



**Discussion Paper**

**UNDRIP and MUKWAA (BEAR) DODEM Responsibilities**

**A paper to generate discussion on the implications of the application of UNDRIP  
On Federal laws In Relation to Health, Policing and Military.**

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## **Introduction**

The Anishinabek Nation has been asked to provide feedback on the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*. This Act requires that by June 21<sup>st</sup>, 2023, the federal government, in consultation with First Nations, develop a 10-year plan to implement the United Nation Declarations on the Rights of Indigenous People<sup>1</sup> (“UNDRIP”). This plan is to make all federal laws consistent with UNDRIP over a ten-year period. The purpose of this paper is to generate discussion and create awareness with First Nations.

This document has been developed and arranged to identify each topic of concern to Anishinaabe people in relation to all UNDRIP sessions, based on the Anishinaabe Dodem system. According to Gordon Waindebence baa the Anishinaabe Dodem or Clan System is a complete form of governance. When the seven primary Dodems take care of their responsibilities there would be no other issues for Anishinaabe to be concerned about. The Anishinaabe Dodem System is comprehensive.

## **Imposition of the Indian Act**

Beginning with the Indian Act in 1876, the Dodemaag system was outlawed in favor of western-style democracy. The basic principle of this foreign system was “majority rules”. When this system was imposed on First Nations, we moved away from our inclusive, consensus-based approach where every Clan had a say. In recent decades, there has been a dialogue to explore implementing concepts of traditional governance as communities move closer to self-government.

## **The Anishinaabe Dodems / Traditional Governance Dialogue**

Perhaps it is time to explore what traditional governance and the Anishinaabe Dodemaag system would look like in a modern First Nation context. This requires us to learn more about the Anishinaabe Dodemaag system. The reality is that many of us need to learn more about our own clan, their traditional responsibilities and how the dodemaag relate to one another.

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<sup>1</sup> <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

The Late Edward Benton's book *Mishomis: The Voice of the Ojibway*, says the people of the Mukwaa (Bear) Dodem served as the police force of the people. They spent most of their time patrolling the outskirts of the village to ward off any unwelcomed visitors. Because of the large amount of time they spent close to nature, the Bear Clan became known for their knowledge of plants whose roots, bark, or leaves could be used as medicines to treat ailments of their people.

While the Dodemaag (Clan) System was in power, the Anishinaabe people suffered no famine, sickness, or epidemics. There was said to be no wars and very little violence in these days when the Clan (Dodem) System was strong. The Dodem System was built on equality in justice, voice, law, and order. It reinforced by its very nature the teachings and principles of a sacred way of life. It is interesting to think of where our society might be today if the people had held the Dodemaag System together in its original form and power.

..... *Edward Benton-Benai baa*

**Elder Gordan Waindubence baa for the Ngo Dwe Waangizid (Guiding Principles)**

Mukwaa (Bear) B'Maadziwin: to live a good life. The Bear Dodem is responsible for protecting its people to ensure the safety and security of the gentler clans inside the community. Bear Dodem members are also the medicine people as they know the healing ways of plants available to them.

**Elder Jim Dumont recently gave a teaching on the Bear Clan**

The responsibilities of the Bear Clan involve ensuring the safety of the community, confidentiality, maintaining boundaries and the circle process for resolving issues the Bear Clan is responsible for. The Bear Clan are the guardians and protectors of the community. Asking many different questions to find a better understanding of the issue or events.

**From Bear Clan Research**

We have provided a comparison describing how the UNDRIP may be implemented and operate with the Dodemaag System of Governance from the perspective of the Mukwaa Dodem by updating of federal legislation. There are many current categories of federal legislative responsibility that would be included. The following are some of those Dodem responsibilities, issues and relevant UNDRIP articles.

## **Muk'wa (Bear) Dodem – Subtopics and Issues**

Our traditional internal community governance and representation was based on our Dodem (Clan) which was centered on our kinship and family. The Dodemaag system of governance was given to our ancestors from the Creator. We were born into our Dodem. Each Dodem has its traditional roles and responsibilities. The Dodemaag was our traditional governance system, with intricate methods of organizing work, and a way of defining the roles and responsibilities of each community member from children to Elders, to ensure everyone lived 'Mno-Bimaadziwin'. Each community member was significant in the Dodemaag. This perfect Dodemaag governance system was in place to give direction to each member for their purpose in life, from birth. This perfect form of balanced governance was a way of organization which enabled Anishinaabe people to exist since time immemorial.

