected by the violence as well as by the hope that social and legal order could offer if we all engaged in it.

**MS. ANGIE HUTCHINSON:** So building on the -- if you're thinking about your mother and sharing her experience of violence, who would she be sharing that experience with to look at addressing some of these system changes?

**DR. VAL NAPOLEON:** I wish she would have had an opportunity to talk directly to the social services providers in her life about their failure to understand and respect her as a full human being who deserved dignity and respect in all of her life despite the mistakes that she made.

**MS. ANGIE HUTCHINSON:** So it's important for systems to hear directly from families and survivors?

**DR. VAL NAPOLEON:** And I believe that processes that are safe for women to -- and children to make their voices heard, have to be created and we have to be critical in how we create those spaces so that they are actually safe.

**MS. ANGIE HUTCHINSON:** Thank you.

And again (speaking in native language) for my relatives to share their time with me. Thank you.

**MS. CHRISTA BIG CANOE:** Thank you. Thank
you, counsel.

Government of Yukon, Chantal Genier?

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

CHANTAL GENIER:

MS. CHANTAL GENIER: (Speaking in native language).

Good morning. This is the way that a Southern Tutchone person would introduce themselves, likely hundreds of years ago.

My name is Chantal Genier. My Southern Tutchone name is Shortsea (phonetic). I explained to you where I was from being what is now known as Whitehorse, Yukon. I told you my grandmother and my grandfather's name as well as my father's name and my mother's name.

I'm with -- senior advisor for Yukon Government. Thank you for this opportunity.

I heard you yesterday and today, and I understand when you say there is no Pan Indigenous approach to justice. After all, in Yukon alone there are 14 distinct First Nations, 11 of which are self-governing and have the ability to draw down administration of justice agreements.

My questions are quite practical in nature. Sorry if there is any duplication.

I'm wondering if there are Indigenous
approaches to program evaluation or risk assessment tools
and if this is even relevant during this, during
consideration of Indigenous law.

**DR. HADLEY FRIEDLAND:** I think it's very
relevant because I’m guessing part of the question has to
do with the fact that sometimes this is where agreements
get stuck where it's all fine and good as long as it fits
within this risk assessment tool or this program assessment
and then it's very difficult.

I think that is what needs to be developed.
I think we need to be able to step back and have those
conversations where that research has been done and where
people are developing these tools based on that. That's
part of the implementation.

And I think of an example. I think of a
community who decided to develop a code of conduct based on
-- based on their research into their laws and this was
around resource management. And they said, okay, what now?
How do we want to implement it?

And they had -- they had a multi-prong
approach. They were doing education in schools. They were
doing adult education and talking and talking circles and
they were working and came up with this code of conduct or
code of ethics of how to address it internally.

So it's possible to do the research and
start building tools like that and I think -- I think it's
a positive, practical approach.

**DR. VAL NAPOLEON:** There are -- one of the
things that I used in developing Indigenous human rights in
looking at (speaking in native language) human rights,
(speaking in native language) human rights, Dene human
rights, like drawing from stories and legal processes, I
drew from the international human rights indicators. And
we can look at those kinds of things that -- and look at
how they can be governance tools locally so that there is
systems of accountability and safety that you actually
build into any of teachings kinds of things that are
developed.

And I also think that critical voices of
evaluation have to be a part of that too, those that are
receiving -- that are supposed to be receiving any services
because we've also seen where very good processes have been
adopted in jurisdictions but they don't end up actually
being very effective for lots of reasons because around the
delivery of services is often a lack of accountability.

And so those -- those are the realities
that, you know, have to be dealt with locally and
provincially.

**MS. CHANTAL GENIER:** Along the same lines
are, in your opinion, approaches from an Indigenous
perspective that could be considered on par with or similar
to oath taking or, again because there is no Pan Indigenous
approach is that not really...?

DR. HADLEY FRIEDLAND: I think where we want
to start with that is to ask, what is the purpose of oath
taking; what does that signal? Is this about legitimacy?
Is this about a seeking of truth?

The first step when we want to see if
something is analogous is to interrogate where it comes
from within the system it originated in. So that's where I
would start with oath taking, is looking at the history and
looking at some of the bumps and where it sits today and
what purpose it serves.

And then I think the research question would
be approaching specific Indigenous societies and saying,
here's -- what is there? What procedure, what protocol is
there to address this purpose and is this purpose valuable?
Is the something that would be legitimate within a
procedure that would show us we are making good decisions?

MS. CHANTAL GENIER: All right. Do you
think it is possible for Indigenous legal theories and
Western legal practices to work together? Could we create
a hybrid approach?

DR. VAL NAPOLEON: I think that that already
exists in many places where communities have taken on
different arrangements for justice projects or for housing
and so on. I think that there is a lot that we can learn
about legal pluralism between Indigenous societies, so I
think that that's a more interesting question than looking
at just the relationship between Indigenous legal orders
and Canadian law. We have to look at that too, but how do
we understand and work and make decisions and build
relationships across legal orders?

And so we had tools to do that historically.

We have contemporary processes like the transsystemic
teaching of common law and civil law at McGill and we have
-- so we can draw on that. And basically what that is, is
you look at what's the basic human problem that we're
trying to deal with and then what are the different
resources that the different laws have that could be
brought to bear on that that legal problem?

Then you start looking at doctrine. Then
you start looking at principles and so on to guide the
process.

And so, you know, these are things that
require us to do the homework, identify the questions and
think through them carefully so that we're not -- so that
we're not foreclosing Indigenous legal processes about
important questions, like not assuming that we know what
the answer of Indigenous law is which is what happens when
we just make declarations, but how is it applied to
particular problems in a way that's principled and reasoned
and would allow for an outcome to be legitimate and that
it's upheld?

DR. HADLEY FRIEDLAND: Can I just add a
really practical point? I think it's possible and I think
the reality is one thing we need to look at here is safety.
Again and again I hear, but also experienced, that if you
call the police there are times when you need force. You
need enforcement to be safe in the moment. And you need to
be able to pick up the phone and call somebody and have
somebody come.

The bottom line is we are going to need that
for a very long time and probably forever in some
instances. So I think definitely part of the hybridity is
figuring that out. Indigenous law is not only healing.
That's part of Indigenous legal traditions but there are
more principles, but we need to be able to look and say,
how do you build those agreements so when people call the
police it's seen as legitimate and they get the response
they need and deserve, and they are told that they matter
and their family members matter and their lives matter.

So I think, looking at building that in
where it's legitimate within the community, and where it's
making sense and the police and the other apparatuses that
have that ability for force and enforcement, are brought

together in a way that, at the end of the day people are

safe in the moment in a respectful, dignified way and where

there aren't necessarily sort of retaliation repercussions

that come -- that sometimes come today when people call.

**MS. CHANTAL GENIER:** Great. This is my last

question which you sort of partially even just answered

there.

I'm not sure if you're -- are you familiar

with the Gladue decision at all and the principles behind

that about courts being compelled to take into

consideration for anybody who is not familiar with the

Gladue decision and principles is it compels the courts to

take into consideration at the time of sentencing an

Aboriginal offender the historical factors that may have

played a part in bringing them before the courts and for

the courts to consider alternatives to incarceration,

keeping in mind the community as well and risk to

communities.

Can I just get sort of your general views as

to if you think that is a good example of a tool, just one

tool of many that can actually, if implemented in a better

fashion, is that a useful tool?

**DR. HADLEY FRIEDLAND:** In my opinion the

Gladue decision has two parts. The Supreme Court said we
need to take into consideration the historic and systemic factors that led to the offence for the offender. And the Supreme Court said we need to consider Indigenous ways and they of course had values, traditions to respond and practices to respond. And I would say that's law. We need to consider the Indigenous laws around this issue.

I think Gladue fully realized -- taking into account both essential parts could be a powerful opening for that, I think we need to take care that if we only do the one, although I've seen beautiful work, and I want to acknowledge that people are working really hard and doing really, really good work on that one part, we can risk falling into that narrative of despair, and we can risk not figuring out how we use the principle of Gladue with the two parts in cases of tremendous violence or horror or danger, right?

And I mean those are the cases where -- like I can speak from being within the communities, those are the cases that keep you up at night and hurt your heart and destroy lives, right. And we need -- we need to be able to have that full breadth of Indigenous laws being applied as well as acknowledging the histories.

**MS. CHANTAL GENIER:** I think that's everything. Thank you. Merci. (Speaking in native language).
MS. CHRISTA BIG CANOE: Thank you. Thank you, counsel.

So that actually concludes the cross-examination by parties. Do the Commissioners have questions?

(A Short Pause/Courte pause)

--- QUESTIONS BY THE COMMISSIONERS/QUESTIONS PAR LES COMMISSAIRES:

COMMISSIONER MICHÈLE AUDETTE: Great. Thank you very much.

I come from a territory where missionaries imposed on us the fine language of French. Otherwise, we speak Innu.

I'll take advantage of this. This is rare. We have a simultaneous interpretation service to ask my first questions and to respect from brothers and sisters in the room I will ask my next question in English.

My first question, I would like to know, you mentioned in your presentations that Indigenous laws were underestimated -- undermined. Could you clarify? They were undermined by whom and why? That's my first question.

DR. VAL NAPOLEON: So one of the -- there is a graphic narrative that we did called "Mikomosis" which is about Cree criminal law and we have a teaching guide to go with it. And that's an example of where there had been a
legitimate Cree, collective Cree process that resulted in a decision to kill a person who had become Wetiko and that person was then taken to -- by the RCMP taken to trial and then executed through the Canadian legal process.

So this is a story that there are many, many times where legitimate decision makers in Canada were executed or incarcerated by the Canadian state. And so there is lots of cases.

And so what we did in the graphic narrative was combine a number of those cases into one story so that we could have people look at the role of the RCMP, the role of the courts, the denial of any legitimacy on the part of the Indigenous decision makers in that legal process. And then, you know, we asked that what would have happened had the Indigenous legitimacy of the Indigenous process that's been recognized.

And we create resources to ask critical questions like about the fact that the Wetiko was a woman. Why wasn't her perspective told, and so on and so forth. So in that one story we tell a little bit of Canadian history's denial of Indigenous legal processes.

Other examples are the potlatch, some parts of the sun dance where we saw legislation which banned those processes. And if we look at the feast for the Gitksan, it is a legal institution of a people where
decisions are witnessed and there was precedent created. And those were a necessary part of a functioning, fully-functioning legal order.

And those processes went underground. I interviewed people where they remember, you know, doing them in secret in people's kitchens and so on, so they could maintain their responsibilities and fulfil their legal obligations, but they had to do it in secret. And then, you know, part of what happens is that there are fewer opportunities for -- as children are taken away, fewer opportunities to educate them.

And we can look at any corner of Canadian history and see the denial. I was a couple of weeks ago, asked to speak at a conference which -- by the Attorney-General of B.C., and there was a police representative who was leading the facilitation. And I talked about Indigenous law and he wrote down cultural practices, and I said no, I meant Indigenous law, and he wrote down cultural practices. And, finally, I got the microphone away from him and I went up and I wrote down Indigenous law and I went and sat down. He went back up there to that and he wrote in brackets beside Indigenous law (cultural practices).

And so this is in a public forum like this where my attempts to talk about Indigenous law as being
real in the world, were like because there was no space in his brain and no suggestion that he might look at that lack of space, was never taken up as part of what happened in those.

So I’m not saying they're bad people. It's not helpful to vilify. But that's a very small example of the experiences of Indigenous people who are trying to be lawful or who want to teach their children or who want to work as advocates in the world. So there are many, many times that this happens, all the time.

COMMISSIONER MICHELÉ AUDETTE: Merci beaucoup. Do you want to add?

Thank you very much.

DR. HADLEY FRIEDLAND: I would just give an example from the historic cases. So when Val is talking about the Wetiko cases, just to see where the laws and the courts do this, so the defences that people could bring is that they were too uncivilized, too superstitious or too childlike to form the necessary intent for the offence.

And what does that mean if you brought -- like, could you imagine if, in Canadian law, if a judge was sitting there suddenly as a defendant, you know for outsiders, a prison guard, a police officer and the only defences that would work for them, like what would that do to our entire system? Who would want to be a judge
anymore? Who would want to go to law school?

You know who would be willing to be a police officer if when you did something lawfully in desperate circumstances to save people's lives, you suddenly found yourselves in this process where...

COMMISSIONER MICHÈLE AUDETTE: Merci beaucoup. Thank you very much.

In English, like I said in French to respect my brother and sister who didn't have the translation device, I'll do my best, this one in English. We are under a federal act, the federal act and not from the world of the law world, our legal world. And I think that it's important if you explain to us, short and sweet if it's possible, of course, why we have to do this oath in this process. And if you can say to me there is other ways that it's more us to do that exercise of oath. If it exists, please share to me.

Did you understand my English?

DR. HADLEY FRIEDLAND: So you're asking about the oath at the beginning of this inquiry process?

COMMISSIONER MICHÈLE AUDETTE: Oui, oui, oui.

DR. HADLEY FRIEDLAND: And so this is my personal understanding, is that we are saying the oath at the beginning to say that we are going to tell the truth
while we're here.

So I think in different situations there are different -- as I said, different procedures and the probably best way would be to ask like what would signal that. It's important that people are telling the truth. So how is that done in a good way where we're at? How does that show it's legitimate?

I will give a very small example. And I don't want to say I'm an expert, but I have definitely heard that let's say giving -- when you give tobacco to someone and they receive it, in certain legal traditions, certainly that's my experience with Cree legal traditions and in ceremonies that if you -- if you give somebody tobacco and they accept it, my understanding, what I have been taught, and I know very little, but would be that that -- that they are also -- they are committing to participating but they are committing to do so in telling the truth.

So that's a small example in my only very little understanding.

COMMISSIONER MICHÉLE AUDETTE: Merci beaucoup. Thank you.

Thank you very ---

COMMISSIONER QAJAQ ROBINSON: Thank you.

Thank you for your testimony and thank you for the
questions from the parties.

I want to build a little bit on what Commissioner Audette asked in her first question about the marginalization or undermining of Indigenous laws and about examples of this that you provided. The bulk of the examples you provided were acts of the state that undermined. Is this a fair characterization?

DR. VAL NAPOLEON: Yes.

COMMISSIONER QAJAQ ROBINSON: Okay. Now, is it your view that this undermining has been intentional and systematic?

DR. VAL NAPOLEON: Not always. I think that we are capable of undermining things in total ignorance. I think that when we don't know what we don't know, and we don't ask what we don't know, and we don't -- we just make assumptions, which is why we spend so much time on figuring out how to challenge assumptions and why that is so important.

You know we can perpetuate all manner of impressions innocently by simply believing that we don't have to answer to anybody that the way we are in the world is absolutely right and that we have the power to just keep on going the way we are going and everything else should support us in that. If we maintain that stance in the world we are going to oppress people all over the place.
And that's exactly why we have to question, each of us, no matter who we are, whether it's judges, police, social workers, whoever. Like, we are in positions of power and we have an obligation to stop oppression wherever it is. And it doesn't matter what our positions are. We can either perpetuate the systems of oppression because the world is full of relations of power, or we can find ways to not perpetuate it.

