

**COMMISSIONER'S STATEMENT  
PUBLIC RELEASE OF REPORT  
MAY 31, 2007**

- GOOD MORNING. I AM DELIGHTED TO BE HERE TODAY FOR THE PUBLIC RELEASE OF MY REPORT.
  
- DUDLEY GEORGE WAS A THIRTY-EIGHT YEAR OLD ABORIGINAL MAN WHOSE PARENTS, RELATIVES AND ANCESTORS WERE FROM THE STONEY POINT RESERVE. HE AND OTHER FIRST NATIONS MEN, WOMEN, AND CHILDREN OCCUPIED IPPERWASH PROVINCIAL PARK ON LABOUR DAY, SEPTEMBER 4, 1995, PRIMARILY TO PROTEST THE FEDERAL GOVERNMENT'S REFUSAL TO RETURN THE STONEY POINT RESERVE. THE FEDERAL GOVERNMENT HAD APPROPRIATED THIS RESERVE AS A MILITARY TRAINING SITE IN 1942 PURSUANT TO THE *WAR MEASURES ACT* AND HAD PROMISED TO RETURN IT AFTER WORLD WAR II. BUT OVER FIFTY YEARS HAD PASSED SINCE THE END OF THE WAR AND THE FEDERAL GOVERNMENT HAD STILL NOT RETURNED THE LAND. DESPITE PERSISTENT ATTEMPTS BY THE ABORIGINAL PEOPLE TO PERSUADE THE CANADIAN GOVERNMENT TO RETURN ITS LAND, IT HAD NOT DONE SO AND FRUSTRATION STEADILY INCREASED OVER THE DECADES.
  
- TWO DAYS AFTER THE OCCUPATION OF THE PROVINCIAL PARK BEGAN, A CONFRONTATION OCCURRED BETWEEN THE OPP AND THE OCCUPIERS JUST OUTSIDE THE PARK IN THE ADJACENT SANDY PARKING LOT, AND IT WAS DURING THAT CONFRONTATION THAT DUDLEY GEORGE WAS SHOT BY OPP ACTING SERGEANT KENNETH DEANE AND SUBSEQUENTLY DIED.
  
- QUESTIONS ABOUT THE DEATH OF MR. GEORGE WERE RAISED ALMOST IMMEDIATELY. HOW COULD AN APPARENTLY PEACEFUL OCCUPATION AND PROTEST TURN VIOLENT? WHAT WAS THE URGENCY IN TAKING ACTION? WHAT WAS THE ROLE OF THE PROVINCIAL AND OF THE FEDERAL

GOVERNMENT? WAS RACISM OR CULTURAL INSENSITIVITY A FACTOR?

- THESE AND OTHER QUESTIONS ABOUT IPPERWASH HAVE BEEN ANSWERED IN MY REPORT. WHAT I PROPOSE TO DO THIS MORNING IS TO HIGHLIGHT SOME OF THE IMPORTANT ISSUES RAISED BY THE EVENTS OF SEPTEMBER 1995.
- I WOULD LIKE TO EMPHASIZE HOWEVER, THAT FOR A COMPLETE UNDERSTANDING OF THE ISSUES AND MY FINDINGS, THE FULL REPORT SHOULD BE READ OR, AT MINIMUM, THE EXECUTIVE SUMMARY WHICH IS VOLUME 4. MY REPORT CONSISTS OF FOUR VOLUMES: VOLUME 1 CONTAINS THE FINDINGS OF MY INVESTIGATION; VOLUME 2 IS MY ANALYSIS OF THE RELEVANT POLICY ISSUES; VOLUME 3 DESCRIBES THE INQUIRY PROCESS AND VOLUME 4 IS THE EXECUTIVE SUMMARY. THESE FOUR VOLUMES ARE AVAILABLE IN PRINT AND ON AN EASY-TO-USE CD AS WELL AS ON THE INQUIRY'S WEBSITE.
- TO MANY ABORIGINAL PEOPLE, THE SHOOTING OF DUDLEY GEORGE, THE FIRST ABORIGINAL PERSON TO BE KILLED IN A LAND-RIGHTS DISPUTE IN CANADA SINCE THE 19<sup>TH</sup> CENTURY, WAS THE INEVITABLE RESULT OF CENTURIES OF DISCRIMINATION AND DISPOSSESSION. MANY ABORIGINAL PEOPLE ALSO BELIEVED THAT THE EXPLANATION FOR KILLING AN UNARMED ABORIGINAL OCCUPIER WAS ROOTED IN RACISM. FROM THIS PERSPECTIVE, IPPERWASH REVEALED A DEEP SCHISM IN CANADA'S RELATIONSHIP WITH ITS ABORIGINAL PEOPLE AND WAS SYMBOLIC OF A SAD HISTORY OF GOVERNMENT POLICIES THAT HARMED THEIR LONG-TERM INTERESTS.
- IPPERWASH IS IMPORTANT BECAUSE PUBLIC OFFICIALS AND INSTITUTIONS NEED TO BE HELD ACCOUNTABLE FOR THEIR ACTIONS. THEIR CREDIBILITY AND LEGITIMACY DEPEND ON KNOWING IF OR HOW

THEY WERE INVOLVED IN THE DEATH OF AN UNARMED, PEACEFUL PROTESTOR.