### **a) POLICE**

#### **Historical Police Origins in Canada**

Canada's Frontier and the North-West Mounted Police were created to manage 'Indian Crisis'. The Indigenous people were obstructing the colonial progress of building the railway and discouraging the settling of the European newcomers. The ceding of western territory formerly governed (de facto) by the Hudson's Bay Company in 1868 meant that Canada now had a vast frontier to deal with. These lands were still primarily populated by the Indigenous peoples from whom the territory had been gradually seized via armed conflicts and treaties, and there were frequent conflicts between the natives, Métis and American hunters and traders (most notably at the Cypress Hills Massacre).

Fearing that American deaths might cause a military intervention from the south, Prime Minister John A. MacDonald founded the North-West Mounted Police (NWMP later to be the RCMP) to enforce laws in the region. Unlike the metropolitan police in Toronto, the NWMP combined policing, judiciary, and military functions. Though initially only 150 strong, the NWMP essentially acted as a token symbol of Canada's occupation of the 'lightly colonized' territory.

The establishment of the force coincided with Canada's key public works project of the era, the Canadian Pacific Railway. Throughout construction, the NWMP 'enforced' the relocation of Indigenous peoples from their traditional homelands that lay in the path of the railway to a system of fixed reserves, thereby assisting in white settlement.

### **Modern Policing**

First Nations Police (FNP) is a collective of Indigenous police forces in Ontario. FNP agencies are responsible for police duties concerning reserves in Ontario. First Nations Constables are appointed by the Commissioner of the Ontario Provincial Police and have the powers of a Police Officer within the Province of Ontario for the purpose of carrying out the duties specified in their appointment.

#### **Ontario First Nation Police agencies include:**

- Six Nations Police - Ohsweken, Ontario
- Wikwemikong Tribal Police - Wikwemikong, Ontario
- Nishnawbe-Aski Police Service - Thunder Bay, Ontario
- Treaty Three Police Service - Kenora, Ontario
- UCCM Anishnaabe Police Service - M'Chigeeng First Nation, Ontario
- Anishinabek Police Service - Garden River, Ontario
- Tyendinaga Mohawk Police - Shannonville, Ontario
- Akwesasne Mohawk Police - Akwesasne, Ontario
- Georgina Island Police - Chippewas of Georgina Island, Ontario
- Walpole Island Police Service - Wallaceburg, Ontario
- Rama Police Service - Chippewas of Rama First Nation, Ontario
- Hiawatha Police Service- Hiawatha First Nation, Ontario

### **Engaging Indigenous Peoples on Policing and Community Safety**

Indigenous Peoples have long called for reform to Indigenous policing and community safety to make it more responsive and equitable. The Government of Canada is committed to collaborative dialogues with First Nations, Inuit, and Métis to hear their perspectives, experiences, and expertise, and to better understand and identify their unique policing and community safety priorities, as well as the practices and approaches that would best serve them.

## **Co-Development of First Nations Police Services Legislation**

First Nations in Canada have been demanding First Nations Policing to be reformed as an essential service. These calls for reform were heightened with the release of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Call for Justice to reform the delivery of policing services in Indigenous communities.

Through Budget 2021, the Government of Canada proposed to provide \$43.7 million over five years, beginning in 2021-2022, to co-develop a legislative framework for First Nations Policing that recognizes First Nations Policing as an essential service. The Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People reiterated the commitment to co-develop a legislative framework. In December 2021 the Minister of Public Safety was mandated to "continue to work with First Nations partners to co-develop a legislative framework for First Nations Policing. CIRNAC is engaging directly with First Nations to inform the co-development of federal legislation for First Nations police services

### **A Renewed Approach to Policing in Indigenous Communities**

#### **Engagement Summary Report: What We Heard**

##### **Indigenous Policing as a Distinct Policing Model**

Participants spoke about the need to approach Indigenous policing in a much more expansive/holistic way. What we heard is that a new approach should not prescribe any particular policing models; rather, Indigenous police services should adopt their own unique approach that will ultimately meet their community safety needs. Three key issues were raised with respect to the kinds of approaches Indigenous communities desire in a community policing model:

##### **A problem-Oriented Approach**

Participants expressed the view that the existing policing approach tends to emphasize a more traditional crime control approach which prioritizes such things as detecting crime, apprehending criminals, and pursuing charges against offenders. There is a suggestion to retreat from this narrow approach to policing toward a broader community justice approach. The new approach is

one which has a more socially oriented role, a "problem-oriented" or "community policing" approach.

### **Dual/Tiered Policing Approach (enforcement & prevention)**

In describing this approach, participants suggested that this new approach would be prevention-oriented, rather than exclusively enforcement-based. While there was a desire to expand the objectives of policing to include broader community safety objectives, participants were also clear that conventional policing cannot be abandoned; there is a need to marry "conventional crime control" approaches with more community-based approaches to solving problems.