COMMISSIONER QAJAQ ROBINSON: You also indicated that there is some where it's been intentional.

DR. VAL NAPOLEON: Yeah.

COMMISSIONER QAJAQ ROBINSON: Could you elaborate then? And I think -- where I am going with this question, to be blunt with you, is in your testimony you spoke about the cultural genocides that have been committed in this country. And I wish to pose to you the question, following the question about the systematic nature of the undermining, is whether or not you -- either of you are of the view that this undermining of Indigenous laws and not giving space to Indigenous laws has been an act of cultural genocide or is part of the cultural genocides ---

DR. VAL NAPOLEON: Yeah.

COMMISSIONER QAJAQ ROBINSON: --- that we speak about and that we are speaking about in this country and I think we have to.
So that's my question and the context around it.

**DR. VAL NAPOLEON:** There is historic evidence of -- so I gave the example of people being charged after they implemented a reasoned deliberative decision that was -- seemed completely lawful under Cree law or Anishinabe law to address community safety with someone with a Wetiko and this would be the 19th century or early 20th century. There is historic evidence that there is letters from different people within government departments saying, put a stop to this because we need to assert our sovereignty, we need to assert our law.

And I have looked at that because fairly some people say, well, the European people wouldn't understand this at all so, my goodness, like that's why they reacted the way they did. And I said, no, there is actually letters saying that part of this happens to asserting sovereignty and it happened at a certain historic point where when trade was very important and Euro-Canadian settlers were reliant on Indigenous nations for defence, for trade, et cetera, they did not interfere in these Wetiko cases. They began to interfere and these court cases appear after these letters are sent.

So I think that -- I do believe and it is my opinion that the foundational undermining of Indigenous
legal traditions is connected to the undermining of Indigenous peoples' humanity, and that is the bedrock of any genocide.

COMMISSIONER QAJAQ ROBINSON: Thank you. I posed a question to Professor -- to Tuma yesterday, and you have touched on it a bit today.

Dr. Napoleon, you spoke about the state monopoly on law, and this is an ongoing reality in Canada. And I would like to hear from you how the state governments in this confederation that governs over this land right now, what the provinces and the territories and the federal government can do to address this monopoly and to create this space.

Tuma spoke yesterday about issues around the Constitution. And I'm not sure if you heard his testimony or his answer to that but -- so I pose the same questions to you: How can the states; federal, provincial, territorial address this monopoly and allow for that space?

DR. VAL NAPOLEON: I think that the way forward is on a -- if we have to be -- make the question as specific as possible to different areas of law, so family law, constitutional law, land law and so on, so that in each legal order there is a complete system of law that covers all aspects of human lives.

And so what area of law within Indigenous
societies is it intended to, to look at the relationship
between -- with Canadian law? So you can -- and I think
that has to be done -- the homework to support Indigenous
communities to do the kind of rebuilding necessary so that
they are in a position to articulate laws so that a
transsystemic process or a legal pluralistic process can be
established with the state.

--- (Laughter)

DR. VAL NAPOLEON: And so that the hard work
has to go on in terms of -- like, beyond the generalities
is a first step.

But I think there are legal decisions
through which Indigenous peoples have advanced law in
different areas. There are agreements through which people
have attempted to establish legal and political
relationships with the state. There is all manner of legal
agreements having to do with specific services as well as
overarching structural and self-governing agreements.

There is different kinds of services that
people have had. Like, Indigenous peoples through time
have been very pragmatic about being in this world with
some dignity as peoples no matter what was happening. And
so they have found ways to advance what we care about, and
we have some problems in it all.

So it's not going to be -- there is no quick
fix and there's no one way to do it. It has to be --
	encompass the actual complexities that are there.

And as far as legal processes we've done
work with, you know, looking at developing resources for
dispute resolution and the processes available to us do
include the courts. They include tribunals. They include
alternative decision-making processes. They include
justice projects of which there are many in Canada and they
include Indigenous law. So for actual decision-making
processes at the local level, there are also options.

So there's different levels of work,
different levels of imagination that we have to build here
together in which that work is going to be possible.

DR. HADLEY FRIEDLAND: Can I add just a
couple of concrete first steps and acknowledging I don't
know what the other provinces are doing, I wanted to draw
attention to -- we had a slide about Ontario justice. The
-- I'm going to say the -- I'm worried on the record to say
it correctly, the Department of -- the Indigenous Justice
Division.

And, to me, that would be an example of best
practices for starting and, again, acknowledging other
people may be doing as brilliant of work. That's the one I
have seen where you have a government department dedicated
to that two-pronged approach, reform of the justice system
and revitalization and being able to -- thank you.

And I think that's on tab -- oh, no, that's a PowerPoint. Yeah, the Indigenous Justice Division, Ministry of the Attorney General of Ontario and their mission statement is to: Support reclamation of Indigenous legal principles and systems and strengthen justice for Indigenous people within Ontario.

So they have funding and support for revitalizing Indigenous laws and they work on reform within the current justice system. And they have the Elders Council, the Indigenous Legal Principles project, the Family Information Liaison Unit, so taking again that approach; cultural competency training and, I'll pronounce this wrong but (speaking in native language), an Anishinabe word, and Indigenous Peoples Court. So not this either/or, getting away from either/or, but really having that comprehensive approach.

COMMISSIONER QAJAQ ROBINSON: I have one final question. Tuma spoke of an idea where under the Constitution and the division of powers, under section 35, that there be constitutional reform where under section 35 there was recognized a third arm in the division of powers that recognized and affirmed the legislative powers and the jurisdictions of Indigenous peoples. What are your thoughts on that?
DR. VAL NAPOLEON: That's one legal avenue within Canadian law. I think that -- I think that we're not -- it's not clear where and how the relationship between Canadian law and Indigenous law is going to play out.

So here is the thing. Imagine that all 60 or 50 legal orders were fully functioning in Canada in a way that was legitimate and inclusive and that the laws were -- people were able to challenge them when they were unfair and people -- so the Anishinabe (speaking in native language) all, all of the legal orders. Imagine the conversations we would have with Canada with that as our foundation, as opposed to us scrambling, one little Indigenous research unit in all of Canada?

That's who we are. We have three people in our research unit. Imagine what we could do if all of us had those resources, if all of us were able to do this work in a way that was sustained and stable? It would change the conversations with Canada. It would change the legal imagination that would be available to us. How it would play out in the end? The answer is section 35, the Constitution says, and so on. So we don't know yet, but it's possible.

DR. HADLEY FRIEDLAND: Can I acknowledge just for the record that the "Three Heads of Government"
was written by Bruce Reiter in 1992, the original article. I just thought we should give him credit for that, for that idea. I think that it's important.

And I would agree with Dr. Napoleon that figuring out -- I think we also need to look at sometimes people look at things being impossible but the law doesn't necessarily prohibit as much as we seem to think it does. I think if there is good will and there is people working together and understanding the legitimacy and applicability of Indigenous laws, there is actually quite a bit of room, you know. And you see people making that space that we are not necessarily quite as, I think, bound as people suggest.

COMMISSIONER QAJAQ ROBINSON: Those are my questions.

COMMISSIONER MICHÈLE AUDETTE: Okay. I just want to say officially, thank you very much. It was a learning experience for me, and I was impressed also.

And I want to say thank you for the representative of Ontario, if I'm right, who graciously, how do we say that, share or gave her time to a family member. So with my colleagues, we appreciate that very much. Merci.

MS. CHRISTA BIG CANOE: So that actually -- that concludes the testimony of Dr. Val Napoleon and Dr. Hadley Friedland. I also would like to thank them.

INTERNATIONAL REPORTING INC.
I ask that they be excused but then just address the Commissioners for one moment about lunch break and this afternoon's proceedings.

(Appplause/Applaudissement)

**MS. CHRISTA BIG CANOE:** Given that the schedule -- and we have demonstrated -- parties -- participants have demonstrated a lot of flexibility in order to be able to hear the histories and the truth and we are very appreciative of that, we were expecting a videoconference to start at 11:30. We are a full hour behind schedule.

So what we have done is the -- an Inuit elder has requested that we start at 1:30 so that there was an opportunity for them to eat lunch. And so I ask to have a 45-minute lunch and to commence at 1:30 so that we also have the opportunity to get through cross-examination this afternoon and to then our third and final witness for the day, Dawnis Kennedy.

So if we can break now for 45 minutes and come back at 1:30, and I just want to also announce for families or anyone in attendance, any of the slide presentations that have now been made an exhibit are available out in the hallway, the copy that you would have seen in print. And once they are in exhibit we will continue to do that throughout the course of the hearing.
Thank you.

--- Upon recessing at 12:45 p.m.

--- Upon resuming at 1:45 p.m.

**MS. MAUREEN GABRIEL:** There is health supports in the room and outside that you can reach out to, to request that time and space. I just want to say thank you.

While everyone was on a break today I also asked Elder Stan to cleanse the room.

Thank you very much.

(A short pause/Courte pause)

**UNIDENTIFIED SPEAKER:** I'd like to say bonjour. (Speaking in native language).

Everybody, what I said was "hello my relatives".

**UNIDENTIFIED SPEAKER:** Okay.

**UNIDENTIFIED SPEAKER:** Bonjour. (Speaking in native language).

My name is (speaking in native language). I am of the Red-Tail Hawk Clan from the Cree Nation.

And I have been here for -- in Ontario for about close to 50 years and I have been given sema to come and, you know, open this in a good way. But first of all, I would like to say -- I would like to say miigwetch to the creator for bringing us, all of us together in here,
especially the families and, you know, and friends and everybody here, you know, who is connected with this happening here.

So with the sema what I am going to do is I am going to ask everybody, all the spirits to come in here from all the four directions and be with us for the -- for this, you know, for this day, and the eighth moon of creation. I am also (speaking in native language).

And I will not hold water cup because we do not -- because we are talking about the spirits of our ancestors of all of us that have been missing -- you know, missing and murdered women. So we do not, like our elders said yesterday morning, we do not give them water because they are already you know -- we are the ones who need that water. We are the ones who need that sustenance. So everywhere I go I try. That's what I try but at this moment I won't be able to.

And I also want to say to my -- to my other friend in here, our elder from Ontario, that he's holding the most sacred, sacred being, you know that messenger, (speaking in native language) and (speaking in native language) is the one who is going to gather all our prayers, who has gathered the prayers of all the families who have -- you know, who have missed their loving -- their loves and all those messages have -- you know it was
(speaking in native language) who brought them up into the -- you know into the universe.

And so as a result of that I would like to say you have done your work in a good way and it is up to us as community members to support you in every way. That's why I stand here as you know a great-grandmother, a grandmother and a mother of five children. So I want to say a short prayer. But I also want to sing a song because I am of the -- you know, of the Eagle Clan. So I would like to say (speaking in Native Language).

--- Opening Prayer and Song/Prière d'ouverture et chanson

UNIDENTIFIED SPEAKER: Thank you very much -- prayer and songs with us. (Speaking in native language).

Can you hear me, Sandra? Yes, I can hear you.

Can you see me? Yes, I can see you.

That's good. Thank you for participating. Sorry for making you wait.

We are going to start. They are going to light up a lamp, oil lamp. So we are going to wait. Then we can start.

(A Short Pause/Courte pause)

MS. LILLIAN LUNDRIGAN: This will be done in Inuktitut. Channel 2, English translation, I believe, and I think that's Channel 1 to follow the discussion.
(A Short Pause/Courte pause)

**MS. BETH SYMES:** ...hear it in Inuktitut.

How is that going to be done on the web stream?

**MS. LILLIAN LUNDRIGAN:** We are speaking in Inuktitut. So I am assuming the Inuktitut web stream live is going to be in Inuktitut.

(A Short Pause/Courte pause)

**UNIDENTIFIED SPEAKER:** While we are trying to figure this out, how are we going to relay this and how they are going to understand this?

**MS. LILLIAN LUNDRIGAN:** ...our legal counsel for the inquiry up in Iqaluit to administer the oath or affirmation with Sandra and Kunuk in Inuktitut.

Joseph, you can start.

In your Bible? Are you going to read from this, the Bible? Are you going to be -- the testimonial?

Yes.

Thank you. We can start.

**SANDRA OMIK:** Sworn

**INUIT ELDER KUNUK MUCKPALOOK:** Sworn/A assermenté

--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE PRINCIPAL PAR

**MS. LILLIAN LUNDRIGAN:**

**MS. LILLIAN LUNDRIGAN:** And I -- first of all, I would like to thank for having us here today. We wanted to go clam digging but we're here. We're here.

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If you can start, Kunuk, your name, where you are from and where were you born, if you can tell, if you can share that with us?

**ELDER KUNUK MUCKPALOOK**: Yes, I can tell that, share. I can share from what I know personally about -- in Arctic Bay. My name is Kunuk Muckpalook.

I didn't really grow up in Arctic Bay but that's been mostly my residence there.

We were living out in a land where there is no other families around or people around. That's how we lived. And my father was perfectly healthy. That's how we grew up, out on the land.

There were not a lot of people around except for the dogs were the main focus.

**MS. LILLIAN LUNDRIGAN**: Thank you, Kunuk. When you were born in Arctic Bay -- you are living in Iqaluit now?

**ELDER KUNUK MUCKPALOOK**: Yes, I am. It's not by my choice that I live in Iqaluit. So we moved here. Some of my family moved to Ottawa so I ended up living in Iqaluit. I haven't gone home yet.

**MS. LILLIAN LUNDRIGAN**: You are from Arctic Bay?

**ELDER KUNUK MUCKPALOOK**: Yes, I am from Arctic Bay. My little community is Arctic Bay and Toonaluq.
(phonetic) is just around Arctic Bay area.

**MS. LILLIAN LUNDRIGAN:** Sandra sits with you. Can you tell us a little bit about yourself and share here? We are being recorded and they have to be recorded.

So just to say where you are from and where you were born and where you grew up, if you can share that with us?

**MS. SANDRA OMIK:** My name is Sandra Omik. I grew up in Pond Inlet and our area. I stopped in Inuk region. I was around -- Arctic Bay is not too far from Pond Inlet so I have been working there for 10 years, but prior to that I was in training, law training. I was also working for Dene organizations prior to that, legal aid also.

**MS. LILLIAN LUNDRIGAN:** I understand your profession and that you did have training in law. So did you graduate from the law?

**MS. SANDRA OMIK:** Yes, I did graduate from the law.

**MS. LILLIAN LUNDRIGAN:** You are now working for Inuugatigiktiarniq?

**MS. SANDRA OMIK:** Yes. I have been working there for 10 years as a lawyer.

**MS. LILLIAN LUNDRIGAN:** Can you share us -- to the Commissioners that you had law reform?
MS. SANDRA OMIK: Yes, there were four of us that worked on law reform, one from (speaking in native language) Anita Peterson (phonetic) from Cambridge Bay and Joanna Kelly (phonetic) who was from Iqaluit. We visited communities for two years talking law reform.

MS. LILLIAN LUNDRIGAN: What were you doing visiting the various communities?