- IPPERWASH IS IMPORTANT BECAUSE IT HELPS US TO UNDERSTAND THE ROOTS AND DYNAMICS OF AN ABORIGINAL OCCUPATION. THE ABORIGINAL OCCUPATION AT CALEDONIA PROVES THAT IPPERWASH WAS NOT AN ISOLATED EVENT. UNDERSTANDING IPPERWASH CAN HELP US TO UNDERSTAND HOW TO PREVENT ABORIGINAL OCCUPATIONS AND PROTESTS IN THE FIRST PLACE, OR HOW TO REDUCE THE RISK OF VIOLENCE, IF THEY DO OCCUR.
- IT IS IMPORTANT NOT TO OVERLOOK THE LONG HISTORY OF PROTEST BY THE KETTLE POINT AND STONEY POINT COMMUNITIES *BEFORE* THE OCCUPATION OF THE PARK IN SEPTEMBER 1995. THAT HISTORY IS VITAL TO UNDERSTANDING IPPERWASH AND THE DEATH OF DUDLEY GEORGE.
- THE ROOTS OF THE IPPERWASH OCCUPATION GO BACK AS FAR AS 1763, WHEN KING GEORGE III MADE THE PROTECTION OF ABORIGINAL LAND AN OFFICIAL CROWN POLICY. THE 1763 *ROYAL PROCLAMATION* ESTABLISHED AN “INDIAN COUNTRY”, AS IT WAS THEN REFERRED TO, WHERE ABORIGINAL LAND WAS PROTECTED FROM ENCROACHMENT OR SETTLEMENT. WHEN SIR WILLIAM JOHNSON CAME TO NIAGARA FALLS TO EXPLAIN THE *ROYAL PROCLAMATION* TO 1,500 ANISHNABEK CHIEFS AND WARRIORS, HE CONSUMMATED THE ALLIANCE BY PRESENTING TWO WAMPUM BELTS, WHICH EMBODIED THE PROMISES CONTAINED IN THE PROCLAMATION.
- THE LONG HISTORY OF THE YEARS THAT FOLLOWED IS CAREFULLY DOCUMENTED IN THE EARLY CHAPTERS OF MY REPORT AND I RECOMMEND THESE CHAPTERS TO HAVE A FULLER UNDERSTANDING OF

THIS IMPORTANT HISTORICAL CONTEXT.

- THE 1942 APPROPRIATION, BY THE FEDERAL GOVERNMENT, OF THE ENTIRE STONEY POINT RESERVE IS UNPRECEDENTED IN CANADIAN HISTORY. FIRST NATIONS SOLDIERS FROM STONEY POINT RETURNING FROM THE WAR WERE SHOCKED TO SEE THEIR COMMUNITY DESTROYED. THEY WERE DEVASTATED TO LEARN THAT THE CANADIAN GOVERNMENT HAD APPROPRIATED THE RESERVE LAND, THAT THEIR COMMUNITY NO LONGER EXISTED AND THAT THE STONEY POINT CEMETERY HAD NOT BEEN PROTECTED.
- THE ABORIGINAL PEOPLE WHO DECIDED TO OCCUPY THE PARK THAT LABOUR DAY WEEKEND BELIEVED THAT THE PARK WAS PART OF AAZHOODENA, THEIR TRADITIONAL TERRITORY. THEY BELIEVED THAT STONEY POINT PEOPLE HAD A RIGHT TO THIS LAND AND THAT HISTORICALLY THE INDIAN AGENT HAD NOT ADEQUATELY REPRESENTED THE INTERESTS OF RESIDENTS ON THE ORIGINAL STONEY POINT RESERVE. THEIR GRIEVANCES WERE DIRECTED BOTH AT THE PROVINCIAL AND FEDERAL GOVERNMENTS.
- ANOTHER REASON FOR ASSUMING CONTROL OF THE PARK WAS TO PROTECT THE SACRED BURIAL SITES, WHICH THE OCCUPIERS HAD LEARNED, FROM THEIR RESPECTIVE GRANDPARENTS, WERE LOCATED IN THE PARK. ABORIGINAL PEOPLE WERE DISTURBED THAT THE PROVINCIAL GOVERNMENT HAD NOT TAKEN MEASURES TO ERECT A FENCE AROUND THESE GRAVESITES TO ENSURE THE SACRED GROUNDS WERE PROTECTED, MAINTAINED, AND RESPECTED.
- THE PREMIER AND HIS POLITICAL STAFF BELIEVED THAT THE OCCUPATION WAS A LAW ENFORCEMENT ISSUE, NOT A FIRST NATION'S MATTER. THE PREMIER'S POSITION WAS THAT THE PARK BELONGED TO

THE PROVINCE AND THAT THE OCCUPIERS WERE TRESPASSING. AS THERE WAS NO EVIDENCE AVAILABLE TO HIM AT THAT TIME TO SUPPORT THE CLAIM OF A BURIAL SITE, HE WAS NOT PREPARED TO CONTEMPLATE THE OCCUPIERS' SUGGESTION THAT THERE WAS ONE OR THAT THE PARK BELONGED TO THEM.