### **Training and specialization**

Situational and culturally relevant training for police officers is critical.

### **Legal Status of some law enforcement officials**

In some instances, where there is no other formal police service, law enforcement officials are engaging in policing activities beyond their jurisdiction which may be exposing them and their band councils to legal risks.

### **Jurisdictional issues**

Any new approach must address the realities of providing policing services across geographical boundaries (within more than one community) as this causes issues for policing and enforcement. Some Indigenous communities that are geographically remote and involve enormous tracts of sometimes non-contiguous land face accessibility issues for policing and other services.

### **Cultural/Situational Considerations**

#### **Western legal traditions vs. Indigenous customary ways**

The existing enforcement-based model should be replaced with models which include customary ways and do not insist on imposing a policing approach that is infused with, and constrained by, western legal traditions.

## **Cultural responsiveness**

Aboriginal policing must reflect the cultural realities and needs of Indigenous communities.

## **The Renewal Process Itself**

A renewed approach should be based on a Nation-to-Nation/government-to-government relationship. This relationship would entail Indigenous communities defining the parameters of Indigenous police operations to ensure it is responsive to the needs and priorities of Indigenous communities.

## **Next Steps**

Many issues will have to be addressed in the renewal effort going forward. Participants reported that the current approach has issues, some of which are complex and involve multiple parties arriving at agreement on how best to respond, making the pathway forward challenging. How those challenges are addressed will shape the future of Indigenous policing.

Public Safety Canada has committed to this renewal effort and has engaged Stakeholders across the country. Considerations in the renewal could include fiscal; legal; statutory; and jurisdictional elements, all of which were issues raised in the three engagement sessions.

Based on the feedback received during this process Public Safety Canada will be in a position to craft a renewed approach that is informed by the views and perspectives of Indigenous police interests across the country.

TRC 94 Calls to Action recommends the implementation of the 49 UNDRIP Articles. However, in researching the TRC Calls to Action, there was no direct reference to recommendations for First Nation 'Policing' but references to the Final Report on the MMIW Inquiry and the Recommendations that were produced were largely connected to issues and concerns of policing.

## **Final Report on Missing and Murdered Women**

### **Confronting Oppression – Right to Security**

Introduction: “We’re not safe. Nobody is safe.”

Across the country, the right to security held by Indigenous women, girls, and 2SLGBTQQIA



people are routinely compromised. As families, survivors, and others shared their truths with the National Inquiry, it became clear that, for the majority of Indigenous women, girls, and 2SLGBTQQIA people living in all settings and regions, security is a key area where violence against Indigenous women and girls can and should be addressed. As we heard, Indigenous women, girls, and 2SLGBTQQIA people live with an almost constant threat to their physical, emotional, economic, social, and cultural security. As Bernice C., who spoke in Winnipeg, observed when speaking about her daughter, who went missing on her 18th birthday in 2008: “We’re not safe. Our women are not safe anymore. Nobody is safe.”

We examine the ways that the security of Indigenous women and girls is compromised by interpersonal violence, and how the risk of interpersonal violence is heightened by such factors as intergenerational trauma, poverty, homelessness, addictions, and barriers to education, training, and employment, as well as a lack of anti-violence services and supports. In addition, we explore how the absence of basic economic, social, and political rights that can guarantee security contributes to the targeting of Indigenous women and girls. We then explore how an unwillingness on the part of institutions to address these issues maintains a status quo that ensures that the crisis continues, and how, ultimately, the solutions required to restore security, as understood in a holistic way, lie within the experiences and the knowledge of Indigenous women, girls, and 2SLGBTQQIA people themselves.

### **Defining “Human Security”**

In many of the Indigenous world views presented within the context of the Truth-Gathering Process, the right to security includes both a physical right and a social right. International covenants and conventions also take a broad look at the concept of “security” as being both physical and social. This broad sense of human security draws from an approach that places well-being at its very centre, and that recognizes complex economic and social interactions – encounters – that work to shape security, or a lack of security, in a person’s life. It moves

human security beyond the agenda of the state alone, and instead considers other factors or “non-traditional” threats such as poverty, disease, and the roots of issues such as the crisis of missing and murdered Indigenous women, girls, and 2SLGBTQIA people. The concept of human security was redefined in the 1990s, after a focus on military or traditional state security that went hand-in-hand with the Cold War period. As researcher Taylor Owen explains, the fall of the Berlin Wall made it clear that the biggest threats to human security might not come from militarized states anymore. Instead, citizens in the post-Cold War period “were being killed by the remnants of proxy wars, environmental disaster, poverty, disease, hunger, violence and human rights abuses.” In this context, the focus on the state as the only means for human security actually served to mask many of the ongoing human security crises targeting people all over the world.