MS. SANDRA OMIK: We wanted to consult with the Inuit communities on law reform, what laws in the Canadian law today affect Inuit the most and what reforms should take place to be more relevant to the Inuit. And we like to focus more on culturally-relevant issues when it came to law reform.

MS. LILLIAN LUNDRIGAN: Thank you. You did a fabulous job. Do you wish to add any more to this?

MS. SANDRA OMIK: No. Kunuk -- Kunuk failed to mention that she has been involved in the elders' restorative justice for many years. Do you wish to add to that, Kunuk?

ELDER KUNUK MUCKPALOOK: Yes, I can talk about that. We got together regarding education in our communities, elementary school education.

We at the time, elders committee, we looked at cultural values, practices. And I was the youngest elder at the time. They invited me to participate because I
needed someone to take over. I participated in the restorative justice committee.

I worked with the elders. We worked with youth who were in -- to teach them our traditional values, life values, and we counselled them as well.

A lot of the work was very difficult at times when it came to difficult situations, and it made us ill at times working in isolation.

We tried to educate the young people about traditional values, life philosophies and law, customary laws.

Thank you.

**MS. LILLIAN LUNDRIGAN:** Thank you, Kunuk. I understand completely what you're saying. I was at -- you also worked with the restorative justice elders' group. How is it applicable today? Did it have any benefits today?

**ELDER KUNUK MUCKPALOOK:** It is very different from the Canadian law, your Western law. We had a different lifestyle.

We were a tight-knit family but now our children are being more influenced by Western philosophies and although they may be our child biologically, they are more influenced by Western culture and values. Some refuse to think of our values nowadays and to practice. Some do
take it seriously and work hard at it. I always make myself to be -- to young people for advice.

**MS. LILLIAN LUNDRIGAN:** Sandy, I ask you. Yesterday they said and they talked about Aboriginal people that Aboriginal law is very difficult to define and you cannot define it in one sentence. Is it like that with Inuit law?

**MS. SANDRA OMIK:** Yes. Yes, because it's not written, documented and it's not recognized in the Constitution or the Canadian law.

Our laws, we studied laws and the legal system in the Western culture. But we also compared in law school the differences between Western and Inuit laws and how much of the work and issues come into conflict at times.

(Speaking in native language) region, our land -- we have a huge landmass that's composed of four regions. We have regional differences as well in our customary laws and traditional laws. Because we hunt differently our land and environment are different, child rearing is different region to region, perhaps clan to clan. But we know that certain laws are common in Inuit culture.

How many laws do you know? I cannot say, but I have observed. I have listened to oral histories,
life histories regarding the Pond Inlet area where I grew up in. I can only relate to that area and that's my homeland. But we know that the firstborn cannot be adopted out to another family.

It is also different in Iqaluit and Kimmirut, South Baffin and Cape Dorset. It varies. I heard that from South Baffin region from Joanna Kelly. They will encourage the firstborn to be adopted out, usually to the grandparents. So it varies.

I understand when we took law history, laws and policies -- practice -- culture practices and laws.

There are cultural practices and there are laws and there are taboos which we do not practice anymore because the missionaries arrived and discouraged the use of the taboos which were part of our customs that we abided by, the law -- the taboos. When you were pregnant there were certain parts of an animal you could not eat. Those were not laws but customary laws which we call taboos when they related to a person.

MS. LILLIAN LUNDRIGAN: Can you talk about taboos and laws and how they differ?

ELDER KUNUK MUCKPALOOK: Taboos, for instance a little child, if a child growing up if they were born with disabilities or with an illness, it was the practice that a mother had to follow certain taboos such as
eating certain parts of the animal and then would have to — and they were kept in a separate shelter if a child was born unwell.

If a child miscarried -- or in the case of a miscarriage, I believe, taboos were followed. Actually the mother would be confined to eating only certain parts.

And her spouse during that period was -- during his wife's pregnancy, he was not supposed to eat certain parts of the animal. If he broke the taboo, the taboos, even in secret, he would -- then something would happen to the child or the wife because there were so many taboos to be observed and even if kept in secret, taboos -- to be discovered.

People have to have -- it would affect the whole community if a taboo was broken. A shaman -- a shaman of the day during that time was called on to correct the mishap. A law had been broken. A custom had been broken. A shaman had to deal with it and deal with the person who breached the taboo.

Regarding taboos ---

**MS. SANDRA OMIK:** I think I can clarify this.

It's very cold up there. It's harsh and it can be prolonged. It can be cold, very long winters, just daily struggles and there always has to be daily
assistance. That's how we survived. They cannot do it alone. They cannot survive on their own. It was just impossible. It had to be a team. It was just too difficult in the North.

The people, the community, there were couples, children and grandparents, a sister, brother, an elder, grandfather, grandmother; they would help each other elaborately so that they survive. So it's the same thing. Every day, daily they would help each other and it's part of their social in the North to survive the day so they work together. They live in harmony.

If something happens or if there is a terrible thing happen or if there is a problem they would - they would get closer and resolve it and just to try to survive, for survival if somebody is stingy or if somebody is hungry.

And the same with their minds. With their minds there is also peace and that was very collaborative.

**MS. LILLIAN LUNDRIGAN:** No, I can understand. I would like to ask you now if there was one person with regards to Inuit laws. You can acknowledge that about traditional Inuit laws?

**MS. SANDRA OMIK:** Yes, we used the Canadian laws. I cannot interpret that.

So for example, for the survival purpose and
endurance was their only centre of attention or hub. That's how -- how they tried to practice it.

MS. LILLIAN LUNDRIGAN: Okay. Okay, thank you. What you just said, from what you know and what you have learned, is it all true?

MS. SANDRA OMIK: Yes. I cannot say what's outside of my territory. I can only tell you what we, Inuit, understand as -- the same thing. That is our society from what we understand from what we do, so we work on that.

MS. LILLIAN LUNDRIGAN: would like to acknowledge that Kunuk Muckpalook and Sandra Omik are providing knowledge and expertise about traditional Inuit legal practices and methods related to their community and region, Arctic Bay and Pond Inlet of the Baffin region (speaking in native language) for the record.

CHIEF COMMISSIONER MARION BULLER: Thank you. Welcome both of you to the national inquiry. Thank you for joining us and, certainly, we acknowledge your expertise and your experience in life in the North. Thank you.

MS. LILLIAN LUNDRIGAN: Thank you very much from the national inquiry that you came for your testimony today. As legal representatives here we can understand your situation and, in fact, you can tell us a story, a bit
about it. So thank you very much.

I am going to ask more questions with the Inuit traditional laws and if you can give us a little -- if you can share those with us and even add more, I appreciate that.

**MS. SANDRA OMIK:** Yes. For instance, we always plan for the future because we work hard to survive. Strategic planning was very important but there were certain rules and expectations when it came to planning because planning, good planning depended on our survival.

We cannot call it a law but it was a practice to always be prepared. If the plan was not followed, it could happen that we have famine. We could freeze to death. We could not have seal to heat our lamp oils and therefore freeze.

People should always plan to stay ahead to stay alive from childhood to adolescence. They tried to raise the children to always be prepared to be able to look after themselves and others so that they will be capable and able hunter-gatherers that provided for the community from childhood, birth to childhood, adolescence, a young adult, so there was always the coaching, life coaching.

From what I understand from my parents, my grandfather and my grandmother and my brother and my great -- my parents included -- I also had a great-grandmother.
I learned from my great-grandmother not just by oral history but by demonstration and by being coached.

Observation is the best way to learn. If my brother went hunting, for instance, if he caught a caribou, once he had enough to feed he would go home. There was conservation of wildlife, respect for wildlife and environment. So it was very important that the environment, the wildlife and the human life counted on each other and we were one and we had to work and we respect all.

I did not see anger. My grandparents especially and my parents, I did not see them having fights or yelling at us or reprimanding us in a loud voice. It was by coaching, encouragement, by observation. They worked hard. They were resilient. They never saw nor abused their dogs who were their transportation and hunting buddies.

**MS. LILLIAN LUNDRIGAN:** Kunuk, did you wish to add to that? You are free to add to what you're saying.

**ELDER KUNUK MUCKPALOOK:** I would like to add in the old days we lived -- if you had a son, while the child is growing up, depending on the age development they would teach them continuously for what the mind and the money is able to take. They had to teach him principles and values, conservation and respect for all living things.
Nowadays, we raise our children very differently. We lose our temper disciplining them. We have outside influences on all of that and the issue of getting into trouble now because of the freedom as individual human beings. Perhaps too much focus on that, because possibly too they see a lot of anger in their home lives and in their world and in the community.

Not everyone was perfect but in the old days we had a saying that -- we had sayings that we had to live by that were the beliefs. We had customs to live by. We were asked to help our people. Those who were in need our job was to help them.

Not everyone -- nobody was encouraged to be left behind. All had to eat when there was food. We could not deprive other people. There was no class system.

We were all equal. When it came to sharing food and clothing, skins, we were equal. We had seal skins, caribou skins and those -- our clothes to keep us warm.

We -- nowadays there is many people who do not learn those practices and now we have people who do not help themselves that society has to help constantly because they are not trying on their own. Some disobey our taboos and customary laws or helping out in the family nowadays. A man was to provide for the whole community. Not every
man does that now, nor are they trained to do.

   We have to raise our men to become men again
with the principles that we were brought up with. From the
age of five he would start going on day trips, gradually
learning and once he started going out on day trips and
hunting, he is now getting used to being a hunter and
gatherer. He is now getting education by observation and
by being coached verbally.

   Then they would -- they would discipline
that child. It was okay to spank a child on the bum to
discipline them because they had to be good people. They
spanked them to discipline them from the age of five. They
sit them down and then they explain afterwards at the age
of five, this is what happens -- if you misbehave this way
these are the consequences.

   And it was -- nowadays it is corporal
punishment, I guess, a mother or the father, a nine or 10-
year old if they discipline a child or touch a child. The
elders would gather and discipline the adults because at
that age you do not discipline a nine or 10-year old.
There were rules when it came to child psychology and child
rearing that people had to observe. The elders were the
police at the time. We followed oral history, oral
instructions.

   People are sometimes just difficult to
coach. Then they would let them be on their own because they would be too difficult to teach. Then they would say that he hasn't learned how to hunt. He is depending on other people to provide food so they had to be charitable to the person and his wife; had to be given sealskins to sew. It was very difficult for those people who decided to be independent. Rather than being independent they ended up depending on the whole town for their survival.

If you cannot observe the traditional laws, the customary laws then -- yes, I understand.

MS. LILLIAN LUNDRIGAN: Thank you very much. Today we are changing. We heed very little to Inuit laws. We are now governed by Canadian laws. How is it for Inuit as a society?

ELDER KUNUK MUCKPALOOK: It makes me cry in my heart. Our children talk about very foreign things, very heartbreaking too. They talk back to their elders which was a taboo, not showing respect. Once we tell them, "You are supposed to listen to your elders" because Sandra listened to her elders as she's sitting here and if she did not, I don't think she would be sitting here. Same thing with you, Lillian.

Thank you.

MS. LILLIAN LUNDRIGAN: I will just ask one thing about gender, the role -- the gender roles of men and
women. They all have responsibilities for both and this is being lost in our society, for any society. Can you give us a little detail about it?

**MS. SANDRA OMIK:** First of all, I would like to add back then Inuit when they were on their own for the colonization for the grandparents and the elders, were the main authorities in our community. In terms of hunting were the men were the authority over the hunting and the women were more -- have a role in the society like in a community.

But they did help each other. That was the only way to be is to help each other; collaboration. They make decisions and the children and the grandchildren and one of them, either boy or girl, they had to listen to them. Those were the authorities. They were our elders. They were scary and we had to follow what they say. That's how we were. That's our tradition.

With regards to the spousal -- if I make it more clear if I start talking about husband and wife. When my parents talked about they were pre-arranged marriage. My grandmother, she married an elder. And my other grandmother also was arranged to marry an elder, just looking at what they're going to be in the future, if they're going to survive it. So they can survive it when they get older so they can help each other collaboratively.
Both of them, the man and the woman, these two, they weren't independent in making decisions. They were done by the -- collaboratively. It's kind of delicate when you think about it but they are doing this for the sake of their future so they can survive in this and because they love them.

So when my grandmother was a widow so she had to marry an elder because -- so the elder can look after her. Now, she was (inaudible) so after not wanting to marry that man and she just became grateful afterwards. So they would go out hunting to look for food and said to an elder: You go and get some food. So just go to the store, not asking anything. So he brought me food. I was puzzled. "I'm so glad I married you", she said. At first he was very unpleasant and scary but in the long run, started being proud of him and looking after him, the fact that he was looking after her so started to gain respect to him.

That's just my story.

Same thing with the mind, emotions. They did all kinds of things. They shouldn't be too angry and not -- don't be jealous; don't rebel, a lot of problems. They shouldn't be creating any problems, kind of, but they shouldn't be overly -- shouldn't really be like really angry about a certain thing.
So we have lost that value. We get angry easily and we just want to attack other people, verbally or otherwise. However we felt, we just always just act upon it a lot easier than before.

So this touched -- the murder -- because it was never that. We were never living in that. We were living in harmony. So that kind of attitude and behaviour will lead to murder. So it didn't happen very often, only in very, very rare occasions.

You know that in Nunavut 10 die out of 1,000; so let's say 10 people die out of a 1,000 murders. Now, it's one of the highest rates. It's so unfortunate the way our society -- we have to get on that. We are still fighting one another. We don't have any more intention. So it's getting more difficult like just the way Kunuk just explained.

It's very emotional especially when we're all fighting one another. We're killing one another. It's very heartbreaking.

**MS. LILLIAN LUNDRIGAN:** Thank you, Sandra. You make a lot of sense.

Kunuk, would you like to add to what Sandra just spoke about?

**ELDER KUNUK MUCKPALOOK:** Yes. From my childhood or from childhood to marriage, we train -- people
were trained to think constructively, critically. They said it was difficult to work with men, men's minds because you have to make them observe, think, be critical and think of the consequences and not to harm all living things. They would tell them they were quick to anger, that being angry had consequences that it could be harmful; that certain taboos were not to be broken because it would -- harmony in the community or even being careless could harm people and cause accidents. So they were coached always to be of service to the community, to society because they -- we was taught to serve our community.

So we were very easily and quickly corrected if we did not behave properly. Women were treated that way. They would be taught verbally. They did not teach them as much because when she gets married her husband will grow with her and mature with her and become wise. It was let up to the man to nurture the family starting with his wife.

I was born in 1939. I was born. I have never seen a woman wanting to get married, running around looking for a husband. Metis women did not wish to get married. They have relations like nowadays and no commitments, no lifelong commitments. They did not get the coaching that we did.

A son -- a father would tell -- a man would
go to the father and propose that he wanted to marry the
daughter. The parents would look at the man, his abilities
as a hunter and gatherer and his intellect. Then they
would give their blessing if they felt that the daughter
was going to be okay under the man's companionship.

We do not want to live like elders. They
wanted to live happy, free lives without too much hardship.
I am like that.