- THE PREMIER AND HIS EXECUTIVE ASSISTANT HAD A DIFFERENT PERSPECTIVE THAN THE OPP ON HOW THE OCCUPATION SHOULD BE HANDLED BY THE POLICE. THE OPP'S WISH TO PURSUE A "GO-SLOW" APPROACH CONTRASTED WITH THE GOVERNMENT'S DESIRE FOR A QUICK END TO THE OCCUPATION. CIVIL SERVANTS AGREED IN PRINCIPLE WITH THE OPP'S APPROACH BUT DEFERRED TO THEIR POLITICAL MASTERS ON QUESTIONS OF POLICY.
- THE PROVINCIAL GOVERNMENT'S IMPERATIVE FOR A SPEEDY CONCLUSION TO THE OCCUPATION WAS DIFFICULT TO JUSTIFY BY EVENTS ON THE GROUND. THE PROVINCIAL PARK WAS CLOSED FOR THE SEASON. THERE WERE NO CAMPERS IN THE PARK. NOR WAS THERE ANY PROVEN SUBSTANTIAL RISK TO PUBLIC SAFETY THAT WOULD JUSTIFY THIS URGENCY.
- IT IS CLEAR THAT THE PROVINCIAL GOVERNMENT HAD THE AUTHORITY TO ESTABLISH POLICING POLICY AND THERE IS NO DOUBT THAT THE PREMIER, WANTED THE OCCUPIERS OUT OF THE PARK AS SOON AS POSSIBLE AND THE OCCUPATION ENDED, BUT THE EVIDENCE DOES NOT SUPPORT THE CLAIM THAT HE INTERFERED WITH THE OPP'S OPERATION.
- I HAVE FOUND THAT BOTH THE FORMER PREMIER AND MINISTER OF NATURAL RESOURCES MADE RACIST COMMENTS, IN WHAT HAS BECOME KNOWN AS "THE DINING ROOM MEETING", ALTHOUGH BOTH DENIED MAKING THESE OFFENSIVE COMMENTS.

- NOTWITHSTANDING THE GOVERNMENT’S AUTHORITY TO ESTABLISH POLICY, INCLUDING POLICING POLICY, THESE COMMENTS AND THE SPEED AT WHICH THE PREMIER WISHED TO END THE OCCUPATION CREATED AN ATMOSPHERE THAT UNDULY NARROWED THE SCOPE OF THE GOVERNMENT’S RESPONSE TO THE OCCUPATION. THE PREMIER’S DESIRE TO SEEK A QUICK RESOLUTION CLOSED OFF OTHER OPTIONS ENDORSED BY CIVIL SERVANTS, INCLUDING PROCESS NEGOTIATIONS, THE APPOINTMENT OF MEDIATORS AND THE OPENING UP OF COMMUNICATION WITH FIRST NATION PEOPLE, THEREBY CREATING A BARRIER TO PEACEFUL RESOLUTION.
- FURTHER, THE INTERACTION BETWEEN POLICE AND GOVERNMENT WAS NOT CONDUCIVE TO A PEACEFUL RESOLUTION. THERE WAS CONSIDERABLE LACK OF UNDERSTANDING ABOUT THE APPROPRIATE RELATIONSHIP BETWEEN POLICE AND GOVERNMENT WHICH HAD SIGNIFICANT CONSEQUENCES. LINES OF COMMUNICATION AND CHAINS OF COMMAND WERE BLURRED. THERE WAS ALSO A LACK OF CLARITY BETWEEN THE RELATIONSHIP OF THE POLITICAL STAFF AND THE CIVIL SERVANTS WHICH CREATED THE APPEARANCE OF INAPPROPRIATE INTERFERENCE IN POLICE OPERATIONS.
- A FUNDAMENTAL PROBLEM WITH POLICE/GOVERNMENT RELATIONS AT THAT TIME WAS THAT KEY DECISIONS WERE NEITHER TRANSPARENT NOR ACCOUNTABLE. A LARGE PART OF THE INQUIRY WAS DEVOTED TO DISCOVERING WHAT TRANSPIRED AT INTERMINISTERIAL COMMITTEE MEETINGS AND AT THE SO-CALLED “DINING ROOM” MEETING, ON SEPTEMBER 6<sup>TH</sup>
- THE DINING ROOM MEETING MAY NOT HAVE BEEN A FORMAL CABINET MEETING BUT NONETHELESS IT WAS A MEETING IN THE PREMIER’S

OFFICE, CONVENED FOR CABINET MINISTERS AND SENIOR CIVIL SERVANTS. HAD THE PREMIER BEEN FORTHRIGHT, FROM THE OUTSET ABOUT WHAT OCCURRED AT THIS MEETING, HE MIGHT HAVE DISPELLED THE SUSPICIONS SURROUNDING THE MEETING AND THE ALLEGATIONS OF IMPROPER POLITICAL INTERFERENCE WITH POLICE OPERATIONS.

- PUBLIC TRUST IN IMPARTIAL AND NON-PARTISAN POLICING DEPENDS ON GOVERNMENTS BEING FORTHRIGHT AND TRUTHFUL ABOUT THEIR ROLE IN IMPORTANT GOVERNMENT MEETINGS AND DECISIONS. UNFORTUNATELY, THE FORMER ATTORNEY GENERAL MISLED THE LEGISLATURE ABOUT THE DINING-ROOM MEETING AND THE PREMIER DID NOT VOLUNTEER THIS INFORMATION, WITH THE RESULT THAT IT TOOK A PUBLIC INQUIRY FOR THE PUBLIC TO LEARN THE DETAILS OF THIS KEY EVENT.
- IT IS IMPOSSIBLE TO HOLD INDIVIDUALS AND INSTITUTIONS ACCOUNTABLE FOR THEIR ACTIONS UNLESS WHAT HAPPENED AND WHO PARTICIPATED IN KEY DECISIONS IS CLEAR. SECRECY OR LACK OF TRANSPARENCY IN POLICE/GOVERNMENT RELATIONS MAY CONCEAL ACTUAL INAPPROPRIATE GOVERNMENT INTERFERENCE IN POLICING OR GIVE THE APPEARANCE OF INAPPROPRIATE INTERFERENCE, AS WAS THE CASE HERE.
- THE ISSUE OF POLICE/GOVERNMENT RELATIONS IS FULLY DISCUSSED IN VOLUME 2 OF MY REPORT.
- INSPECTOR CARSON, AS HE THEN WAS, LED A TEAM OF OFFICERS IN PLANNING FOR THE POTENTIAL OCCUPATION DURING THE LAST WEEK OF AUGUST, 1995. THE PLAN, CALLED PROJECT MAPLE, HAD AS ITS OBJECTIVE “TO CONTAIN AND NEGOTIATE A *PEACEFUL* RESOLUTION”.