In 1994, the United Nations Development Program’s (UNDP) “Human Development Report” (HDR) laid out four primary characteristics of human security, including that it is universal, that its components are interdependent, that it is best ensured through prevention, and that it is people-centred. Importantly, it is not focused on militarized or state security apparatus, but on the safety of persons living in states, as conceived broadly and within the context of human rights. More specifically, the 1994 HDR listed seven “essential dimensions” of human security:

- economic security threatened by poverty;
- health security threatened by injury and disease;
- personal security threatened by various forms of violence;
- political security threatened by political repression;
- food security threatened by hunger and famine;
- environmental security threatened by pollution, environmental degradation, and resource depletion; and
- community security threatened by social unrest and instability.

For Indigenous women, as the testimonies showed, threats to human security and to their basic

human rights occur on a daily basis. For them, human security means the ability to live in the world without being under a constant threat of violence or harm; the ability to say goodbye to children going out with their friends, and not wonder if they will ever return; and, among other issues, the ability to start a family, to raise children, without worrying about their being targeted by racism and discrimination or being apprehended unfairly.

### **As we Heard from the Voices**

Families and survivors, restoring security requires collective, Indigenous-led solutions that start by addressing the root causes of violence that so pervasively deny this basic human right.

The violence that marks the lives of the survivors who shared their stories, and the violence that led to the disappearance or death of those who were not able to share their stories and its connection to intergenerational trauma, need to be discussed in relation to the various ways that the social security of Indigenous women and girls continues to be violated within a colonial state. As witnesses made clear, the social, economic, and political marginalization of Indigenous Peoples within Canadian society is an equally important part of the story of understanding the violence that leads to the disappearance or death of Indigenous women and girls.

### **Missing Murdered Indigenous Women and Girls (MMIWG) Report Recommendations**

#### **Proposed Response:**

The RCMP continues to work with federal departments under the direction of Crown-Indigenous Relations to review and assess the Calls for Justice individually to determine the next steps needed to prevent violence against Indigenous women and girls and Two-Spirit-LGBTQQIA+ people.

The RCMP will continue to work with its federal partners, provinces and territories, and Indigenous communities and organizations to formulate its response to this important report.

The RCMP remains committed to improving the relationship with Indigenous communities, supporting survivors and families, and ensuring that investigations are robust, professional and result in justice for the victims and their families.

## **Background:**

The National Inquiry into MMIWG was launched in 2016 to examine and report on systemic causes of all forms of violence against Indigenous women and girls. It was further directed to make recommendations on concrete actions to remove systemic causes of violence and improve the safety of Indigenous women and girls, as well as propose ways to honour those who have died or gone missing.

## **The final report, Reclaiming Power and Peace,**

Released on June 3, 2019. It contains 231 Calls for Justice (CJs), with additional sub-recommendations, totaling 290 individual recommendations. The RCMP is implicated in approximately 90 of the CJs. The final report is highly critical of law enforcement generally, and the RCMP in particular. Key to the criticisms are allegations of various forms of discrimination and indifference, poor family and community communications and a lack of action on major cases involving Indigenous victims, including human trafficking. The CJs vary; some are broad and without specification, whereas others are clear and potentially actionable. Some police-related CJs require consultation with provincial/territorial policing partners.

## **Indigenous Cadets**

A targeted approach to recruiting, advertising and marketing is being used to assist in positioning the RCMP as the employer of choice, specifically to those who may not have considered a career in policing. RCMP recruiters develop partnerships and work with a variety of cultural and community groups across Canada to raise awareness of a career in policing. Further, dedicated recruiting analysts who are familiar with challenges faced by Indigenous applicants assist these applicants with steps in the recruiting process. Finally, applicants who self-identify as Indigenous are fast-tracked through the recruiting process.

### **b) MILITARY**

Historically for the Indigenous Nations, at the community level, warfare played a multifaceted role, and was waged for different reasons. Some conflicts were waged for economic and political goals, such as gaining access to resources or territory, exacting tributes from another nation or controlling trade routes.

## **Traditional Military Practices**

Warfare prior to European colonization varied by region, and much of the discussion below focuses on the northeast woodlands, but some patterns were commonly in evidence. In areas where large war parties could come together, formal battles occurred that were often highly ritualized and conducted in ways that limited the casualties.