When I was 16, my parents agreed to a forced
marriage, a man that I had never seen before. So that was
traditional arrangement. Once my parents agreed, my father
especially, I had to get married to a man. He is my helper
today and my partner and my soulmate.

When people were getting together as a man
and wife or a couple, they were encouraged to support each
other, to help each other, to grow together to their
potential that in their own home they were told how to
share food, how to prepare skins and clothes and how not to
waste so that they will have a comfortable life not wanting
or needing.

I was told that a woman would be told if
your husband tells you honestly and tells you off about a
certain behaviour that you are protecting if your house is
too messy and you are getting too careless and if your
children's clothes are not -- are in need of repair, her
husband tells her, "Why don't you look after the children? Why don't you look after the house?"

Once the woman is told to do her responsibility if she was quick to anger and to talk back then she was a dangerous woman. She would put herself in a position by not obeying the natural law of a good life. If your husband tells you verbally and disciplines you, take heed. Otherwise, you'll be putting yourself in danger if you talk back or go against him, because it is for your own safety and your own protection and wellbeing.

If a woman was quick to anger and argumentative then they make themselves wide open for abuse. Pauktuutit Inuit women should be listening to this. Today, the Pauktuutit Inuit Women's Association should be listening to this.

It was -- I would -- if my husband were to -- told me more than once and I just sat back and I fought for my rights and this constantly, my husband would become very uncomfortable with me and unhappy with me. Then we are about to have some problems which could be quite destructive today.

Not too often would a man have to discipline his wife but women can cause dissension in the home. If your husband is going to -- goes to bed early, then likewise your household should reflect your husband's
habits, if he has good habits; early to bed, off to work in the morning hunting. It's not appreciated if the wife went visiting all night while the family slept. You have to model as a unit of a good life. So if that's the case then she would put herself in front of them to be disciplined.

And comparing the mothers -- would be if your daughter is not listening to us and no doing well, it might be some very dangerous situation if she keeps it up. So the mothers if something happens to their daughters, the other elders and the grandparents and they would go up to them and just discipline them and talk to them collaboratively.

That's the way it was, if you can understand my message. I have -- I can't talk very well. It's very harsh so I have to try to talk really loud.

Back then everyday daily stuff was only basically to survive so they have to work on the clothing to suit the weather. Same with the man and the woman, have their own responsibilities and work every day. If somebody is just lazy they won't -- there is no -- and I just wanted to clarify that a bit, so a man and a woman, they prepared them to be adults since they were little kids and about clothing and how to survive. I just wanted to add that.

MS. LILLIAN LUNDRIGAN: Thank you, Kunuk, and Sandra. I understand what you are saying.
Another question for husband and wife, if they were beating or hurting each other in their relationship how was this dealt with?

**MS. SANDRA OMICK:** First of all, I want to say what I said before. Our elders, my elders, my grandparents and my father, I have never seen them fighting or hurting each other and/or any of my family. My uncles or aunts, I have never seen them abuse their husbands or wives.

We were being asked to be proper every day and with proper manners but other people had told me stories when they first start -- a man and a woman when they start their relationship. They were already informed that, say, example, how you're going to give birth, because they're just a small, little community. So they talk to them every day of what kind of situation they are in.

For example, my grandmother was expecting -- help in delivery, midwifery. So she would give them advice, for example, and when they are playing outside she would tell them, "So if you are jealous about your husband or wife it could lead to disaster". So if they start making mistakes, social mistakes for husband and wife, they would sit them down and discipline them right away. And then they tell them right away any kind of situation they put themselves into.
So they resolve the problem right away.

(Speaking in native language) told me if there was violence they would split them if it's prolonging too long. If somebody is too angry and just wants to attack, so a young person is struggling too much, sometimes they would move them to a difficult place.

In order to survive harmony it was a lot more -- they had to survive. So if they cannot be a good husband and wife and if it's going to continue, so they would just split them. Looking at their future, it's not going to be beneficial for the future if that keeps up.

**MS. LILLIAN LUNDRIGAN:** Thank you, Sandra.

The Inuit has laws. Were they able to follow laws, the Inuit laws?

**MS. SANDRA OMIK:** No. Some were very lazy.

(Speaking in native language) said that they were very lazy. It was never the same. Some were more lazy than others and people who are fed. The majority of the Inuit were following what their parents were telling or what the (inaudible) were telling. It was just very few people that they follow.

My grandmother used to tell us that her father had murdered and when he -- she -- he murdered it was obviously -- he would always go out on the land and trying to stay away from the community or the plant.
MS. LILLIAN LUNDRIGAN: Traditional laws are being lost. Can you give us an example what the traditional laws are? You know, we have to follow them now more than, but we are losing it. Now that we have Canadian laws are we losing our traditional laws?

MS. SANDRA OMIK: Yes. Before they were more family -- close-knit families and more attached to their children. So let's say they worked together. They kept them properly. If there's a mistake they would tell them. If things need to be done or repaired they worked on it. But schools today, every day (inaudible) schools so that also kind of withdrew from the family dynamics. They start finding more different interests. They start growing differently so our traditional laws are very useful and are gone.

So we have to use the laws. If there was -- if they break the law then they would have to deal with that but in traditional law if they try to deal with that before the problem occurs. So they always protected fixing things before -- before something happens. But Canada's law works afterwards like they arrest them and they try to fix the person after they arrested him or her. So Canadian law is more in that way.

I think it's jumbled up. But our traditional laws were very useful and our elders, but they
are passing really fast. We are losing them fast. We just lost 16 elders and we are going to continue to keep losing our elders. This is very dangerous. The daily -- who is going to look after all this calamity we come to everyday?

**MS. LILLIAN LUNDRIGAN:** Thank you. We are going to sum up now. I just want to ask a few questions. Oh, there are other people here who may want to ask you a few questions.

Maybe if we can take a small break. Is that okay, five minutes break? Is five minutes long enough or is it too short?

It's fine; five-minute break.

--- Upon recessing at 2:58 p.m.
--- Upon resuming at 3:09 p.m.

**MS. LILLIAN LUNDRIGAN:** Are we ready? Is -- okay. Elizabeth, you're ready?

We are switching to consecutive translation from simultaneous or recording purposes.

Is it on? Okay, Elizabeth, you can continue with your questions.

She is going to translate into English.

--- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. ELIZABETH ZARPA:**

**MS. ELIZABETH ZARPA:** Okay. Hi. My name is Elizabeth Zarpa. I am counsel with Inuit Tapiriitt

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Kanatami (ITK) from Inuit.

I would like to thank the Indigenous people of this territory, the Cree, the Oji-Cree and the Anishinabe for letting us come here and to be here throughout this very meaningful and also very important expert hearing.

**MS. LILLIAN LUNDRIGAN:** Elizabeth, this needs to be translated, so if you can ---

**MS. ELIZABETH ZARPA:** Slow down?

**MS. LILLIAN LUNDRIGAN:** --- pause and let her translate and then continue.

**MS. SANDRA OMIK:** Hi, Elizabeth.

**MS. ELIZABETH ZARPA:** And thank you, Sandra and Kunuk, for spending the time to be here as well. And my questions today are for Sandra.

Okay. So Sandra, I -- so you mentioned that you were from Pond Inlet, Nunavut

**MS. SANDRA OMIK:** Yes.

**MS. ELIZABETH ZARPA:** And you are a lawyer who attended a Canadian law school. Was the law school in Nunavut?

**MS. SANDRA OMIK:** In Iqaluit, yes.

**MS. ELIZABETH ZARPA:** Okay. And so Nunavut is in (inaudible). Correct?

**MS. SANDRA OMIK:** Yes.
MS. ELIZABETH ZARPA: Okay. All right. And today you are speaking to us about Inuit legal traditions and decolonization.

MS. SANDRA OMIK: Yes.

MS. ELIZABETH ZARPA: Okay. So with the idea of Inuit law and decolonization, what I am doing here is I am doing it in leading questions, but just to kind of get more specific, so Inuit existed pre-contact with Europeans?

MS. SANDRA OMIK: Yes.

MS. ELIZABETH ZARPA: And it was for hundreds of years or thousands of years or how long?

MS. SANDRA OMIK: I can only speak of my own region where I grew up and where my family comes from and this is Pond Inlet. I will refer to the start of the colonization in my region when the whalers from Scotland started coming into our waters and lands in the 1800s and that was the beginning of colonization for us.

MS. ELIZABETH ZARPA: Okay. And before colonization in the 1800s Inuit existed in the Pond Inlet region for hundreds of years before their arrival?

MS. SANDRA OMIK: I can only reply to you by history books that we have heard about the migration began from Russia and Siberia into North America. I cannot say what year that happened but history tells us that the great
migration began to take place many, many years ago into North America where we live today.

**MS. ELIZABETH ZARPA:** And many, many years ago Inuit throughout Nunavut had traditional or just Inuit laws. During that time they governed themselves.

**MS. SANDRA OMIK:** Yes.

**MS. ELIZABETH ZARPA:** And those laws they are interrelated to each other but they are different? Some deal with family law; some deal with criminal law.

**MS. SANDRA OMIK:** The laws that I talk about, traditional laws I talk about, were holistic compared to the Canadian law that we speak today which is fragmented into criminal law and whatever laws that you find today. In the traditional laws that we practiced it was the survival of the family and it was -- there were problems occurring with human nature. It was a clan that dealt with the corrections on a preventative level at the time and it was entered into our lives and it was a holistic law for the survival of the people because we had to think strategically to survive. So there was always planning to stay above and be healthy and well.

**MS. ELIZABETH ZARPA:** Okay. And can I please ask why it's used almost in the past tense. Does it still exist?

**MS. SANDRA OMIK:** Okay. If I tend to use
the past tense I am referring to how times have changed.
We are no longer a fulltime hunter-gatherer society where
we fought for survival and did a lot of strategic planning
to stay alive. Today our lifestyles are different and we
have a different lifestyle but in the family we still think
it, feel it, and many people still practice the traditional
law of the family and the community.

**MS. ELIZABETH ZARPA:** Okay. So the
traditional law of the family and the community are these
traditional ways -- I guess laws or orders, are they -- did
you learn them in law school?

**MS. SANDRA OMIK:** During my days at the law
school in Nunavut we had an elder coming two times a week
to talk about traditional law and customary law within the
law school system. But in my formative years as a child
and growing up to this day, my grandparents and my great-
grandparents after that, coached me and taught me
traditional law and the way to be an Inuk.

**MS. ELIZABETH ZARPA:** Okay. And you
mentioned earlier in your testimony, Sandra, about the
difficulty of the reality of inevitability of death and
elders passing away. And you mentioned sort of the
prevalence of looking at Inuit worldview of preparing for
the future.

So in your understanding of being taught by
your grandparents and your parents how to be an Inuk and
learning it in school and your law school teaching, what
would you suggest to keep that Inuit knowledge, I guess,
from elders who are passing away? What would you suggest
to keep that knowledge going?

MS. SANDRA OMIK: There are many things that
we can do and each -- we will have to start with us taking
the responsibility as parents to coach and teach our
children the laws that we -- the traditional laws and being
a good person and laws that are sacred to us. But nowadays
you'll notice that our children go to the school fulltime.
They may not be getting that instruction.

With more teachers that are Inuits
graduating and taking on the role of teaching the children
in the educational system, we have to encourage the
educational system to add cultural education and
traditional laws to be taught in the school system. I
worked as a -- in the court system for 10 years and in my
work I will talk to the offender and try to use the
teachings from my grandparents and parents on the Inuit way
of life and the advice they gave me, I tried to pass that
onto the offender. So we have to put it into the
institutions today to make it alive to keep it from
disappearing.

MS. ELIZABETH ZARPA: Okay. Thank you.
So when you say the institutions do you mean the university in Nunavut or in the circumpolar north in Canada?

**MS. SANDRA OMIK:** Not just in the universities. It has to start at the elementary school system, perhaps even at head start, pre-school. It should not be confined to universities.

**MS. ELIZABETH ZARPA:** Okay. Is there a university in Inuvialuit (phonetic)?

**MS. SANDRA OMIK:** No.

**MS. ELIZABETH ZARPA:** Okay. And so just to kind of -- we spoke about the different regions in Inuvialuit and the diversity from Inuvialuit, Nunavut, Nunavik and Nunatsiavut, and you mentioned that you only understand the laws from your region like Pond Inlet.

**MS. SANDRA OMIK:** Yes.

**MS. ELIZABETH ZARPA:** Okay. So my next question is do you know if -- are there other Inuit experts testifying today here at the expert hearing from Inuvialuit and the other regions?

**MS. SANDRA OMIK:** No.

**MS. ELIZABETH ZARPA:** And if there isn't, do you think we're missing something? Something is not spoken about from the other regions if there is no other Inuit experts from Inuvialuit here?
MS. SANDRA OMIK: Yes, that could be the case but, in general I was talking about the survival of the people and how the people were a collective rather than individualistic. So we as a collective fought hard to survive and I mentioned a lot of strategic planning to stay ahead of their lives to survive to provide food. I believe that's quite common right across the Arctic depending -- in every region that we're talking about occupied by Inuit in Canada today.

MS. ELIZABETH ZARPA: Okay. Thank you very much, Sandra, and thank you, Kunuk.

Appreciate your time. (Speaking in native language).

MS. LILLIAN LUNDRIGAN: Okay. They can continue for another half an hour. Half an hour? Okay.

Carry on with your questions.

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIER PAR MS. BETH SYMES:

MS. BETH SYMES: Elder and Sandra Omik, my name is Beth Symes and I am counsel to Pauktuutit. Thank you very much for having the courage to talk about Inuit law.

Sandra, you gave my colleague -- sorry, I want to say one thing. I wish to acknowledge the courtesy of my colleagues who have donated all of their time to me.
on the strict instruction that I ask certain questions and I have undertaken to ask the questions.

**MS. LILLIAN LUNDRIGAN:** Can you give some time for the translator to translate what you are saying, please? It's a difficult translator.

**INTERPRETER:** I am sorry. I was just starting.

**MS. BETH SYMES:** I apologize. So I want to acknowledge and thank my colleagues who have donated their time so that I can ask you questions on the condition -- just let me say a phrase -- on the strict condition that I would ask their questions on a yellow piece of paper.

Sandra, you talked about the period in which the Scottish whalers began to come to Pond Inlet. So I would like to go the other way which is you told us you grew up in Pond Inlet. Did your grandparents grow up in Pond Inlet or were they on the land?

**MS. SANDRA OMIK:** Yes, they were Iglualiq (phonetic). They grew up in now Yayark (phonetic) and also around Mitmatrik (phonetic) area. They were living like from one place to another like a nomad.

**MS. BETH SYMES:** Were your parents the first in your family then of Pond Inlet?

**MS. SANDRA OMIK:** My father moved to Pond Inlet when he was 14 years old, same with my mother when
she was 15 years old from Iqalualiq (phonetic). They moved from Iqalualiq when -- oh, the teachers, sorry. They were getting away from the teachers in Iqalualiq.