- PROJECT MAPLE WAS A GOOD PLAN IN THEORY BUT IT HAD SOME SHORTCOMINGS THAT MANIFESTED THEMSELVES AS THE OCCUPATION DEVELOPED. THE FIRST SHORTCOMING WAS THE ISSUE OF COMMUNICATIONS WITH THE OCCUPIERS. IN THE EVENT THAT OCCUPIERS DID NOT WISH TO SPEAK TO THE OPP, AS WAS THE CASE, THERE WAS NO PLAN TO USE WRITTEN MESSAGES OR ANY OTHER FORM OF COMMUNICATION. FOR EXAMPLE, THE OPP DID NOT HAVE AVAILABLE OR CONSIDER USING A BULLHORN TO COMMUNICATE TO THE OCCUPIERS THE SIMPLE BUT IMPORTANT MESSAGE THAT THEY HAD NO INTENTION OF ENTERING THE PARK TO REMOVE THE OCCUPIERS AND THAT WHAT THEY WANTED WAS FOR THE OCCUPIERS TO LEAVE THE ADJACENT SANDY PARKING LOT AND REMAIN INSIDE THE PARK.
- ANOTHER SHORTCOMING WAS INTELLIGENCE. THE INTELLIGENCE COMPONENT OF PROJECT MAPLE HAD SEVERAL WEAKNESSES. IT DID NOT PUT IN PLACE THE STANDARD INTELLIGENCE SYSTEM UNDER WHICH AN INCIDENT COMMANDER RELIES ON AN INTELLIGENCE TEAM TO PROVIDE A FINISHED PRODUCT IN WHICH RAW DATA IS VERIFIED AND ANALYSED THROUGH THE INTELLIGENCE CYCLE BEFORE IT IS SHARED WITH THE INCIDENT COMMANDER.
- I BELIEVE THAT INSPECTOR CARSON WAS A CONSCIENTIOUS AND COMPETENT INCIDENT COMMANDER AND A MAN OF INTEGRITY WHO CLEARLY WANTED THE OCCUPATION TO BE RESOLVED PEACEFULLY BUT HE RELIED ON INFORMATION THAT WAS BOTH UNVERIFIED AND INACCURATE, WHEN HE MADE THE KEY DECISION TO DEPLOY THE CROWD MANAGEMENT UNIT AND TACTICAL RESPONSE UNIT DOWN EAST PARKWAY DRIVE TOWARD THE SANDY PARKING LOT.
- THE OPP DECIDED TO MARCH DOWN THE ROAD ON THE NIGHT OF SEPTEMBER 6TH BECAUSE THEY MISPERCEIVED THE INTENTIONS OF THE



OCCUPIERS, JUST AS THE OCCUPIERS MISPERCEIVED THE INTENTIONS OF THE OPP.

- INSPECTOR CARSON TOOK RESPONSIBILITY FOR MAKING THIS DECISION AND I BELIEVE HE MISJUDGED AND DID NOT ANTICIPATE THE REACTION OF THE OCCUPIERS TO THE FORCIBLE ARREST OF CECIL BERNARD GEORGE.
- THE DECISION TO DEPLOY THE CMU AND TRU IN THIS WAY WAS NOT IN KEEPING WITH THE PEACEFUL APPROACH CALLED FOR IN PROJECT MAPLE NOR DID NOT ADEQUATELY CONTEMPLATE THE UNIQUE CHARACTERISTICS OF AN ABORIGINAL PROTEST. MOREOVER, THIS LEVEL OF RESPONSE TO THE PERCEIVED ESCALATION OF ACTIVITY INCREASED THE POTENTIAL FOR VIOLENCE.
- CULTURAL INSENSITIVITY AND RACISM ON THE PART OF SOME OF THE OPP OFFICERS INVOLVED WERE EVIDENT BOTH BEFORE AND AFTER DUDLEY GEORGE'S DEATH AND CREATED A BARRIER TO ESTABLISHING EFFECTIVE COMMUNICATION AND TO DEVELOPING A LEVEL OF TRUST WITH THE OCCUPIERS WHICH IN TURN, MADE A TIMELY, PEACEFUL RESOLUTION OF THE OCCUPATION MORE DIFFICULT.
- RACIST COMMENTS WERE MADE BY OPP INTELLIGENCE OFFICERS AGAINST THE ABORIGINAL PEOPLE WHO WERE UNDER SURVEILLANCE AT THE TIME. THESE COMMENTS WERE ALSO RACIST AGAINST PERSONS OF COLOUR. IT IS FUNDAMENTAL THAT POLICE OFFICERS INVOLVED IN INTELLIGENCE ARE IMPARTIAL AND FREE OF BIAS AS THEY ARE RESPONSIBLE FOR PROCESSING AND FILTERING SENSITIVE AND CRITICAL INFORMATION.