A great feast involving the entire community would have been held, at which time those who wanted to join the expedition danced and sang their ‘war song’, would have generally preceded major military expeditions. They then prepared themselves spiritually and physically for the warpath, in some instances painting their faces red (the colour of blood and of war) to keep the enemy from detecting ‘any appearance of pallor or fear on their faces.’ Sometimes, warriors would array themselves with other accoutrements to distinguish themselves from each other. For example, Iroquois chiefs wore elaborate headdresses as a sign of rank and the warriors decorated their shields and weapons with heraldic and spiritual symbols.

When the Europeans arrived, the main offensive weapon of a warrior in north-eastern America, was the bow and arrow. The arrowhead was usually made of bone or flaked stone.

Aboriginal peoples quickly adopted European firearms. While the early artillery was less effective than the bow and arrow, since they were ‘too cumbersome and too slow,’ they had the advantage of emitting a thunderous noise when fired, frightening the enemy and making him more vulnerable. While a few Aboriginal peoples did manage to get their hands on firearms in the early 17th Century, it was not until the 1640s that they began acquiring them on a large scale. They quickly mastered the new and improving technology and became more skillful in handling the weapons than their European counterparts.

Close to 4,000 members of the Canadian Expeditionary Force were of Aboriginal descent, an astonishing number given the limited civil rights accorded Canada’s First Peoples in the early twentieth century.

## **Overcoming Cultural Barriers**

First Peoples troops encountered a double cultural barrier in the military: the racial prejudice that marked the contemporary non-Aboriginal world, and a military hierarchy that worked almost

exclusively in English, a language many Aboriginal recruits did not speak. Records and memoirs suggest that most units eventually embraced First Peoples soldiers, even providing a more welcoming or progressive environment than other areas of contemporary society.

### **A Record of Accomplishment**

First Peoples troops left a remarkable record of wartime accomplishment. Several were commissioned as officers, and many served as battle-hardened platoon leaders and combat instructors. At least 50 were decorated for bravery on the battlefield. Many acquired near-legendary status as scouts and snipers, drawing on pre-war hunting skills and wilderness experience. The most decorated, Corporal Francis Pegahmagabow, an Ojibwa from the Parry Island Band near Parry Sound, Ontario, received the Military Medal and two bars for his bravery and effectiveness as a sniper. Former rodeo performer Henry Norwest, a Metis, was credited with 115 kills before his death. Alexander Smith, Jr. and his brother Charles, the sons of Six Nations Cayuga chief Alexander G. Smith, were both awarded the Military Cross.

### **Problems of Re-establishment**

Many First Peoples soldiers returned from the war hoping that their sacrifice and achievements on the battlefield would lead to greater recognition and improved living conditions at home. Federal policy extended many post-war benefits to Aboriginal veterans, but not as many as those accorded non-Aboriginals. Nor did the war herald a broader breakthrough in civil liberties for First Nations. Many Aboriginal veterans, including Francis Pegahmagabow, became politically active in the protection of their communities and the advancement of First Nations rights.

### **Canada Remembers - Indigenous Veterans**

“The First Nations, Métis and Inuit people of Canada have a long and proud tradition of military service to Canada. While exact statistics are difficult to determine, the rate of Indigenous participation in Canada’s military efforts over the years has been impressive. These determined volunteers were often forced to overcome many challenges to serve in uniform, from learning a new language and adapting to cultural differences, to having to travel great distances from their remote communities just to enlist. The Canada Remembers Program of Veterans Affairs Canada encourages all Canadians to learn about the sacrifices and achievements made by those who have served—and continue to serve—during times of war and peace. As well, it invites Canadians to

become involved in remembrance activities that will help preserve their legacy for future generations.”

### **Valuable skills**

Many Indigenous men brought valuable skills with them when they joined the military. Patience, stealth and marksmanship were well-honed traits for those who had come from communities where hunting was a cornerstone of daily life. These attributes helped many of these soldiers become successful snipers (military sharpshooters) and reconnaissance scouts (men who stealthily gathered information on enemy positions). Indigenous soldiers earned at least 50 decorations for bravery during the war. Henry Louis Norwest, a Métis from Alberta and one of the most famous snipers of the entire Canadian Corps, held a divisional sniping record of 115 fatal shots and was awarded the Military Medal and bar for his courage under fire.

### **Code Talkers**

While Indigenous soldiers again served as snipers and scouts, as they had during the First World War, they also took on interesting new roles during this conflict. One unique example was being a "code talker." Men like Charles Checker Tompkins of Alberta translated sensitive radio messages into Cree so they could not be understood if they were intercepted by the enemy. Another Cree-speaking "code talker" would then translate the received messages back into English so they could be understood by the intended recipients.