**MS. BETH SYMES:** Sandra, would your grandparents then have lived their lives according to Inuit law?

**MS. SANDRA OMIK:** Yes.

**MS. BETH SYMES:** I would like to ask you if you could explain to this inquiry three terms. And I apologize if I butcher the terms as I speak. Could you explain the term tee-guy-ruu-saseet (phonetic), the term pee-koo-yeet (phonetic) and the term malee-gut (phonetic)?

**MS. SANDRA OMIK:** More like it was a taboo in terms of like when my mother was very happy -- doesn't have to use that (inaudible) anymore. They were basically used when, let's say, things you cannot use, things you shouldn't be doing, like more a taboo, I think.

**MS. BETH SYMES:** Can I just ask you, the tee-guy-ruu-saseet (phonetic) were those things that should not be done?

**MS. SANDRA OMIK:** To give you a little bit more explanation let's say when a woman is in labour they have to stay in one place in an igloo and certain things, certain diets they cannot eat.

**MS. BETH SYMES:** Talking about safety, would
the killing of another person be a tee-guy-ruu-saseet (phonetic)?

**MS. SANDRA OMIK:** No, I don't think so.

**MS. BETH SYMES:** How would you describe to forbid killing someone?

**MS. SANDRA OMIK:** They seem to apply more in the laws.

**MS. BETH SYMES:** Could you tell us, Sandra, in terms of Inuit law what does Inuit law, as you understand it from Pond Inlet, say about physical violence towards women and girls?

**MS. SANDRA OMIK:** I cannot really explain how. I'm not really sure but basically if somebody committed that murder or killing someone, the person would be very guilty and to be part of the society. So it would be very unacceptable for that individual or that Inuk.

**MS. BETH SYMES:** Could you tell us what Inuit law says about sexual violence towards women and girls?

**MS. SANDRA OMIK:** I cannot answer that question, but let's say for my grandmother, they waited until she was old enough until she was -- an arranged marriage.

**MS. BETH SYMES:** Are you aware of stories, Inuit stories of women that were beaten, beaten by their
spouse?

**MS. SANDRA OMIK:** Just hearing that it's kind of disturbing. No, I have never heard that.

**MS. BETH SYMES:** And if traditional -- sorry, if Inuit laws were broken by someone were there consequences?

**MS. SANDRA OMIK:** Yeah, from what I had read and from what I was told, I had understand that the people who did those kinds of things were left alone or they were killed or they were banished from the community.

**MS. BETH SYMES:** In looking at the consequences for, let's say, very serious actions, very serious breaches, were the consequences dependent upon the safety of the community from that person?

**MS. SANDRA OMIK:** Yes, their communities were really completely different. Everything was pretty much shaman -- spirits. If anything happens then they banished.

Often was -- for the safety of the community and when the shamans -- we had a different religion before. The shamans were the spiritual keepers and we very much believed in the third world, the spirit world, and we were very much led by that but we also did the murder for the safety of the community.

**MS. BETH SYMES:** And so today you've talked
about the high rate of murder/killing of and physical
violence for Inuit women and girls. Can you tell us in
your opinion what is being done to help the women who are
victims of crime and their families?

**MS. SANDRA OMIK:** To reiterate today, not
only is a woman getting murdered. Today it is both men and
women that are getting murdered. For instance if somebody
is murdered in Hall Beach (phonetic) and I live in Pond
Inlet, I have ties to the community. It hurts my spirit.
It hurts my heart and I cry. How we deal with that, we are
silent, but it still affects every one of us in the
community, no matter who gets murdered, man or woman.

**MS. BETH SYMES:** My question was what is
being done to help let's say women who are the subject of
family violence?

**MS. SANDRA OMIK:** From my understanding what
happens today is if a woman is abused there are women
shelters in Iqaluit and on in Baker Lake. And in my
community we don't have a formal shelter in Pond Inlet for
abused women or children, but it's a family where we can
identify safe homes for those who need to get away and
there are victims services in the justice system today than
reach out and help the abused woman or child, the family.

**MS. BETH SYMES:** If a woman is facing
violence how -- and not in Iqaluit or not in Baker Lake or

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perhaps not in Pond Inlet, but let's say in a community like Halls Beach, what alternatives does she have if she fears for her life?

**MS. SANDRA OMIK:** I have seen -- I have seen these women being sent to Iqaluit. That's basically all I know.

**MS. BETH SYMES:** And if she has children what happens with the children?

**MS. SANDRA OMIK:** They come with them.

**MS. BETH SYMES:** What kinds of support and counselling are then available in Iqaluit if she's now away from her home, her family; her friends?

**MS. SANDRA OMIK:** I cannot -- I can't answer that. I don't know.

**MS. BETH SYMES:** It may have been a question of translation but the elder said that in Inuit law it was the obligation of the wife to obey the husband and if she didn't do so, she was risking abuse or violence. My question is for young women like you, how do you interpret or try and live out your lives such that you have safety, dignity and equality?

**MS. SANDRA OMIK:** I was going to add to that it wasn't just for a woman. It was also for a man. So they both get disciplined or scolded if they were not following what they were supposed to do.
MS. BETH SYMES: Thank you. Those are my questions.

MS. LILLIAN LUNDRIGAN: Thank you. Do you have to -- now, looking at your time, do you still have time to -- for more questions?

MS. SANDRA OMIK: Go ahead.

MS. LILLIAN LUNDRIGAN: Only one person wants to ask questions.

I am going to translate it myself.

--- QUESTIONS BY THE COMMISSIONERS/QUESTIONS PAR LES COMMISSAIRES:

COMMISSIONER QAJAQ ROBINSON: To quickly translate, when the Nunavut territory was being created and anticipated with the public government there was the hope that Inuit laws would come out through that public government. And my question to Kunuk and Sandra is has that hope been realized or has it started to be realized?

MS. SANDRA OMIK: I am going to put on my NTA hat. We have so many obligations with the Nunavut Agreement that I can't say yes or no to that specific question because we have difficult objectives like increasing Inuit employment. In that aspect Inuit employment is still at around 50 percent. But in terms of Inuit having control and governance within their own government, I don't think that has been utilized. We still
struggle with things like education, health, social
services and justice. And it's a constant struggle to try
to include Inuit perspectives within our government.

COMMISSIONER QAJAQ ROBINSON: Those are all
my questions. Thank you, Sandra.

MS. LILLIAN LUNDRIGAN: Thank you. And I
thank you, Joey (phonetic), our colleague who is not
visible on the screen, and I thank our translators -- on
behalf of all the Commissioners, of course.

That concludes our Inuit panel and Inuit
elder presentation.

--- (Applause)

CHIEF COMMISSIONER MARION BULLER: So that
we can accommodate our next witness, we'll take a 10-
minute break, please.

--- Upon recessing at 4:02 p.m.

La séance est suspendue à 4h02

--- Upon resuming at 4:24 p.m.

La séance est reprise à 4h24

MS. CHRISTA BIG CANOE: Hello. I am going
to ask everyone to get back to their seats so we can get
started with our next witness, Dawnis Kennedy.

Good afternoon, Chief Commissioners and
Commissioners. The next witness I would like to call is
Dawnis Kennedy. Instead of giving an affirmation, Dawnis
will be holding an eagle feather that will help her bring forth her true words and will be making a commitment to the national inquiry.

DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK): Affirmed/A affirmé

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
(Speaking native language).
I commit to sharing my experience honestly in telling the truth of my story. Megwiitch.

--- EXAMINATION-IN-CHIEF BY/INTERROGATOIRE PRINCIPAL PAR MS. CHRISTA BIG CANOE:

MS. CHRISTA BIG CANOE: Thank you for being here this afternoon, Dawnis. I just want to ask you a couple of questions about your experiences. Now, you had provided us a copy of your resume.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
M'hm.

MS. CHRISTA BIG CANOE: And I just want to give you a copy of it so that you can follow with me. Thank you.

And this is your resume. Can you just take a quick look at it and we'll just describe it?

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
Yes.

MS. CHRISTA BIG CANOE: Yes. So this is at Tab 6A -- sorry, 6 -- I apologize. It's because we changed
schedule. This is at Tab 4A.

And so Dawnis, when I look at your resume I see you have had a lot of education. I see that you went to university in Brandon. Can you tell me what you did in Brandon?

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

Yes, I did my Bachelor of Arts degree.

**MS. CHRISTA BIG CANOE:** And then it seems like you have spent a lot of time in law school. Do you want to tell me about that?

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

Yes. I did my JD at University of Toronto. I did a Masters of Law and Law in Society at the University of Victoria, and I started my doctoral studies in law at the University of Toronto and I am a doctoral candidate that's currently lapsed, but I did my doctoral studies as a student of University of Toronto as a Trudeau Scholar and in a visiting scholar position at Shingwauk Kinoomaage Gamig.

**MS. CHRISTA BIG CANOE:** Can you tell me a little bit about what you were doing at Shingwauk?

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

At Shingwauk I was a visiting scholar and it was a position that enabled me to work with their spiritual advisor, Dean, and first faculty member Bawdwaywidan, also
known as Edward Benton-Banai and there I was mentored in Anishinabe teaching pedagogy and together we co-developed under his direction, courses in Anishinabe law in law and governance and in treaties.

**MS. CHRISTA BIG CANOE:** And I notice on your resume you also other honours and mentions that aren't about going to school but that are about other ways to learn knowledge. So I note that you -- you're a member of the Three Fires and Midewiwin Lodge.

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

M'hm.

**MS. CHRISTA BIG CANOE:** And can you tell us a little bit about that, please?

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

Yes. In the time that I did my Bachelor degree, my Bachelor of Law degrees, my Masters of Law degrees, and my Ph.D. degree, I also did a first degree Midewiwin.

So I made a commitment to live the way of the heart. And I made a commitment to learning about the original teachings of the Anishinabe from the Three Fire Midewiwin Lodge and to work with for my Midewiwin life to ensure that I did my part that others could learn the same. So I understand the first degree to be just that I'm just at that door. You know, I just got in that door and I'm
like that little ermine and that little mink that goes
everywhere. That's the Midewiwin helpers that have worked
with me.

And so I look at all -- I have a lot of
teachers in that lodge. I have a lot of grandmothers in
that lodge. I have a lot of grandfathers, uncles, aunties,
people who have made this commitment before me. So for me,
I'm able to learn from them. I'm able to watch them. I'm
able to work from them and learn how to live life.

That's the way that I understand my first
degree, is that learning degree about myself, about who I
am as Anishinabe and how I came to be here through
(speaking in native language) that kind spirit.

My second degree is very new. I committed
to becoming second degree Midewiwin and received my second
degree Midewiwin within the last two years and that is a
commitment that I requested that so that I would be able to
learn how to work and carry this life and work for the
people as well. There are eight degrees of second degree
Midewiwin, and so there is a lot of leadership ahead. I am
at that second level and just beginning.

**MS. CHRISTA BIG CANOE:** Thank you.

And you know, there has been some talk over
the last couple of days around this concept of expert and
there is something to be said about expertise like the
academic expertise you may have versus the knowledge you are carrying through the second degree Midewiwin Lodge. If I said to you as a second degree Midewiwin Lodge second degree member, would you consider yourself an expert that way?

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**
No, I would not.

**MS. CHRISTA BIG CANOE:** Is there a reason why?

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**
My own understanding is that no one is considered an expert in what was given to us by the spirit because that's spiritual knowledge and in itself is a spirit. But there are other ways. There are people who are given leadership, people who have taken on responsibilities, people who have been trained; people who have acknowledged by the elders, by the spirit and by the leadership of the lodge and by their teachers and to be able to speak about that sacred knowledge.

And to me, I understand that's something that we do together collectively and only in the context of ceremony and only in the way that was given to us. So for me I don't consider myself an expert of that knowledge. I'm a learner and I have experience as a learner and I have my -- the way that I value that experience in my life.
That's what I am able to share.

To be able to learn about Midewiwin, people would need to come to the lodge and they would need to sit with the teachers who have been acknowledged and they would need to work with the articles and the spirits that are called there, and that's something that's beyond my learning.

MS. CHRISTA BIG CANOE: Thank you. And so when we're talking about the spirit-based knowledge and you talked about the years of experience and training and the different levels, do you know any even eighth degree Midewiwin elder who would say that they were an expert?

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

My teacher, Bawdwaywidan, has always said we are forever learners. I am a forever learner.

And that's what I have learned others say in the lodge is that anybody who was to say that they know everything about this life that's when we're called home. We are given a life to live and we are given everything for us to learn in this life and everybody is giving different knowledge that's set out before them to learn in their life and that's only complete when the spirit calls us home. So I would never consider myself an expert even in my own life. That's up to the spirit to determine when I'm done my learning.
for helping us understand that a little more. I think that's important context.

I also just wanted to allow you the opportunity. I understand that you have some grandmothers in the room that are providing you guidance and support, and I welcome you to acknowledge them if you would like to.

Oh, megwiitch. I do have -- actually, I have a lot of family and I would like to use it. There is a lot of people in the room that I could acknowledge and sisters, cousins. I have cousins here.

But in particular I have (speaking in native language) two grandmothers. They are leadership on the Grandmothers Council of the Three Fires Midewiwin Lodge, Nokomis Grandmother, Biidasige, Josephine Mandamin, Grandma Morriseau and Nimkikwe, Pauline Shirt. And I have offered them tobacco because for me to be speaking about some of the things that people might want to hear from me I'm not a traditional teacher. I'm not an elder. I'm not a fluent speaker. I'm not a grandmother.

But I am given a space to speak, and I will speak what I can because I have this space, but I will ask them to listen to me and to correct me if I need correction because that is the governance of the grandmothers and that
is beyond Canadian law and that's what I need to be able to
speak to you and to share with you and to feel comfort that
I am sharing from my story and my truth and that I am not
overstepping our law.

Miigwetch.

**MS. CHRISTA BIG CANOE:** Chief Commissioner,
may I tender as an exhibit Dawnis' resume?

**CHIEF COMMISSIONER MARION BULLER:**
Certainly. That will be Exhibit 1, please.

--- **EXHIBIT NO./PIÈCE NO. 1:**

Resume of Dawnis Kennedy

(Minnawaanigogiizhigok), 13 pages.

**MS. CHRISTA BIG CANOE:** Dawnis?

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**
M'hm.

**MS. CHRISTA BIG CANOE:** I am going to show you something here.

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**
Okay.

**MS. CHRISTA BIG CANOE:** So at Tab 4B, there is a -- there is a biography or a poster of an award that you have been a recent recipient of. Can you just tell me a little bit about that award?

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**
I was given the Oscar Lathlin Memorial Award
and this is -- I was recognized by (speaking in native language) and it's actually an award that's very meaningful to me because I wasn't in school at the time.

This is an award I got that I wasn't doing school and I actually wasn't pursuing my career much. I put my family first. I put my learning first. I put my community first and that became fulltime for me. And they recognized that work. I didn't apply for this award. They called me and they said, you know, that I had been selected, and I understand it to be acknowledging the work of the grandmothers and grandfathers, and I'm not a grandmother.

So I understand that I was selected for this work by my great-aunt and aunt, but I understand that I was selected for this work because I am following in the footsteps of grandmothers and I have been a grandmother's helper and that's the way that I choose to live my life.

