Aboriginal citizenship in the twenty-first century

Ovide Mercredi

Remarks from the 2015 Gwich’in Tribal Council Post-Secondary Academic Conference Series, March 23-27, 2015, Memorial University, St. John’s, Newfoundland.

Canada is still a very young country. It’s a country that needs to be shaken up a little bit because it has not acknowledged the place of the Indigenous people within its framework of governance or even in terms of the distribution of wealth that is generated by the traditional resources of Aboriginal people. Canada has a citizenship code, and I’m always asked this question: Are you Canadian? And I say no I’m not. But if Canada should ever become, to use the word of Trudeau, “a just society” in relation to Aboriginal people, then I think I will call myself Canadian... But first and foremost, I am an Innu, which is the word for my people. It means “the people,” and it describes the people that Canada knows as Crees. The word Cree comes from the French. Our identities have never really been recognized in this country because this country has been too busy trying to impose its own identity on us, and part of it is this idea of belonging. So, for example when immigrants come here, they take some courses, they have to make an oath of allegiance and they have to pass some kind of a test — I’m not sure how rigorous it is — but I don’t know what it teaches them about Canada. Because my experience has been that very few Canadians know their history and very few of them know the history of Aboriginal people in relation to Canada. So I don’t know what those immigrants are being taught in terms of our identity as Indigenous people in this country.

But one of the things that Canada did early on after Confederation was to utilize a power that they gave themselves in... Section 91(24) of the British North America Act that says Parliament has jurisdiction to make laws for Indians and Indian lands, but I’m not an Indian. But this is the identity that they imposed on us. It’s based on a false discovery that dates back to Columbus’ time. He was looking for the Northwest Passage and got lost and discovered a people that were different in skin colour. They were brown like me. And [Columbus thought] they resembled Indians so that’s where [the word] Indian comes from — it dates back to that time. The thing is, when I went to India in 1996, I had the opportunity to meet the real Indians and they’ll have you know — they will tell you — “you’re not an Indian, I’m an Indian.” [That’s what I heard] from them. And I’m OK with that because it’s true. But when I was in India, I got to clarify identity — my identity and theirs. And I had the opportunity to say I am so glad that I finally got to meet the Indians that Columbus thought he discovered. Because that’s a statement. It’s not just a political statement; it is a statement of identity. The essence and the being — who we are.

It’s very important for people to be who they are. Not what they are made into by a foreign power. Parliament used the Indian Act to try to redefine us; and part of that redefinition was these white men in Parliament decided who can and who cannot be an Indian. How absurd is that? ... But they had no second thought about it because they saw, to them, a people who were inferior. People who had to be assimilated because through assimilation they would progress [but] left to their own devices they would be troublesome people that might interfere with the progress of the development of the country. They saw us not as friends or as allies potentially but as people who could interfere with their journey to create a country on this soil.

One of the things that never ceases to amaze me is, knowing Canadian history, having been to Charlottetown, having been to the place where those meetings were held prior to 1867 where some 36 people talked from Lower and Upper Canada about the formation of a new country and absent from that conversation were my people. They were not in the room; they were not in the picture. And yet, [those 36 people] were talking about creating...
a country that would have created sovereignty over my people’s territory. I’m living … in what they call Manitoba now. That’s my territory — that’s where my people live. So, prior to 1867 there was no Canada but they decided to form a country that would eventually take my land — our territory — as part of this vision of Canada. Again without our consent, without our discussion … So I’ve always said to people, what is the legitimacy of those 36 people to create a country without my consent?

And, beyond that, they even have less legitimacy to use their institutions of government to impose upon my people a definition that is not us. But they did it. Why did they do it? I guess because they could. And they did it because we were not in the room and likely when the decision was being made, it made no difference to us because it wouldn’t impact us anyway. …

So when the definition of being Indian was being made by Parliament my mother, who is now 93, would have no idea that at some point by 1940 the law would reach my community … And how did the law reach my community? Well my mother married my dad George Mercred who was a Mètis man and the law said — the Indian Act said — that any Indian woman that married off-reserve to a non-Indian person would cease to be an Indian. So … as far as the Canadian law was concerned she ceased to be an Indian, within the meaning of the Indian Act, but she was never Indian to begin with … Who had the right to say to her you can’t live on the land that your people have — the reserve — you have to leave?