- THE RACIST COMMENTS OF THE INTELLIGENCE OFFICERS WERE NOT AN ISOLATED INCIDENT; THERE WERE A NUMBER OF OTHER TAPE-RECORDED CONVERSATIONS OF VARIOUS OFFICERS MAKING DEROGATORY REMARKS ABOUT ABORIGINAL PEOPLE AT THE TIME OF THE OCCUPATION.
- THERE IS NO PLACE FOR RACIAL TAUNTS OR SLURS OF ANY TYPE BY POLICE OFFICERS. NOT ONLY ARE SUCH COMMENTS “COUNTER-PRODUCTIVE” TO THE EFFORTS OF THE POLICE IN THEIR ROLE AS PEACEKEEPERS, THEY ARE CONTRARY TO PROFESSIONAL STANDARDS, AND THEY CAN LEAD TO VIOLENCE.
- THE INQUIRY ALSO LEARNED OF SEVERAL INAPPROPRIATE ACTIVITIES AFTER THE OCCUPATION, INCLUDING THE PRODUCTION AND DISTRIBUTION OF OFFENSIVE COFFEE MUGS AND T-SHIRTS CONTAINING RACIST IMAGERY TO COMMEMORATE THE OPP’S ACTIONS AT IPPERWASH.
- THE OPP’S RESPONSE TO THESE INCIDENTS WAS INSUFFICIENT. OFFICERS WERE EITHER SUBJECT TO INTERNAL, INFORMAL DISCIPLINE OR NOT DISCIPLINED AT ALL. SEVERAL INCIDENTS WERE NOT DISCOVERED OR DEALT WITH UNTIL YEARS LATER WHEN THEY WERE “DISCOVERED” IN THE LEAD UP TO, OR DURING, THIS INQUIRY. THESE CIRCUMSTANCES CALL INTO QUESTION THE DISCIPLINARY REGIME FOR THIS KIND OF CONDUCT AND THE INTERNAL MECHANISMS FOR REPORTING IT, THAT WERE IN PLACE AT THAT TIME.
- NOTWITHSTANDING WHAT I HAVE SAID THUS FAR, SUCCESSIVE FEDERAL GOVERNMENTS MUST BEAR THE PRIMARY RESPONSIBILITY FOR THE OCCUPATION OF THE ARMY CAMP AND, SUBSEQUENTLY, THE PARK BY PROTESTERS IN SEPTEMBER 1995

- MORE THAN FIFTY YEARS HAD PASSED SINCE THE END OF THE WAR, AT WHICH TIME THE RESIDENTS OF KETTLE AND STONY POINT FIRST NATION EXPECTED THE ARMY CAMP LAND TO BE RETURNED TO THEM.
- UNFORTUNATELY, THE ISSUES THAT WERE AT THE HEART OF THE IPPERWASH OCCUPATION REMAIN TO THIS DAY. THIS INEXCUSABLE DELAY AND LONG NEGLECT, BY SUCCESSIVE FEDERAL GOVERNMENTS, ARE AT THE HEART OF THE IPPERWASH STORY.
- THERE IS NO DOUBT THAT OPP ACTING SERGEANT DEANE SHOT AND KILLED MR. GEORGE AND NOTHING IN THIS INQUIRY CHALLENGES OR UNDERMINES THIS CONVICTION. HOWEVER, ACTING SERGEANT DEANE SHOULD NOT HAVE BEEN IN A POSITION TO SHOOT MR. GEORGE IN THE FIRST PLACE.
- IT IS IMPOSSIBLE TO ATTRIBUTE MR. GEORGE'S DEATH TO A SINGLE PERSON, FACTOR, DECISION OR INSTITUTION. ON THE CONTRARY, IT WAS THE COMBINATION OF THESE THAT MADE A VIOLENT RESULT MORE LIKELY, PARTICULARLY WHEN THEY ALL CAME TOGETHER IN THE SPACE OF A FEW SHORT DAYS AND HOURS IN THE CONTEXT OF A HIGHLY-CHARGED CONFRONTATION. INDIVIDUALS AND INSTITUTIONS NEED TO BE HELD ACCOUNTABLE FOR THE CONSEQUENCES OF THEIR DECISIONS AND ACTIONS, WHETHER THOSE CONSEQUENCES WERE INTENDED OR NOT.
- DURING THE INQUIRY, I NOTED THAT AS A PROVINCIALY CONSTITUTED COMMISSION OF INQUIRY, I DO NOT HAVE THE JURISDICTION OR THE MANDATE TO RESOLVE THE ISSUES OF THE ARMY CAMP OR THE SURRENDER OF THE LAND COMPRISING IPPERWASH PROVINCIAL PARK AND THEREFORE WE DID NOT CALL EVIDENCE OR SEEK SUBMISSIONS ON THESE IMPORTANT MATTERS. NEVERTHELESS, I COULD NOT PRESIDE

OVER THESE PROCEEDINGS FOR TWO YEARS WITHOUT DEVELOPING VIEWS ABOUT THESE MATTERS, WHICH I HAVE INCLUDED IN MY REPORT.