We have heard about how Indigenous peoples have participated in the military supporting the Canadian Government in International efforts. We will now move to discussions where the military and the police powers were used against the Indigenous people. This is largely the case when it comes to actions against Indigenous peoples, as this was the measures resorted to since colonial settlers came to be in Canada when PM Sir John A. MacDonald established the North West Police to force Indigenous people to move for the railways and for the new Settlers.

### **Ipperwash**

This year's Labour Day weekend marks the 25th anniversary of the Ipperwash Crisis and the police shooting death of Dudley George.

Though the dispute over Indigenous land took place in 1995, Grand Chief Joel Abram with the Association of Iroquois and Allied Indians (AIAI) says the community is still mourning to this day.

“It’s something that’s still fresh in many people’s minds today, especially for people in this region of Ontario.”

On the evening of Sept. 4, 1995, a group of demonstrators from Kettle and Stony Point First Nation protested against the ongoing occupation of Stony Point land.

The federal government offered \$15 per acre in 1942 to reserve the land during World War II to use as a base for military training.

The government promised to return the land to the First Nations after the war was over, but never did.

The clash at Ipperwash in autumn 1995 resulted in the death of Anthony “Dudley” George, an Ojibwa protester who was shot dead by an Ontario Provincial Police (OPP) officer.

“That’s what it was about — the Stony Point people reclaiming the land that was theirs that was never actually returned to them but it was supposed to be,” said Abram with the AIAI.

“We hope this will prove that our claims and teachings need to be taken seriously and heard. We will stand up for ourselves and our ancestors and we will stand up for what’s right,” Abram added.

In the 2001 book *‘One Dead Indian: The Premier, the Police, and the Ipperwash Crisis’*, investigative journalist Peter Edwards shared his experience with reporting the events as it unraveled.

Edwards said the starting point for him to write a book was Clifford George, a Stony Pointer who fought overseas.

“He thought he was going home and he had his military uniform on. He wasn’t allowed back to where his home was, because it was now a military base.”

“(This) Canadian war veteran, who was a Stony Pointer, was not allowed onto Stony Point land because the government had yet to return it. (That) was my starting point,” Edwards explained.



The tragedies of September 1995 still live fresh in his mind.

The author says he remembers a massive police build-up, and throughout the day, police officers would carry military submachine guns.

“There had been a meeting of some cabinet-level people at Queen’s Park, and right after the meeting, all of a sudden, police were coming down to the park,” Edwards recounted.

The premier at the time, Mike Harris and other government officials had met to discuss the Ipperwash protest. The meeting notes concluded that the province will “remove the occupiers as soon as possible.”

On the night of Sept. 6, 1995, an unarmed Dudley George was shot by OPP acting sergeant Ken Deane.

George died in the early hours of Sept. 7th. He was 38 years old.

Edwards says George’s death wasn’t the only violence during the Ipperwash Crisis.

“There was another guy, Cecil Bernard George, his nickname is Slippery, who was beaten until his heart stopped.” He was revived.

“It didn’t seem real, but shots were fired at the protestors,” Edwards recounted.

The author also recounted meeting Sam George, one of the brothers of Dudley George after the shooting.

“I met his brother early in the morning, probably around 5 a.m. at Kettle Stony Point, and he showed up with a stack of pictures. He had just seen his brother’s body and he was in shock.”

“I said ‘who do you blame?’ and he said ‘I’m not blaming anyone, I need to know the truth.’”

Edwards says he gives credit to Sam George for his dedication in chasing after the truth of what happened to his brother.

“This didn’t happen through good will and guilt, this happened because Sam George wouldn’t go away and wouldn’t stop asking questions.”

Another memory Edwards says he can’t stop thinking about involves a future police officer in the George family.

“Right after the shooting, there was a meeting of the George family where one of Dudley George’s nephews had wanted to join the OPP, and (whether) he (should still) join after what happened.”

“Sam George and the rest of the family decided he should join because they need more First Nations people in the ranks,” said Edwards.

In December 2007, the Ontario government announced it would return the 56-hectare Ipperwash Provincial Park to the Chippewas of Kettle and Stony Point First Nation.

The settlement was finalized on April 14, 2016, along with a \$95 million payment.

Twenty-five years after the Ipperwash Crisis, Grand Chief Joel Abram with the AIAI says he does not believe there has been much progress in police’s handling of similar situations.

“We have some changes with how OPP deal with these types of situations, but at the end of the day, these (kinds) of situations are going to keep happening, because we haven’t attacked the root of the problem.”

