ERMINESKIN CREE NATION

BOX 219 HOBBEMA, ALBERTA T0C 1N0 PHONE 780-585-3741

EDM. LINE 780-420-0008
FAX 780-585-2550

PRESENTATION BY CHIEF CRAIG MAKINAW ON BILL C92.

An Act respecting First Nations, Inuit and Métis children, youth and families

I am, Chief Craig Makinaw of Ermineskin Cree Nation – our Nation entered into Treaty No. 6 with the British Crown in 1877. When we made the Treaty, all our descendants were included. Our children were and are part of the treaty that remains our position to this day. We need to address the matters that arise from the draft C92 that again targets our children.

Early in the history of Canada, our children were targeted by removing us from our homes and families by placing us in residential schools. When the schools were shutting down, the provincial child welfare system moved into by placing our children into care. These are well known processes used by the state to alienate our children from our families. What is the result of these actions? Many children never came home having died in those schools or in custody. The ones who returned home had been stripped of their identity and responsibilities. Our relationship to the lands and resources having been taken along with our languages. It is our languages and children that link our People to the spirit of our territories and our treaties. Children were and continued to be targeted. The latest attempt is the poorly crafted Bill C92 that is presently before the Committee.

The thin talking points of the government give the impression that the Bill will recognize our rights as Nations. This is not true. We have seen legislation with language related to rights and the Nations drafting their own laws. In 1985, it was C31 on membership. Everyone knows the results of C31- countless years of litigation. C31 included a five-year review process that was designed to calm the concerns of the Nations. The five-year review did not accomplish anything except to make the government officials feel good about themselves. It does nothing to help the Nations to deal with the aftermath of the legislation. There is a lack of imagination and ability to respond to the rights of our Peoples.

Instead, the government reverts to their old colonial practices. The bill contains a framework process for our Nations to take over child welfare. Writing and saying 'to take over child

welfare" – we want to know – when did we lose it? Our Nations have always had jurisdiction and control over our children as our inherent rights. In order to take over jurisdiction of child and family services, Indigenous Nations would enter into negotiations with the federal and provincial—or territorial—governments to work out details. Rather, than recognizing our inherent rights and obligations to our children, our Nation would have to draft and comply with the federal and provincial systems. This is not respecting the Treaty relationship. The Bill puts our nations within the state by implementing a key component of the 1969 White Paper. In 1969, it was envisioned by Prime Minister Pierre Trudeau and his Minister of Indian Affairs Jean Chretien that there would only be one service delivery system. The service deliverer would be the province using provincial laws and regulations. Indians would be assimilated into the body of Canada.

It is clearly set out in the Bill. The Nations have to comply with the directives from Ottawa and draft according to standards set in Ottawa. The reference to the self-government policy drafted without any input from the Treaty peoples denies our treaty governments and would force our Nations into a position that would deny the original peace and friendship treaties made with the Crown. The Bill is a complete violation of our Treaty relationship with the Crown. Canada is not respecting the treaties and brings no honour to the Crown in this draft bill. It is designed to help only one group of people: the colonizers.

In a number of places, the federal legislation, as drafted, respects the paramountcy of the province in relation to children and child welfare. We remind the committee that our children are treaty children – not under the jurisdiction of the provinces which were not even in existence when our treaty was made in 1877. The paramountcy of provinces in this area ensures the present transfer payments from Ottawa to the provinces for child welfare remains unaffected. If, the government was serious about recognizing our inherent jurisdiction over our children, then, those transfer payment arrangements would need to be changed. We see no evidence of such discussions taking place. Without the change in the transfer payment arrangements, our Nations are in an exposed position. Without the proper treaty funding, we cannot compete with the

provinces to provide services to our children. This leaves our children subject to capture by the provinces where they remain a cash cow for social services departments. Child Welfare is big business. There are more Indigenous children in care than at the height of the residential schools.

In the fall of 2018, then, Minister Jane Philpott said that our nations would be involved in the creation of the legislation. Ermineskin can say without hesitation that our Treaty Nation was not engaged and no process was developed for our input. This is a violation of our right to free, prior and informed consent.

Any attempt to rush this bill through the House and Senate at this late stage of the government's mandate should be resisted. Bill C92 does not accomplish any goals of our Treaty Peoples. There is no forward thinking and puts in place years of heartache for our children's children. This is not counting the unlimited court cases that will result from the politicized capture of our children. Where are the best interests of our Nations or our children? No where. It is a crime to remove our children from our Nation. Canada has been doing the same thing for a hundred and fifty years. It is time to stop and recognize our Treaties and set in place an honourable process to implement our treaties. Colonization and genocide go hand and hand. Now, it is important to stop C92 and save countless children from the provincial child welfare system.

Hai Hai – Chief Craig Makinaw – Ermineskin Cree Nation