- IN MY VIEW, THE MOST URGENT PRIORITY IS FOR THE FEDERAL GOVERNMENT TO RETURN THE FORMER ARMY CAMP TO THE KETTLE AND STONY POINT FIRST NATION IMMEDIATELY WITH AN APOLOGY AND APPROPRIATE COMPENSATION. THIS LAND WAS APPROPRIATED IN 1942 FOR A SPECIFIC MILITARY PURPOSE AND IT HAS BEEN DECADES SINCE IT LAST SERVED THAT PURPOSE.
- VOLUME 2 OF MY REPORT CONTAINS A DETAILED ANALYSIS OF THE CAUSES AND CONSEQUENCES OF ABORIGINAL OCCUPATIONS AND PROTESTS. ABORIGINAL OCCUPATIONS AND PROTESTS ARE NOT INEVITABLE, NOR ARE THEY INEVITABLY VIOLENT. THE PROVINCIAL GOVERNMENT AND OTHER INSTITUTIONS MUST REDOUBLE THEIR EFFORTS TO BUILD SUCCESSFUL, PEACEFUL RELATIONS WITH ABORIGINAL PEOPLES IN ONTARIO SO THAT WE CAN ALL LIVE TOGETHER PEACEFULLY AND PRODUCTIVELY.
- RESEARCH IN THE COURSE OF THE INQUIRY SHOWED THAT THE FLASHPOINTS FOR ABORIGINAL PROTESTS AND OCCUPATIONS ARE VERY LIKELY AS INTENSE TODAY AS THEY WERE AT THE TIME OF IPPERWASH. NO ONE CAN PREDICT WHERE PROTESTS AND OCCUPATIONS WILL OCCUR, BUT THE FUNDAMENTAL CONDITIONS AND CATALYSTS SPARKING SUCH PROTESTS CONTINUE TO EXIST IN ONTARIO, MORE THAN A DECADE AFTER IPPERWASH.
- THE SINGLE BIGGEST SOURCE OF FRUSTRATION, DISTRUST, AND ILL-FEELING AMONG ABORIGINAL PEOPLE IN ONTARIO IS OUR FAILURE TO DEAL IN A JUST AND EXPEDITIOUS WAY WITH BREACHES OF TREATY AND OTHER LEGAL OBLIGATIONS TO FIRST NATIONS. IF THE GOVERNMENTS OF

ONTARIO AND CANADA WANT TO AVOID FUTURE CONFRONTATIONS THEY WILL HAVE TO DEAL WITH LAND AND TREATY CLAIMS EFFECTIVELY AND FAIRLY.

- THE IMMEDIATE COST OF CONDUCTING RELATIONS WITH ABORIGINAL PEOPLE THROUGH CONFRONTATIONS AND OVER THE BARRICADES IS VERY HIGH. ALL ONTARIANS RISK EVEN MORE IF WE LEAVE LONG-SIMMERING DISPUTES UNSETTLED UNTIL THEY BOIL OVER. WITHOUT EFFECTIVE AND RESPECTFUL MEANS OF RESOLVING THESE DISPUTES, AN ATMOSPHERE OF INSECURITY AND UNCERTAINTY WITH RESPECT TO THE LANDS AT ISSUE WILL PERSIST.
- THE TERM “LAND CLAIMS” IS THE SOURCE OF CONSIDERABLE MISUNDERSTANDING AMONG MEMBERS OF THE PUBLIC. IT SEEMS TO SUGGEST TO MANY PEOPLE, THAT FIRST NATIONS ARE ASKING GOVERNMENTS TO GIVE THEM MORE LAND, BUT THAT IS NOT THE CASE. THESE CLAIMS ASK GOVERNMENTS TO FULFILL THE PROMISES THEY MADE TO FIRST NATIONS ABOUT LAND AND RESOURCES IN THE PAST AND TO COMPENSATE THEM FOR THEIR FAILURE TO DO SO.
- THE EFFICIENCY, EFFECTIVENESS, AND FAIRNESS OF THE LAND CLAIMS PROCESS IN ONTARIO COULD BE CONSIDERABLY IMPROVED BY ESTABLISHING A TREATY COMMISSION OF ONTARIO. THE TREATY COMMISSION OF ONTARIO IS AN IMPORTANT PROVINCIAL COUNTERPOINT TO POTENTIAL REFORMS AT THE FEDERAL LEVEL ESTABLISHING AN INDEPENDENT FEDERAL LAND CLAIMS TRIBUNAL. TOGETHER, THESE INITIATIVES WOULD SIGNIFICANTLY ADVANCE THE PEACEFUL, EFFECTIVE AND FAIR RESOLUTION OF LAND CLAIMS IN ONTARIO.
- ESTABLISHING THE TREATY COMMISSION IS MY KEY RECOMMENDATION FOR IMPROVING THE LAND CLAIMS PROCESS BUT THE TREATY

COMMISSION ALONE WILL NOT BE ABLE TO ACHIEVE SIGNIFICANT PROGRESS ON LAND CLAIMS WITHOUT OTHER INITIATIVES AT THE PROVINCIAL AND FEDERAL LEVELS, INCLUDING REFORMS TO THE ELIGIBILITY CRITERIA FOR THE CLAIMS PROCESS, PROTECTION OF NON-ABORIGINAL INTERESTS, IMPROVED FUNDING AND ESTABLISHING FAIRER AND MORE EFFECTIVE DISPUTE RESOLUTION PROCESSES.