“The root of the problem is refusal to acknowledge Indigenous people’s rights to the land, and the colonialism that’s happened.”

But Abram is feeling positive that future generations will have more opportunities to learn more “I think the tide is turning in terms of people being educated. A lot of this information has been suppressed, and people aren’t generally being taught this in schools.”

“We have to begin to acknowledge that Canada’s legal claim to the land is built on a house of cards, and when they see what the house of cards is constructed of, then that allows people to become enlightened, and see what the real issues are about “Indigenous cultures and rights”.

### c) **HEALTH**

#### **First Nations Pre-Contact Health**

In pre-contact times, First Nations enjoyed good health due to an active lifestyle and healthy traditional diets. These diets were balanced and included protein, healthy fats, and some fruits and vegetables. Oral history suggests good health and longevity. This good health included

ceremonial, spiritual, and physical elements. Specific types of healers included midwives, herbal healers, and shaman. In addition, there were customary laws regarding food and hygiene that assisted the people in staying healthy.

Pre-contact lifestyles had many other “health-protecting” characteristics as well, including small size, comparatively low population density, reasonable mobility on land and water, seasonal relocations to different harvest locations, intimate knowledge of the local environment, environmentally friendly subsistence practices, and the availability of a variety of foods. As noted above, the hunting, fishing, and gathering lifestyle ensured that people were physically fit. Although there were some health problems related to work, such as arthritis, prior to contact First Nations experienced virtually no diabetes and no dental cavities, though abscessed jaw sockets were common. Also, there were some instances of First Nations people having a limited number of infectious diseases and dermatological problems.

### **Traditional Healing**

The role of Spiritual Healers, also known as Shaman, was well understood in pre-contact times, and today as well spiritual wellness is considered a necessary part of whole health among First Nations. Oral history and continuing practices confirm these deeply held beliefs. Throughout history there have been specialist healers who use plants to heal a wide range of ailments. First Nations have developed intimate understandings of their environment and the healing qualities of many plants, some of which are also used during ceremonies and for other spiritual reasons.

Communities and families greatly valued holistic approaches for preventative health care. When a member of a community fell sick, the family and community would provide support and comfort, a practice that is as much in evidence today as it was in the past. A sense of place and belonging was recognized as one of the factors affecting health. Custom and wise leadership ensured that people had roles in their communities that took advantage of their particular skills, everyone contributing to the overall well-being of the group. In terms of child-rearing, it was commonly understood that children were raised and nurtured not only by their parents, but by their extended families too, especially grandparents, uncles, and aunts. This ensured that the child’s growth and education was properly addressed by knowledgeable members of the family and community. First Nations communities thrived by working together to ensure their members were cared for so that the Nation remained strong.

## **Canada's Health Care System**

The organization of Canada's health care system is largely determined by the Canadian Constitution, in which roles and responsibilities are divided between the federal, provincial, and territorial governments. Generally, provinces and territories have primary jurisdiction over the administration and delivery of health care services. This includes setting their own priorities, administering their health care budgets, and managing their own resources. The federal government exercises a role in health care primarily through the use of the federal spending power. The Canada Health Act, Canada's legislation imposing national standards on provincial health care insurance plans as a condition of accepting a federal contribution to the cost of those plans, is an example of the use of the federal spending power.

## **Indigenous Healthcare in Canada**

With respect to health care for Indigenous peoples, which include First Nations, Inuit and Métis, the federal, provincial, and territorial levels of government share some degree of jurisdiction. The Canadian health system is a complex patchwork of policies, legislation, and relationships. Indigenous peoples are included in the per capita allocations of funding from the federal fiscal transfer and are entitled to access insured provincial and territorial health services as residents of a province or territory. Indigenous Services Canada funds or directly provides services for First Nations and Inuit that supplement those provided by provinces and territories, including primary health care, health promotion and supplementary health benefits.

Indigenous Services Canada also funds or directly provides certain health care services to First Nations communities and funds the provision of certain community health programs for Inuit. This is in addition to federal funding provided to territorial governments. Indigenous Services Canada also funds non-insured health care benefits to eligible First Nations and recognized Inuit regardless of where they live in Canada. Health Canada and the Public Health Agency of Canada provide funding for programs that target, in part, Indigenous peoples who live in urban settings or in northern communities. The Public Health Agency of Canada is also responsible for promoting and protecting the health of all Canadians, which includes Indigenous peoples, regardless of where they reside and offers an array of grants and contribution funding aimed at promoting health, as well as preventing and controlling chronic diseases, injuries, and infectious diseases. Federal funding for First Nations and Inuit health services is provided through annual

appropriations and is subject to discretionary increases or reductions by the federal government. This is in contrast with the main federal transfer to provinces and territories for health (that is, the Canada Health Transfer), which is protected in legislation. For Métis, off-reserve First Nations and non-status First Nations, services and benefits are primarily provided for by provinces and territories.