There are implications to identity … As you know, if you are a Canadian citizen without a passport you ain’t goin’ very far. So citizenship implies certain rights that you have, and even the Indian Act implies certain rights, like defining our people as Indians they were able to control exactly what that meant.

So, it meant many things. One is, it limited our powers of governance. They took away our traditional forms of government and replaced them with a chief and council system; an elected government that’s been in place for over a century but an elected government that has no real relationship with the history of our people. No foundation in terms of our own traditions of governance. It’s an imposed system. The Indian Act was utilized in that way for Parliament to reach up to Grand Rapids, grab my mother, and throw her off the reserve and say you’re no longer an Indian.

And the consequence is membership; you cease to be a member of your people, and whatever limited rights given in the Indian Act in relation to land … Canadians don’t know that the First Nations Peoples in this country are landless. They do not own any land … other than the modern day agreements, [under which] we have some jurisdiction over land — but when it comes to title, the title of the reserves is with the federal government, not with the people themselves. We have no title. We own no land. And the only right we have on the reserve is, as they say in the Indian Act, “to use and occupy” that land. Use and occupy — it doesn’t say anything about ownership.

First Nations are surprised about that too … The Indian Act even took that [title] away from my mother when she married my father. So you can see how a foreign power can impose an identity on a people without their consent.

And why have people conceded in the end? I don’t understand that myself, why. Because it didn’t matter to them, because it didn’t really affect them right away. The impact of those laws is more contemporary. We now realize at this stage of our development that we want our own jurisdiction over water, land, resources, but we have to contend with the Indian Act that says all we can have is the power to make laws over dogs — [to] make by-laws about dogs. We can govern our dogs; we can’t govern our people. We have no right to make laws about health; we can’t even deal with the drug issue. In my community we wanted to pass a drug bylaw, a bylaw to go after the drug dealers. Under the Indian Act we have no jurisdiction. They [had] to submit that bylaw to the Minister of Indian Affairs and the Minister looked at the law and sent a letter back to my community and said, “sorry guys you don’t have this authority.” It’s out of our reach, not in our jurisdiction. So we can’t even make laws to deal with social problems. And here we are at the point in our relationship with Canada where we are reclaiming as much we can about land, about resources and about sovereignty and we have to grapple with this piece of legislation that is outmoded and outdated.

We thought during the Constitution discussions from 1982 to 1991 that we had finally gotten our message to the right politician, that they [would] not use the federal power to govern us. We thought we did that — at least that! — but then the Reform Party came into power and the Reform Party, they call themselves the Conservatives now but … they are still the Reform Party — and for them, special rights, treaty rights, Aboriginal rights are petition-marked “race-based rights” i.e. they used the image of racism to imply that that is the source of our rights. They are trying to discourage people from accepting our rights as human rights, as rights that were made … between us and the Crown; [as rights] that now
oblige the Canadian government to honour those treaties.

Race-based rights.

And then you have a government that has an agenda. Nothing to do with transparency because they don’t believe in transparency for themselves but they passed a law called the Transparency Act for band council governments, diverting the attention from themselves, using certain high profile cases of corruption in our communities — certain [ones], not all by any stretch of the imagination — and using those against us to convince the Canadian people that [they] can’t trust the Indian chiefs or the band councils, that they are thieves.

Now, more than that they have tried. They got a message, though, from the Idle No More Movement. The message was: The ordinary people, and particularly the young people of our nation — the young Aboriginal woman and man — have drawn a line on the sand and they will not tolerate that kind of interference anymore, and they will fight against that. And they will do it in a way where they will encourage Canadians to join them. The Idle No More Movement is an inclusive one. The problem with Idle No More, however … is that it has no leadership structure. You need leaders. There is nothing anywhere in the world where a society makes progress that is headless or leaderless. You need leaders. You need institutions of leadership.

So what is my identity then? Am I a Canadian? Am I an Indian? Am I a Cree? Am I an Innu? Who am I?

An Innu … That is who I am.