- THE COMPLEXITY AND IMPORTANCE OF ABORIGINAL ISSUES HAVE OUTGROWN THE INSTITUTIONAL ARRANGEMENTS DEDICATED TO THEM WITHIN THE PROVINCIAL GOVERNMENT. ACCORDINGLY, I HAVE RECOMMENDED THAT THE PROVINCIAL GOVERNMENT CREATE A MINISTRY OF ABORIGINAL AFFAIRS, WITH A CLEAR MANDATE AND AUTHORITY, WITH ITS OWN MINISTER AND A SEAT AT THE CABINET TABLE, AND DEPUTY MINISTER, AND ITS OWN BUDGET.
- CREATING THIS MINISTRY WOULD GO A LONG WAY TOWARD ENSURING THAT ABORIGINAL ISSUES RECEIVE THE PRIORITY AND FOCUS THEY DESERVE, AND IT WOULD ALSO HERALD A COMMITMENT BY THE PROVINCE TO A NEW, CONSTRUCTIVE RELATIONSHIP WITH ABORIGINAL PEOPLE.
- THE SUPREME COURT OF CANADA RECENTLY CLARIFIED THE MEANING OF ABORIGINAL AND TREATY RIGHTS, RECOGNIZED AND AFFIRMED IN THE CONSTITUTION OF CANADA. IN THREE RECENT CASES, THE COURT CONFIRMED THE PRINCIPLE OF THE “HONOUR OF THE CROWN” AND THE DUTY OF THE GOVERNMENT TO CONSULT ABORIGINAL PEOPLES AND ACCOMMODATE THEIR INTERESTS WHEN CONTEMPLATING ANY ACTION THAT MIGHT HAVE AN IMPACT ON ABORIGINAL OR TREATY RIGHTS. MY REPORT MAKES A NUMBER OF RECOMMENDATIONS ON HOW THE PROVINCIAL GOVERNMENT CAN FULFILL THESE DUTIES AND DEVELOP BETTER PARTNERSHIPS WITH ABORIGINAL PEOPLES TO REDUCE

## CONFLICTS OVER RESOURCE DEVELOPMENTS.

- EDUCATION IS FUNDAMENTAL TO IMPROVING RELATIONS. AT THE VERY LEAST, EVERY ONTARIAN SHOULD UNDERSTAND THAT THIS PROVINCE AND OUR COUNTRY WERE BUILT UPON THE TREATIES NEGOTIATED WITH OUR FIRST NATIONS, AND THAT EVERYONE SHARES THE BENEFITS AND OBLIGATIONS OF THOSE TREATIES. EVERY ONTARIAN SHOULD ALSO REALIZE THAT TREATIES ARE NOT HISTORICAL ARTEFACTS FROM SOME DISTANT TIME. THEY REMAIN VITALLY IMPORTANT AND RELEVANT TODAY.
- WHEN ABORIGINAL OCCUPATIONS AND PROTESTS DO OCCUR, HOW THEY ARE POLICED IS IMPORTANT TO ALL ONTARIANS. THE OBJECTIVES OF POLICE SERVICES AND POLICE LEADERS DURING ABORIGINAL PROTESTS AND OCCUPATIONS SHOULD BE TO MINIMIZE THE RISK OF VIOLENCE, TO FACILITATE THE EXERCISE OF CONSTITUTIONALLY PROTECTED RIGHTS, INCLUDING TREATY AND ABORIGINAL RIGHTS AND THE RIGHT TO PEACEFUL ASSEMBLY, TO PRESERVE AND RESTORE PUBLIC ORDER, TO REMAIN NEUTRAL AS TO THE UNDERLYING GRIEVANCE, AND, IF POSSIBLE, TO FACILITATE THE BUILDING OF TRUSTING RELATIONSHIPS THAT WILL ASSIST THE PARTIES IN RESOLVING THE DISPUTE CONSTRUCTIVELY.
- POLICE STRATEGY FOR ABORIGINAL OCCUPATIONS AND PROTESTS SHOULD EMPHASIZE THE DEVELOPMENT OF COMMUNICATION NETWORKS AND TRUSTING RELATIONSHIPS WITH ABORIGINAL PEOPLE BEFORE, DURING, AND AFTER PROTESTS. THIS APPROACH NECESSARILY INVOLVES ONGOING COMMUNICATION, COLLABORATION, AND PARTNERSHIPS WITH FIRST NATIONS AND ABORIGINAL LEADERS AND COMMUNITIES.
- THE OPP ACKNOWLEDGED THAT THE SHOOTING DEATH OF DUDLEY GEORGE LEFT A TRAGIC MARK ON THE RELATIONSHIP BETWEEN THE OPP

AND THE ABORIGINAL COMMUNITY. YET IT WAS ALSO A CATALYST FOR SIGNIFICANT, CONSTRUCTIVE CHANGE WITHIN THE OPP.