A coordinated approach to address the health needs of First Nations, Inuit and Métis, and health care delivery among all levels of government including Indigenous governments, remains an ongoing challenge.

In other parts of Canada, including Manitoba, Ontario and Quebec, the Government of Canada is supporting First Nations-led institutions and organizations to increase their control over the design and delivery of First Nations health services and to advance Indigenous cultural safety and self-determination in health care. These health transformation projects aim to improve health outcomes and access to services for First Nations. Each project is unfolding in a unique way depending on the priorities of First Nations communities. With federal funding support and guidance, efforts are underway to create organizational capacity, engage community members to identify health priorities, create provincial and federal partnerships, explore, and develop governance and service models, and work towards service delivery improvements on the path to a full transfer of control. This work has resulted in some promising developments:

A tripartite Memorandum of Understanding was signed in 2019 by the First Nations of Quebec and Labrador Health and Social Services Commission, Canada and the province of Quebec that committed the partners to work towards a new health and social services governance model.

In 2021, the Nishnawbe Aski Nation (NAN) signed a trilateral statement with Canada and the province of Ontario, committing to work together in partnership to support the establishment of a First Nations health services delivery system in NAN Territory. NAN has actively worked with their communities to identify key health priorities requiring immediate action in conjunction with exploring new models of health service delivery that will bring services closer to home and build capacity in northern communities to access and deliver more culturally responsive services.

The Manitoba Keewatinowi Okimakanak has established the Keewatinohk Inniniw Minoayawin, which is an aggregated northern First Nations led-health entity, who are exploring new

innovative primary care services models tailored specifically for northern communities and preparing to assume the responsibility for service delivery of programming.

The Southern Chiefs' Organization and Canada signed a Memorandum of Understanding to establish a new health governance model focused on equitable and culturally appropriate health care for First Nations in southern Manitoba. This is a similar movement forward for the Anishinabek Nation Health Transformation.

### **Comparing the Mukwaa Subtopics with UNDRIP Articles**

**When reviewing the UNDRIP Articles, please keep these tips in mind<sup>2</sup>:**

- The UN Declaration sets out the minimum rights of Aboriginal people.
- The preamble provides a background to the UN Declaration, including its purpose and how to interpret the rights.
- The 49 Articles set out the rights – they are the heart of the UN Declaration.
- Articles should be read together - we must not think of each Article as separate from other Articles
- The UN Declaration recognizes rights of individual Aboriginal people – but also recognizes that some rights are collective rights, belonging to entire communities or nations or peoples
- The UN Declaration should be read with other international human rights instruments to understand the full range of Aboriginal people's rights

### **Some Relevant UNDRIP Articles**

#### **Article 7**

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

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<sup>2</sup> Pp.6 2011. Indigenous Bar Association. *Understanding and implementing the UN Declaration on the Rights of Indigenous Peoples – An Introductory Handbook.*

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

#### **Article 20**

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

#### **Article 21**

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

#### **Article 22**

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children, and persons with disabilities in the implementation of this Declaration.

#### **Article 23**

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.

#### **Article 24**

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services. 2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health.

States shall take the necessary steps with a view to achieving progressively the full realization of this right.

### **Article 29**

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining, and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

### **Article 30**

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

### **Article 31**

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge, and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

### **Article 40**

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision



shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

### **Article 43**

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

## **Movement Forward – Implementing UNDRIP in Canada**

### **Questions for Discussion (Aligned with Mukwaa Dodem Sub Topics)**

1. Which of these subtopic issues are priority to the Mukwaa Dodem?
2. What issues of Policing do you feel to be a priority for Anishinaabe people?
3. What concerns can Health concerns First Nations be resolved with UNDRIP?
4. What issues do you see as most important for Anishinaabe people and the Military?
5. How can UNDRIP support Indigenous people in efforts to eliminate discrimination?
6. What kind of legal recognition or protection is needed to support Indigenous peoples Health Care?
7. How can the federal government improve Policing and laws for First Nations?
8. What should the federal government do in regard to Indigenous rights and Health Care?
9. What kind of legal recognition do you feel Indigenous people require to move forward on issues of the Policing?
10. What kind of processes would you like to see over the next 10 years to make federal legislative change reflective of UNDRIP?