Our identity as a distinct people should be the essence of our being. And our relationships with others who are also distinct, and who also have the same essence of being, should be decided through discussion, through negotiations, through a common vision by finding common ground. Common ground would mean for Canada what we tried to accomplish with the Charlottetown Accord but failed because of the [1992 Charlottetown Accord] referendum.

It was the idea that, for the first time since 1867, from 1982 to 1990 the top leaders of the country — the Prime Minister and the Premiers — were sitting down with the top leaders of our nations negotiating the relationship. Negotiating what Aboriginal title means, what the inherent right to self-government means, what treaty rights mean. [We were] trying to come to this idea of what the country should mean.

What is Canada to you now? As a Canadian, you might say, why it’s one of the richest countries in the world; it’s also a country [that’s] maybe the most respected in the world, until recently. And you might also say that [it] is a country that is based on human rights. You might say we recognize Aboriginal rights but we don’t implement them. But we recognize them — that’s all you can say, really.

You might also say we have a democratic government; though I think you need to reconsider those ideas starting with this notion of a democratic government. How democratic is it for a country to be governed by a political party that didn’t even get the majority of the votes in the country? And yet they rule the country; they govern the country. Shouldn’t they have a minimum standard — at least 50 percent of the votes cast before you form the government? Wouldn’t that be more democratic?

I think about the AFN [Assembly of First Nations]. The AFN should be more democratic, too; it should allow its own people to vote but even though only the chiefs get to vote, no person can become national chief until they have 60 percent of the votes … That’s more democratic than Parliament. I used to make presentations to the AFN, [to] standing committees of Parliament, especially when the Reform Party became a presence in Ottawa. They would always challenge me and say, who do you represent? Of course, I could throw back the same question to them. Who do they represent? They represent their party. How democratic is that? The Prime Minister should govern for all people but clearly when it comes to Aboriginal people, he doesn’t understand us, or perhaps he doesn’t care. He’s obviously not governing in our interest …

You see my people are aware of sovereignty and what it means but the Canadians are asleep. They’re content with what they have. Well what is it you really have? How democratic are your institutions? The irony about this whole thing is that when it comes to recognizing our peoples’ right to govern themselves, it is those people who say to us, “When we give you the power, you’re not going to make the right decisions for your people. In fact we have to make sure the Charter of Rights and Freedoms applies to you so you protect the women’s rights.” I faced that in negotiations … We were arguing for the inherent right of our people to govern themselves [and] we had to deal with this resistance that was coming from the Premiers, that was coming from the federal government. The resistance that said, “How is it possible to have 663 independent governments” because there are 663 reserves. How is it possible to have that many? How can you have that many? How can you have self-government like that? And I said, well, how many towns do you have in the country that have municipal governments? How many cities do you have that have their own self-governments? So why are you asking that question? If you can do it, why
can’t we do it? Why the double standard?

So, identity, for us, first and foremost means belonging. And the only place where we can be very secure that we belong is with our own people right now. We can’t wait for the rest of the country to embrace us, to accept us fully. We can’t wait for that long. We have too much work to do because we have so many problems. We have so many issues that we have to grab the opportunity to solve those problems ourselves. Now Canada has a role, surely, but look how they drag their feet on missing and murdered women; look how they drag their feet on suicide problems in our communities. We can’t wait! There’s too much at stake … That’s why we have to become a little more assertive; why we have to take the capacity that’s there right now … Look at it this way, we have so much capacity, so much leadership capacity it’s just mind boggling. If we ever believed in ourselves, as a people, that we can solve all these problems ourselves, if we ever got there, we could do it in less than a decade.

I went to university in 1973. There were only 11 [Aboriginal] students at U of M [University of Manitoba]. I was already pretty advanced in my thinking, politically, so we organized the first Indian student association in the country. And I became the first president of an Indian student body within a university setting. And we changed the university; we demanded reforms — student services for Aboriginal people, a student lounge for Aboriginal people, a native studies department, and we got them.