- THE POLICE/ABORIGINAL RELATIONS INITIATIVES UNDERTAKEN BY THE OPP IN RECENT YEARS ARE IMPRESSIVE IN THEIR BREADTH AND DEPTH. THESE PROGRAMS REPRESENT A COMPREHENSIVE STRATEGY TO IMPROVE RELATIONSHIPS BETWEEN THE OPP AND ABORIGINAL COMMUNITIES, ESPECIALLY WHEN COMBINED WITH THE OPP INITIATIVES REGARDING POLICING OCCUPATIONS AND FIRST NATION POLICING. FOR THE MOST PART, I BELIEVE THAT THE OPP POLICE/ABORIGINAL RELATIONS INITIATIVES CONFORM TO THE BEST PRACTICES IDENTIFIED IN PREVIOUS INQUIRIES AND REPORTS.
- THE RECENT OPP “FRAMEWORK FOR POLICE PREPAREDNESS FOR ABORIGINAL CRITICAL INCIDENTS” SETS OUT A BROAD POLICY STRUCTURE FOR POLICING A WIDE RANGE OF ABORIGINAL CRITICAL INCIDENTS. THIS IS AN OPERATIONAL POLICY, INTENDED TO GUIDE INCIDENT COMMANDERS AND OFFICERS BEFORE, DURING, AND AFTER SUCH INCIDENTS. I HAVE RECOMMENDED THAT THE OPP MAINTAIN THE FRAMEWORK AND RELATED INITIATIVES AS HIGH PRIORITIES WITHIN THE ORGANIZATION AND DEVOTE A COMMENSURATE LEVEL OF RESOURCES AND EXECUTIVE SUPPORT TO THEM.
- HOWEVER, THE RESPONSIBILITY FOR PROMOTING A PEACEKEEPING APPROACH TO ABORIGINAL OCCUPATIONS DOES NOT REST WITH THE OPP ALONE. THE PROVINCIAL GOVERNMENT SHOULD DEVELOP A POLICY THAT GOVERNS ITS OWN RESPONSE TO ABORIGINAL OCCUPATIONS AND PROTESTS AND WHICH CONFIRMS ITS COMMITMENT TO PEACEKEEPING AND PROMOTES CONSISTENCY AND CO-ORDINATION BETWEEN THE PROVINCIAL GOVERNMENT, THE OPP AND OTHER POLICE SERVICES.



- SUCH A POLICY WOULD REASSURE ABORIGINAL AND NON-ABORIGINAL ONTARIANS THAT PEACEKEEPING IS THE GOAL OF BOTH POLICE AND GOVERNMENT IN THIS PROVINCE, THAT TREATY AND ABORIGINAL RIGHTS WILL BE RESPECTED, THAT NEGOTIATIONS WILL BE ATTEMPTED AT EVERY REASONABLE OPPORTUNITY, AND THAT THE POLICE WILL USE FORCE ONLY AS A LAST RESORT.
- THERE ARE MANY OTHER RECOMMENDATIONS IN MY REPORT BUT I ONLY INTEND TO SPEAK TO ONE OTHER THIS MORNING. I HAVE RECOMMENDED THAT THE CONCEPT OF POLICE INDEPENDENCE NEEDS TO BE MODERNIZED IN LIGHT OF AN EVOLVING UNDERSTANDING OF HOW POLICE AND GOVERNMENTS CAN AND SHOULD WORK TOGETHER IN A MODERN DEMOCRACY.
- THE INCREASING COMPLEXITY OF POLICING AND GOVERNMENT MEANS THAT THE APPARENTLY SIMPLE AND UNDERSTANDABLE DICHOTOMIES BETWEEN POLICE/OPERATIONAL RESPONSIBILITY ON THE ONE HAND AND GOVERNMENT/POLICY-MAKING ON THE OTHER, MAY NO LONGER BE SUFFICIENT TO GUIDE POLICY-MAKERS AND DECISION-MAKING ON BOTH SIDES OF THE ISSUE.
- POLICE AND GOVERNMENT DECISION-MAKING WILL ALWAYS INTERSECT AND POLICY AND OPERATIONS WILL ALWAYS BE FLUID CONCEPTS, SUBJECT TO REASONABLE INTERPRETATION AND REINTERPRETATION DEPENDING ON THE CONTEXT. THIS IS PARTICULARLY TRUE IN THE CASE OF ABORIGINAL OCCUPATIONS AND PROTESTS, WHERE LINES BETWEEN POLICY AND OPERATIONS ARE OFTEN BLURRED. THIS SUBJECT IS DISCUSSED IN DETAIL, IN MY REPORT.
- I BELIEVE THAT IT IS POSSIBLE AND DESIRABLE TO ADOPT REFORMS THAT WILL SIGNIFICANTLY REDUCE THE PERCEPTION AND FACT OF

INAPPROPRIATE GOVERNMENT INTERFERENCE. CLEARER RULES WILL PROMOTE ACCOUNTABILITY, TRANSPARENCY, AND PUBLIC CONFIDENCE IN KEY DEMOCRATIC INSTITUTIONS AND LEADERS.

- CARE MUST BE TAKEN TO ENSURE TRANSPARENCY AND CLARITY IN THESE MATTERS SO THAT BOTH POLICE AND GOVERNMENTS CAN BE CALLED TO ACCOUNT FOR DIFFICULT AND CONTROVERSIAL DECISIONS, IRRESPECTIVE OF HOW WE STRIKE THE BALANCE BETWEEN THEM.
- WHEN SOMETHING GOES WRONG, AS IT TRAGICALLY DID AT IPPERWASH, THE PUBLIC HAS A RIGHT TO KNOW WHO MADE THE KEY DECISIONS AND WHY. IN AN IDEAL WORLD, PROCEEDINGS SUCH AS THIS INQUIRY WOULD NOT BE NECESSARY.
- IN A 1997 SUPREME COURT OF CANADA DECISION, *DELGAMUUKW V. BRITISH COLUMBIA*, CHIEF JUSTICE LAMER STATED “LET US FACE IT, WE ARE ALL HERE TO STAY”. SINCE WE *ARE* ALL HERE TO STAY, WE MUST CONTINUE TO BUILD RELATIONSHIPS OF TRUST, MUTUAL RESPECT AND SUPPORT. THE ROAD TO RECONCILIATION MAY BE LONG AND DIFFICULT, BUT IT IS A ROAD THAT ALL OF US MUST WALK TOGETHER. I HOPE THE INQUIRY PROCESS AND THIS REPORT HAVE HEPLD US TO TAKE A FEW STEPS FORWARD ALONG THIS ROAD.
- THANK YOU VERY MUCH.