Miigwetch.

**MS. CHRISTA BIG CANOE:** I have one more question, and it actually is in that document, your spirit name. Can you share your spirit name with us, please?

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

Yes, I started with my spirit name, Minnawaanigogiizhigok. It means Happy Day Woman. I really like to say this because there is Minnawaanigogiizhigok.
There is Minnowaanagogiizhigook Kwas (phonetic) too, which is also Happy Day Woman. Minno (phonetic) is like (speaking in native language) they say when it's good. I'm not good.

(Laughter/Rires)

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

I don't have to live up to that. I really like that. I'm not like a "Good Day Woman". I'm a "Happy Day Woman" but I'm not a "Good Day Woman". I am (speaking in native language). That's a good day woman -- that's a happy day woman and a joyous day woman. So I am a woman of the joyous woman and I don't try to be just good.

(Laughter/Rires)

**MS. CHRISTA BIG CANOE:** Thank you for sharing that.

Chief Commissioner and Commissioners, based on the testimony you have just heard and Dawnis' resume, I'm asking that you qualify her in Anishinabe inendamowin and as an expert qualified to teach Anishinabe law in Western institutions through cultural-based methods.

**CHIEF COMMISSIONER MARION BULLER:** Yes, certainly. Ms. Kennedy, we acknowledge your great experience. Thank you.

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

Miigwetch.
MS. CHRISTA BIG CANOE: Dawnis?

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
Yes.

MS. CHRISTA BIG CANOE: Can you tell us a little -- I mean you have already shared a lot.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
Yes.

MS. CHRISTA BIG CANOE: But can you tell us a little bit more about yourself, particularly about growing up here in Manitoba and your life experiences in Winnipeg and Brandon?

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
Yes. I said at the beginning (speaking in native language) that this is my home. I'm from Roseau River Anishinabe First Nation through my mother's lineage. I'm also European through my father's lineage and his family comes from Newfoundland. I'm not very knowledgeable in my lineage that way.

But I grew up in Brandon, Manitoba. I was an Anishinabeg but I wasn't an Indian. My mum lost her status. But I was always connected and recognized at home through our ways, through our clan ways, through my citizenship in Anishinabe Nation. I had my name, my spirit name.

Growing up I didn't know who I was. I went
to school in Western institutions and I was good at it.

You know, I was very good at it. I was like that nerdy little kid, you know, the one that sits in the front and always has her hand up? That was me. You know I spent all my recesses in a library with stacks of books. I loved books, you know. I enjoyed it. Yeah, I took joy in my learning.

But my education didn't give me what I needed to live life, to understand my life, to make sense of what I saw in the world around me. I saw alcoholism. I saw addiction. I was molested as a child. I experienced rape. I witnessed rape. I witnessed violence. I experienced violence. I was reckless with my life and I was reckless with the lives of others.

I was abducted, fortunately for a very short time, and I witnessed and experienced loss on both sides of my family.

So my learning -- miigwetch. My learning and what I have sought to learn in my life, why I have spent so much time, you know, going to university and then I was known in university for skipping so I could go to sweat lodge and for reading law texts on breaks outside the Midewiwin lodge and at the casino waiting for my ride doing my papers in between.

(Laughter/Rires)
MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

And I have worked hard in between to find a good way of life, to find the capacity to live life because I think that's something we all need. That's what drives me.

Those are the questions that I ask and that's why I do what I do. Miigwetch.

MS. CHRISTA BIG CANOE: Miigwetch. Thank you.

Is there any other family circumstance or situation that you are willing to share that has helped contextualize why you have decided to walk in two methods of learning and two paths?

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

Yes. I think when I look at education I need to think about (speaking in native language). That's the link. It's (speaking in native language) great-grandparent, great-grandchild (speaking in native language). It's a link. I didn't meet my great-grandmother. She died at the tail end of an epidemic that killed 90 percent of my community.

My grandmother said she wasn't raised by her mother but her children were going to have a mother. She went to residential school.

My mother didn't go to residential school

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because she had tuberculosis which was epidemic and residential schools were a vector for that disease in our communities. And so she was taken at a very young age to go into the sanatorium -- sanatorium and then went to boarding school right after. She was at St. Mary's here that was like a white boarding school. She was one of the first Anishinabeg women to be in that place.

And so when I grew up in a public school where there wasn't any information about who I was as an Anishinabe and the reason that I made a commitment, you know, to learning our own ways, I was a really good student and I dropped out seven times in high school because it wasn't what I wanted to learn.

And my mum said to my dad when she was getting ready to leave this world, she said, "Kevin, education is not the most important thing". She knew that I needed something. I needed to learn something to help me live my life, and it wasn't in school but it was valuable. It was necessary. It was critical.

And I want to be able to teach in a way that's different than the way I was taught in school. I want to be able to give students what they need to make sense of their experience, their life and their world, and I want to recognize the time we are in. And to recognize the time we are in is to recognize the Seven Fires
prophecy, to recognize what is ahead of us. And I want to teach in that way.

I want to teach informed by what we came in this world to learn. And I understand that as Anishinabe people we came and there is certain things that are necessary for us to know. We need to know and we have a birthright. It's our lineage. It's our life. It's our spirit that we have a right to know these things. We have a need, a basic need to know who we are and to know the gift that we bring the world.

And the way I understand what the Seven Fires prophecy tells me, and there are plenty of you who don't know that (speaking in native language).

(Laughter/Rires)

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

If you don't know what I'm talking about, one of my teachers, Bawdwaywidan Banai Si (phonetic) for the Red School House, he is who I learned how to do culture-based education and he's been doing it for a very long time. But for the students at the Red School House and then later for the world, he published this, and there is a chapter called "The Seven Fires Prophecy". This is the Mishomis book, "The Voice of the Ojibway" by Edward Benton-Banai.

What the Seven Fires Prophecy tells me that
regardless of whatever reason Europeans came here, the people of the white sacred colour of creation, my ancestors are the people of the black sacred colour of creation or the people of the yellow sacred colour of creation. For whatever intention they had in coming to this land, there was a purpose that may have been unknown to them, a greater purpose, a spiritual purpose to why the four sacred colours of creation are here on this earth in this time, that there is something that happened in the world that put the future of life on our mother, the earth, at risk.

That's what I believe, and that the coming of the light-skinned race to this land created a very critical choice. And I believe it's a choice -- I'll read you about the choice. Does everybody know about the Seven Fires Prophecy? No. There was a show about it.

(Laughter/Rires)

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

I recommend it.

I'll tell you about the choice in Bawdwaywidan Banai's words that were passed down to him, and I'll skip the fires.

It talks about -- the first, second and third fires talks about the migration of our people because that's how critical we took prophecy. Our entire nation moved and that's generations. Generations upon generations

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upon generations of choice and sacrifice because of how serious they took this prophecy because we live by the spirit and we listen to the spirit and we seek the spirit's direction in how to live life. So that's about the migration:

"The Fourth Fire was originally given to the people by two prophets. They come as one. They told of the coming of the light skinned race. One of the prophets said, 'You will know the future of our people by the face of the light skinned race wears. If they come wearing the face of (speaking in native language) brotherhood then there will come a time of wonderful change for generations to come. They will bring new knowledge and articles that can be joined with the knowledge of this country. In this way, two nations will join to [become] make a mighty nation. This new nation will be joined by two more so that four will for the mightiest nation of all. You will know the face of the brotherhood if the light skinned race comes carrying no weapons, if they
come bearing only their knowledge and a hand shake."

The other prophet said, 'Beware if the light skinned race comes wearing the face of (speaking in native language) death. You must be careful because the face of brotherhood and the face death look very much alike. If they come carrying a weapon ... beware. If they come in suffering ... They could fool you. Their hearts may be filled with greed for the riches of this land. If they are indeed your brothers, let them prove it. Do not accept then in total trust. You shall know that the face they wear is one of death if the rivers run with poison and fish become unfit to eat. You shall know them by these many things."

And I think it was shown the choice that was made then, and I don't think it was the only choice that was made. But I think we have lived with the fifth and sixth fire. And it said of the sixth fire:

"At this time a new sickness will come among the people. The balance of many
people will be disturbed. The cup of life will almost [be spilled. The cup of life will almost] become the cup of grief."

And there is a lot to learn about these prophecies, but then the seventh prophet it said:

"In the time of the Seventh Fire (speaking in native language) New People will emerge. They will retrace their steps to find what was left by the trail. Their steps will take them to the Elders who they will ask to guide them on their journey. But many of the Elders will have fallen asleep. They will awaken to this new time with nothing to offer. Some of the Elders will be silent because no one will ask anything of them. The New People will have to be careful in how they approach the Elders. The task of the New People will not be easy."

"If the New People will remain strong in their quest the Water Drum of the Midewiwin Lodge will again sound its voice. There will be a rebirth of the
Anishinabe Nation and a rekindling of old flames. The Sacred Fire will again be lit.

"It is this time that the light skinned race will be given a choice between two roads. If they choose the right road, then the Seventh Fire will light the Eighth and final Fire, an eternal fire of peace, love brotherhood and sisterhood. If the light skinned race makes the wrong choice of the roads, then the destruction which they brought with them in coming to this country will come back at them and cause much suffering and death to all the Earth's people."

And it's for this reason that I make a commitment to working with the grandmothers, working with the grandfathers, approaching the elders and making time in my life to learn from them in the best way that I'm able to, to help them in their work to learn as much as I can about our way of life because I believe that this time of great grief in the minds of our people, I will not let it be without purpose.

I will learn through the hardship that I
encounter in my life. I will look at it in its face. I won't turn from the grief. I won't turn from the violence. I won't turn from the loss. I will ask why, why (speaking in native language) what is it that I am meant to learn from this?

And I will do everything that I am able to do to heal from this. I will ask for help. I will ask for healing so that I can find the gift. I can find the love in the lesson that I am being taught so that I can share that. I can share more than my hurt, more than my loss and more than my pain.

And I do this not only for me or for my mother's relatives because I believe that it's not only those who are considered most vulnerable in this society that need our law.

It is those who consider themselves the most powerful in modern society that also need our law, our Onaakonigewin, our knowledge about life and how to live a good life in harmony with each other and with all of our relations, not just humanity, with all our relatives; the plants, the animals, the stars, the birds, the fish, the winds, the spirit; our mother, the earth; our grandmother, the moon; our grandfather, the sun; all of our relatives in the universe. That is what our law teaches us, how to live life in relationship and how to ensure the continuation of
life into the future seven generations ahead.

For our Onaakonigewin, because I might not have met my grandparent but one day I could meet my great-grandchild and I want to create that link that she will have life, he will have life and everything that's necessary for life.

Money is not necessary for life. Degrees are not necessary for life. Power is not necessary for life. Water is necessary for life. Our relatives are necessary for life. The spirit is necessary for life. Love is necessary for life. Respect is necessary for life. Honesty is necessary for life. Humility is necessary for life.

Okay, guys, got to help me.

(Laughter/Rires)

MS. DAWNIS KENNEDY (MINNWAANIGOGIIZHIGOK):

I always forget which ones I actually said first.

Courage is necessary for life. Wisdom is -- oh, we are not there yet. That's probably why. Wisdom is necessary for life.

Is that seven? Who is counting?

If you want to know about the seven grandmother teachings there is a chapter in this book, the (speaking in native language) that will tell you.
KENNEDY (MINNAWAANIGOGIIZHIGOK)
IN-CHIEF/INT. PRINCIPAL
(Christa Big Canoe)

(Applause/Applaudissement)

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
But I want to say -- and I know this is not your question but can I?

MS. CHRISTA BIG CANOE: Yeah, please.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
Do you have any more questions? Sorry.

MS. CHRISTA BIG CANOE: No. No, thank you.

(Laughter/Rires)

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
Yeah.

MS. CHRISTA BIG CANOE: I was just going to ask you about the importance of language but you have already covered that need, that term of culture.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
Yeah.

MS. CHRISTA BIG CANOE: But one way that I have heard you say it in lectures and speeches is about our perspectives and what's missing from Canadian ---

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
Yeah.

MS. CHRISTA BIG CANOE: --- or from mainstream.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
Yeah.

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MS. CHRISTA BIG CANOE: And why it's important. I really feel like you've covered that, but I want to give you the opportunity to add if you want to.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
Okay.

MS. CHRISTA BIG CANOE: And then ask you if there is anything else you want to add, but I think you're already doing that.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
All right. Okay, yes, that's good.
(Laughter/Rires)

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):
I just want to say -- this is what I want to say.
I don't really know how to say this but I want to say it. This is really important to me, and I know there is controversy about the inquiry and about the work ahead and about the impact that it might have and about who is being asked to speak and who is not being asked to speak, about who has place and who doesn't have place, but I chose to stand and speak.

And I need to say that my auntie is missing. The mother of my cousins is missing. I know as Millie, Mildred [Flett] -- she is also known as Red Cloud, and she has been missing for seven years. And her life -- I don't
know her story and I can't tell her story. And I hope to
hear her story one day.

But I can tell you that I miss her, and I
can tell you that her loss is our loss. And I can tell you
that the grief that I see in my family is unlike any other
that I have known. It is complex, and that it is easy to
lose faith in people. It is easy to lose faith in life
itself when you're feeling that kind of grief.

And that I have relatives who look to find
that faith and move forward and one day through alcohol and
being numb, some too through pow-wow and dancing, through
being there for their children, through turning to
ceremonies. They need to know what happened. We need to
know what happened and we need to have faith, to find some
faith in people again and in life again.

And that kind of faith for me comes from
knowing who I am as an Anishinabe; comes from living
Midewiwin, the Way of the Heart; the way that was given to
an Anishinabe by (speaking in native language) that kind,
loving spirit that created life and recreates life each and
every day. Through (speaking in native language) that is
the spirit of life and we need to find our way back to
that, those of us who are grieving and those of who don't
know that we're grieving because they have not known any
different.
And I believe that for whatever purpose any person or human being has come to Turtle Island, there is a spiritual purpose for them coming to Turtle Island and that's to know (speaking in native language). We need to know ourselves and who we are as an Anishinabe so that we can show (speaking in native language) to all of our relatives in creation and the other sacred colours of humankind that life is about life. It is about life. And honouring one life is about honouring all life. Protecting one life is about protecting every life and all life.

And I believe that when our law is at the centre of our life as an Anishinabe that our relatives will be able to find their way back to a way of life that can put them in harmony and make right their relationship with our mother the earth because she is all of our mother. She is the mother to all life, and we need to remember her. She cannot become. We must protect her. We must protect her from ourselves. We must protect all women and we must protect the woman, our mother the earth.

And I believe that's the true value of our law. It's not just for those who -- to protect those who are at risk of this kind of level of violence that is just horrific. It is to protect all of us from the violence we have normalized each and every day, from the violence we don't even see like when -- I don't know who it was but
somebody sent something up to Grandmother Moon. What was it, like a bomb, to try to find water? I was out with my pipe talking to our grandmother because I know that feeling and saying I remember. I do remember. But those are the kinds of things -- that's the kind of violence. We have to look at all of the violence.