But that was about the idea of belonging because when we went to university, we didn’t see a reflection of our people in that institution … There were only 11 Aboriginal students; there was no native studies department, and in the architecture there was no image that one would say was the art of the Aboriginal people; there was no artistic expression of our people at the university. None whatsoever. It was purely a European institution designed with that in mind. Of course! That’s natural, right? Because if we had the power to design our own university,
we would design it with us in mind. Nothing wrong with that but we live in a pluralistic world, so it’s no longer appropriate to make Canadian institutions that are singular.

But now in Manitoba we have at U of M, 2,100 self-identified Aboriginal students — the vast majority of them women. Watch out!

Within the entire province, we have over 6,000 Aboriginal people in university. Over 6,000. And we have emerging leaders like Wab Kinew, and hundreds like him. Men and women. You see the difference between that generation and mine is this: I became a leader too, of course I did, but I became known as a grievance leader. A grievance leader because I was exposing the wounds of the country; because I was saying, here’s what’s wrong with you; here’s the history, you haven’t honoured the treaties, there’s poor housing, bad education. A grievance leader. But I was not without a vision. [It’s just that] the country was not ready for that yet, and still isn’t, though my sense is that it is getting there. The new leaders that are coming like my daughters, my children, Wab Kinew and others, they understand the history; they know their place in terms of their people; they have the capacity to lead but they are also very much interested in perfecting this country. See the difference? It’s not just about rebuilding our nation but young people … also want to make Canada a better place for everybody.

That’s a totally different idea of leadership. That’s why I am very hopeful myself that one day … these young people sitting here, they’ll be marching to a vision of a common ground with the rest of the country. Then we might have a reason to celebrate 150 years of Canada [in] 2017. It might be too early to celebrate then anyway because we only have two years. But the country has to open its mind. It has to say to us, yes we made a mistake in 1867. We acknowledge that we should have involved you then; we tried something in Charlottetown but it failed and we still have an obligation under the treaties, Aboriginal title, constitutional reform.

So, we want to open our hearts to you and let’s talk about finding common ground, let’s see where we can take this country in the next 150 years. Let’s see where it will be, even 50 years from now. I won’t see that because I’m 69. But we’re not going to see the change in a decade … change will not happen through policy, it will not happen through law only, change will have to happen on two fronts: change in the supreme law, the constitution of the country, making sure that we are part of that house, that our rights are enshrined and protected, guaranteed in the supreme law of the country. And the second way, of course, is in relationships, one on one, friendships, people like yourself, a professor [speaking to an academic in the audience] who sees the light, educating others, becoming part of this new vision of the country. So that in 50 years from now, my grandson can say to you — because of the way the country has changed in the past 50 years he’ll say — I think I can speak for my grandfather Ovide Mercredi, I think he would say that things are on the table, because then our sovereignty as a people would be recognized, our economy would have improved, our housing conditions would have been dealt with, the suicide rate is down to the bare minimum, there are no missing or murdered women; we have a governance [system] that is best in the world, nationally, provincially, and also First Nations; a perfect country. That, to me, would be the identity worth building because then you would belong and I would belong.

I was raised by a culture that still depended on the land, not just for livelihood but for food. The earth provided for us and we really didn’t depend on store bought goods. We had some, like for example tea, salt, sugar, flour; but beyond those ingredients the rest was from the land. That’s where my soul is. And that is where the soul of my people is. And our recovery means that these young people need to get back to that land too because what’s happened is this: You know about the other society so well, better than ourselves because you have studied them, and you know a little about our own people but not enough. That’s our job as leaders … to make that happen, so [young people] can learn how to hunt, fish, how to pray on the land, how to make nature heal, and how to smile and laugh on the land. It comes so naturally. Ideally, we should be sitting in a circle and there should be a fire in the middle and I shouldn’t be talking and we should be conversing … We would be healing our spirits. Not just our voices. So the young people would know to be trained and qualified, like I am, to find their identity. I will stop there. ●

Ovide Mercredi, a member of the Misipawistik Cree Nation and former National Chief of the Assembly of First Nations spoke at the 2015 Gitwh’in Tribal Council Post-Secondary Academic Conference Series, March 23-27, 2015, Memorial University, St. John’s, Newfoundland.

This transcription of his recorded remarks was prepared by Sheena Kennedy Dalsg and Patrick Tomlinson with Mr. Mercredi’s permission. The text has been edited for length and clarity.