ABORIGINAL RIGHTS AND THE CHARLOTTETOWN ACCORD

by Mary Ellen Turpel

On September 24, 1992, Dalhousie Law Professor Mary Ellen Turpel, a key adviser to Assembly of First Nations Chief Ovide Mercredi, spoke at a Canada Watch-sponsored constitutional conference held at Osgoode Hall Law School. The following is a partial transcript of her remarks.

I want to tell you something of my own life experiences. Obviously I am a pure product of the Hudson’s Bay Company. I am of Cree, English, and Scottish ancestry. I guess I am truly Canadian in that sense because of my diverse background. My life experiences and my commitment and dedication to a form of justice for aboriginal peoples in Canada has taught me that you cannot be overly dogmatic in terms of your principles. Now, of course, I have been known to have my own dogmas. I am certainly intensely ideological but I don’t believe we can be overly dogmatic and overly doctrinaire.

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Having said that, I want to address the issue of women. I understand Mary Eberts spoke here this morning. I have represented the Native Women’s Association of Canada. I am an Aboriginal woman. I used to be the legal counsel for the Native Women’s Association of Canada for several years before I went off and did graduate work and became a law professor. I feel duty-bound to offer you another perspective on the debate.

First of all, to suggest that women were excluded from this process is, I think, a gross misrepresentation. I feel quite insulted by that statement for the following reasons. The Inuit Tapirisat of Canada (the Inuit organization) is headed by an Inuit woman. Rosemary Kuptana participated throughout the entire process. She is a woman, she’s an Aboriginal woman, and she fully participated in this process. So did Mary Simon, who is the president of the Inuit Circumpolar Conference of Canada and, in fact, could speak for Inuit people around the globe in her participation. Alexa McDonough, from the province of Nova Scotia where I now reside, participated fully in this process. In my own delegation, the Assembly of First Nations, I participated. I don’t think I have to subject myself to medical examination and I hope you can in fact tell that I am a woman, very proud to be a woman, very proud to be an Aboriginal woman and a feminist. In addition, we had women elders present, we had women chiefs present, Chief Wendy Grant, Chief of the Musqueum Nation, vice-chief representing all the B.C. Chiefs in the Assembly of First Nations. Women participated in this process.

Having said that, I do not for a moment deny the fact that the Native Women’s Association of Canada did not have independent representation. I personally would have liked to have seen them there. But I do not think their absence was fatal to the outcome. For them or for NAC or for any other group to say that they have a monopoly on the representation of women’s interest is a profound misrepresentation to the people of Canada about our democratic parliamentary system. In terms of the Assembly of First Nations, we have chiefs that are elected by people in communities
including women. We have more women chiefs on a percentage basis than there are women in parliament. To suggest that somehow we cannot speak or consider the interests of women is (as you can tell from my blood pressure rising here) profoundly insulting. ...

I want to say a word about the fact that the package as a whole is a package of compromise. It is not a package for people who are dogmatic. But it is a package that is of fundamental importance for Aboriginal people. For those of you who may be undecided, I am hoping to persuade you to vote "yes" if for no other reason than the Aboriginal package and I will tell you why. The dynamics, in my view, that led to the conclusion of the Aboriginal package are dynamics that will never be repeated. There was a spirit of generosity that was present because people were anxious to get a deal and anxious to get a unanimous package. We were lucky to be able to participate in a spirit of generosity to facilitate this process. We were not there in a power grab. We participated because we believe in a unified Canada, and we believe in accommodating difference in a unified Canada.

We will never repeat the process again. I know one should "never say never," but I feel very strongly that we won't and that a "no" vote any-

where is the end of the process. I have grave worries about a "no" vote in the province of Quebec and I have worries because of our own people. We have said to our people (and the former national Chief of the Assembly of First Nations, Georges Erasmus, has said this publicly on many occasions), "give us one more chance." Let us go out and try to persuade Canadians and find a way to build bridges, a way to develop a constructive relationship. There are movements, very strong and very real in our communities, that are not interested in peaceful solutions. Suppose we have to turn around on October 27 and suggest to those people that we failed, or that perhaps we would like to have another chance in five years to do it again. Excuse me very much, Preston Manning, but that's not much of a solution or an answer."