We have to look at all of life. We have to protect life for everyone into the future.

And for me, I wouldn't say decolonize because ceremonial people know you can't undo something you've done. You can only address it, correct it, learn from it and move forward in a better way.

And I think that everything that I have experienced it was for a purpose, and if I can learn from it, if I can find the gift -- if I can find a new way, a better way -- if it can be bring me back to (speaking in native language) to recognizing what I had forgotten was at the centre of life, and I can find my way back there, then I have done my work in this world.

And I want for all of us as humankind to find what it is that we are meant to learn through the horrific things we have done to each other and making them right, and the horrific things we have done to our relatives and making them right, and the horrific things we have done to our mother the earth and to all of our
relatives and making those right. That's what I want. I
want to make things right. I don't want to undo anything.
I want to learn. I want to learn how to use my choices in
the best way possible.

And I want to say -- excuse me. Okay?

Ms. Christa Big Canoe: Yes.

(Laughter/Rires)

Ms. Dawnis Kennedy (Minnawaanigogiizhigok):
In the human rights museum -- I don't
believe in human rights. I don't believe in human rights
because humans are only one part of life. I believe in
life for everyone, respect for everyone. That's what I
believe in, living a good way of life in harmony and
respectful relationship with all my relations. And I am
related to lots of people.

(Laughter/Rires)

Ms. Dawnis Kennedy (Minnawaanigogiizhigok):
I am related to everyone in this room. I am
related to everyone watching out there. I am related to
every tree. I am related to the stars. I am related to
every being in the entire universe because my creation
story tells me so. And you are all related to the entire
universe as well.

So that's a lot of relationships that we
have to work at maintaining and, you know, human rights
isn't going to get us there. It's too stingy a word
because that deer has as much right as I do to water and to
life. That cow has as much right to nourish her children
as I do, if I had one ---

(Laughter/Rires)

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**
--- that I could nourish that way. But you
know we all have that.

And I believe if we get better about
honouring and protecting life, all life, I will feel good
about the world that we are leaving for our great-
grandchildren. I can't undo what's done. I can't bring
back what's gone but I can find my best way forward and I
can do whatever I can do to help anybody who wants to do
the same. If I can do it for you, I will. If I can share
my story with you and you can find something in it, I will.

And I hope that my words haven't offended
anybody. I hope that I haven't overstepped, and I hope
that you know the grief that I feel, but you know I am
going to be okay. I have a good family. I have good
relatives who will take care of me and I have a purpose and
a goal for my life in mind, and I will be okay.

But I just wanted to share that with you,
share who I am. (Speaking in native language).

(Applause/Applaudissement)
MS. CHRISTA BIG CANOE: Commissioners,
Commissioners, I ask that we have just a short break before
parties have an opportunity to ask questions and I would
ask that we have 10 minutes just to allow for washroom
breaks, but kindly ask that counsel just stay for the first
five minutes with me. Thank you.

So we are now in a break for 10 minutes.

--- Upon recessing at 5:19 p.m.
La séance est suspendue à 5h19
--- Upon resuming at 5:36 p.m.
La séance est reprise à 5h36

MS. CHRISTA BIG CANOE: Okay. So we are
going to get started.

Before we go into cross-examination, Chief
Commissioner and Commissioners, I am going to ask -- you
have marked Exhibit 1, Dawnis Kennedy's CV. I am going to
ask that we redact the address and number that is on that
before it's made public. And I thank counsel for bringing
that to our attention.

REDACTION OF PERSONAL INFORMATION FROM EXHIBIT 1

MS. CHRISTA BIG CANOE: And now I have
completed the examination in-chief, and our first party up
to ask questions is the Manitoba MMIWG Coalition. Ms.
Hutchinson?

--- CROSS-EXAMINATION BY MS. ANGIE HUTCHINSON:
MS. ANGIE HUTCHINSON: (Speaking in Native Language)

My name is Angie Hutchinson. I am the representative for the MMIWG Coalition here in Manitoba. First of all, I just want to say (speaking in native language) now for sharing your stories, your experience and your tears with us and thank you for your courage in doing that today.

I was just hoping that you could expand a bit more on some of the things that you talked about in your story. So you mentioned that you had dropped out of school seven times and that, if I'm understanding correctly, it was because it wasn't what you wanted to learn and you didn't feel that you were getting the teachings that you needed as an Anishinabeg; is that correct?

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

Yes, that's correct. I experienced racism in school in my junior high. There was "squaw" and "wagon burner" written on my locker again and again. You know, people they went down a hallway and they were going "Ah-ah-ah" to me.

And even my teachers. You know, I remember my teacher. I was already skipping and stuff by then and one of the substitute teachers came by and said, "Oh, good
job". I had a 69 or something like that, percent.

And then my friend next to me who was a man and non-native or a boy, a non-native, and he had like a 72 or something like that, just a few more than me and she said, "You could do better". And I said, "Why am I doing a good job and he could do better?" And she said, "Well, it's good you can overcome your handicaps, you know, being native and all". So that was, I think, one of my splits where I stopped really attending and not really going to class very much.

I wanted something that was intelligible. So I needed to know who I was. I needed to know -- my family really worked hard to be able to show me who I am as an Anishinabeg as much as they could gather in their lifetime. And they wanted me not to only have those sad Indians you know right after that cold magnum in our textbooks, those really sad Indians that they didn't really talk about except for like they wore skins and like carried -- I don't know dragged (inaudible). I don't know. That's all I learned.

**MS. ANGIE HUTCHINSON:** M'hm.

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

But they wanted me to know who I was as an Anishinabeg and that wasn't there.

But also, I think it's important. Our
stories, when you hear them there are so many different kinds of stories. And there's kids stories in our community that they are pretty graphic and they are pretty violent. And they are necessary stories for children to hear because some children encounter violence and they need something to make sense of it, and that wasn't there in my curriculum.

And I can tell you it wasn't just me because my best friend, she wasn't native but she encountered that kind of violence and she needed to know how to make sense of it, just as much as I did.

And when I was in high school that's when I kind of knew. I didn't want to learn what was here. I wanted to be with my mum. I only had a few -- she died when I was 17. I wanted to be home with her. I wanted to be in the community. I wanted to be with my aunties. I wanted to be with my grandparents.

And I think we need to think about that when we take children away from those protective relationships for eight hours a day and we put them into a sterile environment with -- you know, in our community you need all your relatives. And it's the grandparents that are the first teachers, the grandmother, all the aunties and uncles. And we have just one teacher and sometimes you don't get along with everybody. You know, sometimes it's
not that one. So I think we really need to think about the way we do education in a way that provides the necessities of life for our children.

I fell out of love with school around high school but I'm attempting to fall back in love. Miigwetch.

**MS. ANGIE HUTCHINSON:** Thank you.

Given your knowledge around bringing cultural-based methods into kind of Western institutions, would you have any recommendations on how to make those changes within the school systems so Indigenous people aren't experiencing those things that you experienced in your childhood that we can start to make those changes going forward?

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

Yes. I would take a look at the World Indigenous Nations Higher Education Consortium. They are the ones who recognized in conjunction with Shingwauk Kinooamaage Gamig and my teacher Bawdwaywidan Banai Si (phonetic) and the President of Shingwauk Kinooamaage Gamig, Darrell Boissoneau (speaking in native language).

They recognized -- they gave us three birch bark baskets to recognize our knowledge in culture-based education and mine was the littlest one. I had this little teeny one.

But you know they actually accredit
Indigenous educational institutions and they are able to say what is of the people, not just about the people, that this is the knowledge of the Anishinabe and that the teachers who are teaching and the institutions that are delivering this knowledge are doing it in the ways of the people according to their own pedagogy, according to their own protocol and according to their own law.

So I would recommend that anybody who attempts to do Indigenous education seek accreditation, seek training, seek support, because we are trying to do something that hasn't really been done in this time. So I believe in getting as much help as you can, and that's what I would look at.

**MS. ANGIE HUTCHINSON:** Thank you.

Again, thank you for sharing, you know, your courage to share your story and your experience and the loss of your loved one, your Auntie Millie. When you were speaking about that you touched a little bit on some of the ways that people manage grief and you spoke a little bit about ceremony. So I'm wondering from your experience and your knowledge if you could kind of expand on how ceremony can assist people with dealing with grief and moving along their healing journey.

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

Yes. I think there are ceremonies -- they
are given to us by spirit to bring us back to life and to bring us back to the centre of life, to bring us to good life. And as human beings we ourselves can take ourselves away from a good life through mistakes, through missteps, through our humanity.

Humans are that duality. You know, we're the ones that are forgetful. We are the ones that are the youngest of creation.

And so as a people this is not the first time that we almost lost all of who we are, this colonization time. Our stories are -- oral history tell us, you know, there was other times that we almost lost all of who we were, some of it just all by ourselves. And the spirit loves us so much that they will always find a way to answer our request to find our way back to life.

And my community, I feel like our people are so rich with ceremony. Part of that is because we needed it. All of those ceremonies help to bring us back to the centre of life, the sweat lodge, the pipe ceremony, smudging; you know everything that we are given, all those medicines.

And, in particular, in response to tobacco offered by my cousin, the Grand Chief of the Three Fires of Midewiwin Lodge, Eddie Benton-Banai, sought and received a message for the family. And so that's the healing that one
of my cousins chose to seek.

I can't express how grateful I am for that. I believe that we needed something that was beyond just human beings' ability to answer and those of our elders who are gifted to be able to help us, we need that help.

And so the lodge and the teachers and the spirit responded. So there are ceremonies that we have that help. And where we're uncertain where there is not a specific ceremony to specifically address it, I'm so grateful that, you know, there are teachers. There are ceremonial leaders who can receive the messages of the spirit to meet the need of the people. If there is a need there will be an answer. And that's something I don't think anybody but the spirit and our ceremonies can give.

So that's how much I can share about that.

MS. ANGIE HUTCHINSON: Just one last question, recognizing you know I can sense your sense of gratitude around being given the opportunity to experience that ceremony, would you have any recommendations to either the inquiry or any of the parties here with standing agencies to support survivors and families to access ceremony and culture and recognizing how beneficial it was to you and that it has the potential to be beneficial to other families and survivors as well.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

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Yes, I believe so. I would definitely recommend that because a lot of the ceremonies people -- I can tell you, like I pay to go to ceremonies. We call it like our all-expensive Midewiwin vacation.

(Laughter/Rires)

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

You know I cover my expenses. I travel, even as a student. Like I jump in people's cars and try to find my way to ceremonies. And on top of that we don't eat. You know, all of us have to try to have fulltime or part-time or sometime jobs to be able to support our work in learning at ceremonies that is critical. It's critical to the nation.

And traditionally we will take care of our elders. They would not want for anything that they needed. We would make sure and ensure that they had everything that they needed to do their work. But our nations are not that way right now.

So I think we need to think about how we support that capacity for people to access it but also for it to continue because a lot of the work that happens in -- a lot of the work that happens in healing and in traditional knowledge and in education and, you know, in all these areas of life that we have in health, they actually depend upon the work of people who do it and who
pay to do it, get paid to do the work, the people who will
do the work in answer to tobacco.

    And sometimes there is an honorarium;
sometimes there's not. And even that honorarium, yeah,
it's great. It might pay for the gas. It might pay for
the meals. It might pay for a little bit, but it doesn't
pay for the wood. It doesn't pay for, you know, like all
the things that go with committing your life to continuing
ceremonies.

    And I think we really need to think about --
it's how we get our people to where they want to go. Where
will they find that? They have to find a place they trust.
They have to find a place they feel safe, but wherever that
is, let's find a way to get them there and let's find a way
to make a contribution to the work that has been done, that
is being done and that will be done.

    Miigwetch.

    MS. ANGIE HUTCHINSON: Again, (speaking in
native language) for your courage to say your story today.
Thank you.

    (Applause/Applaudissement)

    MS. CHRISTA BIG CANOE: Thank you, Ms.
Hutchinson.

    The counsel for AMC, please.

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

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JOËLLE PASTORA SALA:

MS. JOËLLE PASTORA SALA: Good afternoon, Dawnis. My name is Joëlle Pastora Sala. I am legal counsel to AMC. Miigwetch for sharing your experience and also your understanding of Anishinabe Onaakonigewin.

Last night after the hearings I was looking online at some comments that people were posting about the hearings. And I guess you know what they say about doing that. You should never do it. But it brought a question for me that I would like to ask you. And one of the comments that I saw was: How do these hearings that are happening right now actually relate to missing and murdered Indigenous women and girls, to survivors or their families and their communities?

So with this in mind, my first question for you is what can Anishinabe Onaakonigewin say about keeping Indigenous women and girls safe?

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

I think one of the first things that I could share is that women are life givers and from that flows so much. It is women who carry life, women who give life. Women are -- it is upon women that all life depends.

And for Anishinabe Onaakonigewin that carries many different consequences. You know, because women are the life givers in our nation it is the women who
carry the water. It's our grandmother, the moon, who
governs the water, but it's the women who carry the water
and who work with the water, who work for the water. And
so any decision that impacts the water or impacts life is a
decision that requires women. And that's a huge
consequence and that's a huge thing because that means that
any decision that we make that will affect life we must ask
women.

In our government structures that's why we
have gender-specific roles so there's representation built
in of women's voices. It's not left up to chance on who is
picked or voted in. There will always be a position for
women.

So I think that's one thing that if I were
to do -- I don't know. If I were to say which law could
you change I would say that. We can't make any decision
that affects life without women. And it would be
interesting to see what following that law would do to our
Election Act, our membership act, all of our acts.

You know, I think that that if women were
taking up their role, we wouldn't be worried about
protecting women. We'd just be watching the women do their
work protecting life.

(Applause/Applaudissement)

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

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Miigwetch.

**MS. JOËLLE PASTORA SALA:** I am wondering if you could tell me what your understanding is about what Anishinabe Onaakonigewin says about our relationships with and the importance of children.

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

Well, one thing I can tell you, this is my thought. I have all these thoughts, right. I have been learning Anishinabe Onaakonigewin listening, watching, you know. But I don't really -- there isn't really anybody who can just tell me like, oh, yeah, you know it.

So I have all these thoughts that I think -- that I'm watching and I'm listening and I'm hearing all these stories and I am seeing the way things are done and the way that we did things, the way that we do things, the way that I want to do things in the future. I think about all of that. So I have all of these like hypotheses that have been testing pretty true to me, and I can share one with you:

I believe that for Anishinabe Onaakonigewin, we can't practice. No one person can practice law on behalf of another. Our law we carry in our hearts and we live into the world through the decisions that we make. That's how we live our law. But our law is not human-made. I'm glad it wasn't left up to us.
Our law is a law of life and how life flows, and it's up to us as humankind to look at all of our relations to figure out that law, to know that law, to connect that law, to live that law. And so there's no 18-year old, now, you can have a say.

A child practices law very, very well. And so to me that would be for me about children. I would say we need to recognize the gift of every stage of life in our teachings. And that I actually learned from Grandmother Pauline Shirt, who is there.

You know, every stage of life has a gift, has a purpose; has a role. You know, little babies they bring joy to the world. Little kids, they have curiosity. They teach us about safety. You know, every single age group has a gift.

And I would say let's order our society so that we can better receive the gifts of every age group and recognize. Because if we have -- if we recognize all of those gifts and all of those responsibilities and all of those roles in every age group, then every child will have the kind of life that will allow them to share their gift of joy and to keep that, because it's meant for the world. It's their gift to give, and we have to structure our society to enable them to give it.

Miigwetch.
MS. JOËLLE PASTORA SALA: Continuing on the same line of questioning about what we can learn in these hearings about how — and how Anishinabe Onaakonigewin relates to the work of the Commissioners, in speaking about Anishinabe Onaakonigewin, academics including Professor McCraft (phonetic) who I know you know, they differentiate between procedural and substantive law. Is this something you are familiar with?

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

A little bit.

MS. JOËLLE PASTORA SALA: Okay. I am just going to focus just a little bit on the procedural element. What is your understanding of how Anishinabe Onaakonigewin can influence the Missing and Murdered Indigenous Women and Girls National Inquiry moving forward?

So in other words, what is your vision or your hypothesis of what the inquiry moving forward in a good way and respecting Anishinabe Onaakonigewin would look like?

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

This is my only kind of interaction with the inquiry, so I'm not actually familiar with a lot of the process. But I would say -- I guess I would say that I really appreciated the way that we started, the fire lighting, the pipe, the water. I really appreciate the
work and what's being done here. I don't know how to say it "kulak" (phonetic), close -- close enough?

But you know I really appreciate that and I appreciate that grandmothers and the grandfathers that are here in this room, they have been here this whole time doing their work.

I know that when Canadian law meets Anishinabe Onaakonigewin things get kind of pixie. I guess what I would say is just know that Anishinabe Onaakonigewin law, Anishinabe Onaakonigewin is still here. I'm following it. You know, I offered sema to these grandmothers. It's still here and it's still operating. So even though Canadian law is here, also Anishinabe Onaakonigewin is here.

And finding a way forward in a good way, it takes a lot of being able to be open to recognizing your limitations, so for me knowing what I can talk about and what I can't talk about, knowing what my experience has given me and also the limits of it, and sharing both. It's okay not to be everything to everybody because none of us can be. There is a purpose for all of us being here and we are all only ever one. But the more we can recognize our limits, the more we get better at engaging our relationships.

That's what I have to share.
MS. JOËLLE PASTORA SALA: I think I am running out of time so I am just going to ask you one more question.

You spoke near the beginning of your presentation about the importance of not overstepping Anishinabe Onaakonigewin. My last question for you today, maybe a little bit more personal in nature so feel free to tell me no, if you want.

I'm wondering whether you had any hesitations in sharing your knowledge with us here today?

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

Yes. Yes, I did. I don't think anybody would feel like -- I guess I feel like this: Why my story? Why not another person's story? Why not one of my elders' stories, one of my grandmother's stories? Why not one of my cousin's stories? Why my story?

But the answer that I had was maybe people aren't ready because for our grandmothers to really tell a story, people have to be ready to listen and even ready to learn how to approach, because I have done lots of approaches that went bad.

(Laughter/Rires)

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

I learn that way. I learn that way through my mistakes but, you know. So that's what I told myself is
like if I'm honest, if I'm respectful, if I'm humble and if I share maybe my story will be useful.

And I don't have an answer for why me, but I am going to do the best that I can.

MS. JOËLLE PASTORA SALA: Miigwetch. Thank you so much, Dawnis.

And thank you to the Commissioners again.

MS. CHRISTA BIG CANOE: Counsel for AFN?

Thank you, counsel.

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. JULIE McGREGOR:

MS. JULIE McGREGOR: Dawnis, I want to start by saying -- well, I want to acknowledge that what you shared with us today comes from the spirit, and I don't want to question you about that. In fact, I'm not questioning you about that.

I just want to say thank you. Miigwetch for sharing your laughter, your tears, your honesty, your truth and your courage and, most of all, for showing us your resilience.

So miigwetch, and that's all I have to say.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

Chi-miigwetch.

(Appplause/Appaudissement)

MS. CHRISTA BIG CANOE: Counsel for the INTERNATIONAL REPORTING INC.
Native Women’s Association of Canada?

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

VIRGINIA LOMAX:

MS. VIRGINIA LOMAX: So I want to say this with the highest respect for my friends who have asked very important questions that are essential for our collective learning, thank you.

Today you spoke to us about learning what we were meant to learn. And on the one hand while I know that I have so much to learn from asking you questions, I am also aware that I am engaging in a colonial process in cross-examining you.

I wanted to go on record to say, Happy Day Woman -- even though I am crying -- I believe that you already taught me what I was meant to learn today. And I just wanted to sincerely thank you.

Miigwetch.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

Miigwetch.

(Applause/Aplaudissement)

MS. CHRISTA BIG CANOE: That concludes cross-examination unless I missed any parties that also wanted to. I believe that is the list. And thank you, counsel.

Commissioners, Chief Commissioner, do any of

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you have questions?

--- QUESTIONS BY THE COMMISSIONERS/QUESTIONS PAR LES COMMISSAIRES:

COMMISSIONER MICHÈLE AUDETTE: More a comment than a question.

It comes from my heart. I have to say that (speaking in native language) you touched me very much and I have learned a lot. And I know I'm still going to learn even if our spirit is not in the same room, but many, many bushes or prairies or mountains will separate us. But I will be back in October with some of my colleagues here to listen to the truth of the families and the survivors and I hope our path will cross again. I really hope, and also that we will spend time with your uncle and auntie. I hope so. It's a commitment that I made with your Uncle Stan and I would love to go to your lodge to be the learner. Our lodge in my territory is not the same, so I really want to go there and learn.

Thank you so much.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

Chi-miigwetch, and you're welcome.

COMMISSIONER QAJAQ ROBINSON: Thank you as well. And I have questions.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

Yeah. I'm okay with questions.
COMMISSIONER QAJAQ ROBINSON: One of the things we have heard a lot about is the diversity of Indigenous legal orders across this country. One of the biggest challenges we have at this inquiry is that we're in this legal framework, an inquiry under the Inquiries Act which to do our mandate we have to be under to have the power to compel records from the police, from Child and Family Services, from different governments.

But we -- and we have been open about this, want as much as possible to use but also to create the space where Indigenous legal orders across this country have that space to blossom in, like in this room. And that's what we have tried. And we have made mistakes and we keep learning. That's, I guess -- I think it's a process of reconciliation that we are going to be doing and it's an ongoing thing.

I would love to hear your thoughts on that, that reconciliation and how we do that here in this room as we go across this country in Cree territory, in Mi'kmaq territory, in Inuit territory. The rooms have to look different. The process has to be different here and then at every level when it comes to talking about reconciliation. And I'd really like to learn from you your thoughts on that.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

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I wrote an article.

(Laughter/Rires)

**MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):**

The only one I published, just one. I think I might get to publish one every 20 years.

I don't even know if it's reconciliation. I can't even remember its title now but it was published by UBC in Indigenous Legal Traditions and that was based on my Masters' theses work.

From what I can remember about my Masters what I said was Canadian law -- I looked at section 35 and how the relationship between Canadian law and Indigenous legal orders is affected by section 35. And I guess what I said is this, is that you know it's important for Canadian law to understand that it is in relationship to Anishinabe law, Anishinabe Onaakonigewin. It exists in relationship to, and the Canadian legal order exists in relationship to Indigenous legal orders.

So laws like section 35 they are just one little place that speaks to what that relationship is from the perspective of Canadian law, and that can change, but there is also a place within Anishinabe Onaakonigewin that speaks to the relationship between Anishinabe Onaakonigewin and Canadian law; right.

So you can think about the medicine wheel.
teachings. You can think about the Seven Fires Prophecy. You can think about the treaties. Those are also — that's what I think about my colleague when he talks about two eyes seeing, Tuma, you need to recognize you can't really see very much with one eye. You see a whole lot and you think you're seeing a lot but your depth perception is really off.

You know, so that's the way I think about it, is we need to think about all the laws because — and the way I kind of hook into that is you know one of my professors, one of my teachers, John Borrows, he wrote about the Two Row Wampum and how that relates to Anishinabe and to the Canadian Constitution. It was based on what I recognize to be like a fundamental precept of Indigenous law and law, is that this was a way of respecting that all peoples were given a way of life, all peoples were given a language, all peoples were given a law, all peoples were given songs. All peoples were given gifts to live into the world, and that those are gifts from spirit and they are necessary in the world and they are necessary in building good relationships with each other.

So I think if it had not been for the Indian Act that kind of tried to make that one row go into another row and make it all one row, I think if it hadn't been for that, and it hadn't been for colonization, you know — and
this is something that I learn from my students -- I don't think it would be a two row. I think it would be a four row and those kinds of things, because there would be a law for every peoples in this land. If we can make space for European law in Canada, we can make space for Sharia law in Canada.

And our nations, we are very good at negotiating between different legal orders. Even my colleague here was like, how do I walk? You know she's like, how do I walk? This is Ojibwa. I don't want to walk the Haudenosaunee way.

We know that about each other because we visit each other and it's hilarious when we have our own protocol and then we run into another protocol. Oh, like there's some really good stories about -- you know because people know because there has been people visiting. So they will kind of know how to get to you, right. And everybody who is on the "in" will kind of see you coming, but it's all great fun.

You know that's the part that I love, you know how one legal order comes to another legal order and then -- you know there is like complicated things about how do we make that work out? But you know what? It's all about respect learning that I have a way and you have a way, and let's figure this out. I respect your way. If
you respect mine then we can talk. If not, I'll be talking
to somebody else.

(Laughter/Rires)

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

Just because I only have so much time;
right. But that's the thing, right, we have to start
talking.

And this is the way I think about it. For
me, I wasn't Indian because that was taken away from my
mum. And I got it when I was 10 which was confusing,
right, because they consider something like marrying out --
they consider citizenship like from an inheritance,
European inheritance, no matter when you went out, and
you've got to try to keep it all together, right, like and
consolidate it, you know. So you have to get keep out of
there. You know, you don't want any competing claims to
whatever it is you're, I don't know, passing on. That's
the view, the point of view.

And so that's how the Indian Act is, you run
out. They run out of Indians. That's the point, right.
You're supposed to run out of Indians. I think we were
supposed to run out a long time ago, but I think people got
crafty. And there is like some really cool -- like there's
really cool, like little things, tricks you can do where if
you are C-2 and a -- or a 6-2 and a 6-2 you can make a 6-
MS. DAWNIS KENNEDY (MINNWAANIGOGIIZHIGOK):

You know, my people are wily. I don't know how they did it but we're still going, right. We've still got these little things. And I don't know if there's still some grandmas out there that are like sharing tricks or how it is we are still here and we are still Indians, but there are still Indians, you know.

But it's a totally different point of view when you are looking at your clan relationship to your nation, and it's tricky, right, because Ojibwas are patrilineal and, you know, Haudenosaunee, they are matrilineal. So what do you do with children? Because we like to -- I mean we don't like only marrying at home. You know that gets complicated.

MS. DAWNIS KENNEDY (MINNWAANIGOGIIZHIGOK):

People like to travel. My husband is Chinese. I like to travel lots, you know.

MS. DAWNIS KENNEDY (MINNWAANIGOGIIZHIGOK):

So I think there is complicated things and we got complicated even before there was Europeans here. We got complicated amongst each other and we learned how to
figure it, sometimes not well. But we can learn from that too, right. And there were times that we did well with each other, especially around children, right.

So for my friend who has a Haudenosaunee mother and an Ojibwa father; golden. She just got lots. The only problem is she can't really -- that like really challenges how many people she can marry, kind of whittles down the number.

(Laughter/Rires)

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

But you know she's got both clans. She's comfortable.

But what my friend who has a Haudenosaunee father and an Ojibwa mother? If we're thinking Indian Act what would happen? Wouldn't belong. A fundamental precept of our law is that everyone has a place. We might not know that but everyone belongs. Everyone is here for a purpose. Everyone is here for a reason. Everyone matters as much as the next, a fundamental law.

So a child has a right to belong. That is the beginning of working it out. And you know what? They worked it out from -- according to my teacher, Bawdwaywidan, you know, when I asked this question, they worked it out differently. So there is different rules from when you're in Longhouse (phonetic) territory than
when you're in Midewiwin territory but everybody has a
place, you know. I love that kind of like complicated,
complex stuff.

And I have -- you know what we were told is
that the Ojibwa, we don't discriminate. Your father is
your father. That's why -- Marten Clan. See my -- I had
this plug-in. My clan, Grandmother Wabeno Cray Doreen Day
(phonetic), made this outfit for me with our Marten.

Because we believe -- we are Ojibwa-centric,
right. And I have no problem with that especially when I
am in Ojibwa territory even though it's shared territory.
But you know we believe everybody has a clan. You know,
that's how we survived the Great Flood which was the Great
Flood, and that if anybody survived they had to have help
from somebody other than humans. Somebody had to take care
of them.

You know so we believe everybody had a clan.
But my father's lineage, my ancestors, we might have forgot
somewhere or maybe I'm not connected. I have to go seek
that out: What is my clan according to that tradition?

In the meantime, they looked at all of the
attributes, the positive attributes of European society,
you know, that they are very strategic. You know that they
are very intellectual, you know very, very organized; very
determined. You know all those kinds of things, all those
good things.

And they said, well, who is like that? The Marten, that's who stood up for them. That's who stood up for them, so now I'm Marten Clan because my father counts as much as my mother and my nation is going to honour that relationship. So I'm proud of that.

So even things that don't seem like they have a direct answer, there is an answer once you get to the first principles of everyone belongs and everybody is equal and everybody is respected. So that's the kind of thing -- I don't know what your answers will be, and they might be different all the time. And that's okay. It's fun to learn along the way.

(Applause/Applaudissement)

CHIEF COMMISSIONER MARION BULLER: So I could say thank you in about eight different languages but it wouldn't be enough. Thank you.

MS. DAWNIS KENNEDY (MINNAWAANIGOGIIZHIGOK):

Miigwetch.

MS. CHRISTA BIG CANOE: That concludes the testimony of Dawnis Kennedy. Chi-miigwetch.

Just a couple of housekeeping notes that tomorrow we do start at nine a.m. in this space, but the setup will be slightly different that will allow for our next expert to sit with the grandmothers, the parties with
standing and the Commissioners in a circle to walk through and exercise to demonstrate using stories, a lot of what we have heard from other experts, using stories to identify law. Others are welcome to observe. And we will start that tomorrow morning at nine a.m.

Again, we will continue to -- anything that's becoming part of the record, we'll continue to put copies out and they will become eventually available on our website.

And again chi-miigwetch, and everyone have a lovely day.

--- (Applause/Applaudissement)

--- Upon adjourning at 6:30 p.m.

La séance est ajournée à 6h320
LEGAL DICTA-TYPIST’S CERTIFICATE

I, Karen Paré, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the digital audio provided in this matter.

Karen Paré
September 6, 2017