

LE NOUVEL HÔTEL
1740 RENÉ LÉVESQUE BLVD WEST
MONTREAL, QUEBEC

MONDAY, NOVEMBER 29, 1993

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ROYAL COMMISSION ON ABORIGINAL PEOPLES

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Montreal, Quebec

The hearing began at 9:21 am on Monday, November 29, 1993.

CO-CHAIR RENÉ DUSSAULT: I would like to welcome all those who made the trip for this first day of the last week of public hearings before the Royal Commission on Aboriginal Peoples.

The Commission was created in September 1991 and began its hearings in April 1992. We have visited close to 120 to 125 communities. This week in Montreal is actually the last week of the Commission's public consultations.

At this time, I would like to say a few words about the Commission's work and the process we will undertake over the next year leading up to our final report.

The Commission decided at the outset to establish the closest possible dialogue with the various Aboriginal peoples in Canada. That was why we initiated an extensive public hearing process

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that has taken us to all ten provinces and both territories several times.

We have had four rounds of public hearings. At the end of each round of hearings, we published a summary of what we had heard and a document summarizing under several themes the experiences that had been shared with us and the solutions proposed to us by the various intervenors.

We have heard more than 2,200 groups and individuals and many different opinions of the Aboriginal experience in Canada and also the desire of Canadian governments for a relationship that is much more mature, much more respectful, reciprocal, a relationship between Canada's Aboriginal peoples and the general public.

We have heard about the problems, of course, but we have also seen a great deal of hope in Aboriginal communities. We have been offered many, many solutions and also been told of pitfalls that must be avoided so that, in the

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end, history does not repeat itself.

There have been notoriously bad policies, Canadian policies on Aboriginal peoples. The two most obvious are without question the policies on residential schools, where a conscious decision was made, a very clear, well-documented decision, to assimilate Aboriginal peoples in the Canadian population basically by forcing them to learn English or French as a second language, mainly English, but the result was that cultures and languages were lost and children were separated from their families.

There are other bad policies as well. Several groups of Aboriginal people in Canada were resettled. But surely the biggest resettlement and the one that drew the most media attention was the one in northern Quebec in 1955, when the Inuit of Inujuak (PH), Quebec -- Port Harrison at that time -- were moved to Resolute Bay, Grise Fiord, in the High Arctic.

The Aboriginal issue is

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extremely important. It is not a uniquely Aboriginal issue, but a Canadian issue. There is a human problem, a problem of justice, that Canada has failed to address in any lasting way, with solutions that are acceptable to all the players.

When we consider the Aboriginal issue, I think it's important to realize that it's something that affects not only Aboriginal issues, but the very fabric of Canada. What is at stake here is the future vision of this country.

I would like to go even further and say that the relationship between Aboriginal and non-Aboriginal people in Canada is a major concern. For historical reasons, there have been instances where Aboriginal people were placed on reserves, situations where Aboriginal people had no say in economic development, social development, were not permitted to control their day-to-day lives in their own communities.

There is a great deal of resentment, despair, a certain amount of bitterness, and we have to

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get over that wall of resentment and engage in a fruitful dialogue.

We hope the work done by the Commission has helped lay the groundwork for that dialogue. We cannot undo decades and centuries of social and historical evolution in three years. However, I think that in three years we can perhaps sow the seeds for broader reflection and come up with a vision of the future that is a vision of respect, not rejection, a vision of partnership, not paternalism, a vision that goes beyond demands and offers solutions for co-existence between Aboriginal and non-Aboriginal people in Canada.

This is especially important because we are in Montreal. We know that relations since the summer of 1990 between Aboriginal and non-Aboriginal people have been strained. We know that the issue rests entirely with the Mohawk communities and their neighbours.

Both sides came before us and expressed a very strong desire to normalize relations and ease the tension so that they can breathe more easily, and both

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sides hope to find a way to rebuild bridges and create mechanisms that will enable them to work together.

This is the spirit in which the Commission will be hearing the first brief of the week this morning from the Quebec Aboriginal, or Aboriginal Quebec, Equality Forum. This is an encouraging sign of what is happening in our society. There is much good will beyond the sudden changes of mood and the frustration in all camps. There are many people who want to work actively to rebuild bridges and establish an effective relationship based on mutual respect between Aboriginal people and the people of Quebec and the people of Canada, in other words, all Canadians and Aboriginal people.

I would like at this time, without further ado, to ask John Curotte, who is here with us from Kahnawake, the Mohawk people, to say a prayer to help ensure that our minds are as clear as they can be this week.

I would then like to ask Mary Sillett, an Innu from Labrador, who is here with me this morning, to say a few words, and

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then we will be able to hear the brief from the Equality Forum.

John Curotte.

(Opening prayer.)

CO-CHAIR RENÉ DUSSAULT: Thank
you.

I would like to ask Mary Sillett
to say a few words.

COMMISSIONER MARY SILLETT: Thank
you very much, Mr. Dussault. I'd like to say
first of all I'm very, very pleased to be here.

Mr. Dussault's opening comments
were very, very comprehensive, but I would like to
take this opportunity to introduce other members
of our seven-person Commission.

There are seven commissioners. We
were appointed by Order-in-Council in August of
1991. Mr. Dussault and I are here today. This is
our final round of public hearings.

We have Mr. Georges Erasmus, who
is also a Co-Chair of the Commission. He is a
Dene from the Northwest Territories, and he has
also been the former National Chief of the
Assembly of First Nations.

We have Mrs. Bertha Wilson, who

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1 was the first woman in Canada ever appointed to
2 the Supreme Court of Canada.

3 We have Mrs. Viola Robinson.
4 She'll be coming here on Thursday to conclude the
5 rest of the hearings. She's a Micmac from Nova
6 Scotia and she's a former President of the Native
7 Council of Canada.

8 We have Mr. Peter Meekison, who is
9 a University of Political Science professor at the
10 University of Alberta.

11 And we have Paul Chartrand, who is
12 a Métis. He is also a university professor. He
13 used to be at the University of Manitoba.

14 I would also like to introduce
15 some of the Commission staff, because people
16 sometimes fail to recognize that the work of the
17 Commission wouldn't be done without these people.
18 These are the people who get up long before we
19 ever get up. They work long after we've gone to
20 our meetings. I'd like to take this opportunity
21 to give them some recognition. As I introduce
22 you, would you please stand up.

23 We have Luc Lainé, he's on
24 contract with the Commission. He's our Team
25 Leader.

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1 We have Michèle Noël, Danièle
2 Labonté, who are team assistants.

3 We have John Crump. He works in
4 the research section of the Royal Commission. He
5 works in the North.

6 We have Allan Gabriel. He works
7 in Communications with the Royal Commission.

8 We have also Konrad Sioui. He's a
9 Senior Policy Analyst with the Commission.

10 We have Jo Ann Gagnon, who is also
11 a Senior Policy Analyst.

12 And we have Michael Cassidy, who
13 is working with the Royal Commission on contract.
14 He's done many of the publications that you'll see
15 outside of this Commission.

16 I'd like to say that today is a
17 very good day for me because it's the final public
18 hearing that I'm going to be -- it has been very,
19 very difficult for me. Since August 1991 we have
20 travelled to over 120 communities, one-third of
21 those. We've heard from well over 2,000 people.

22 In the next year we'll be
23 concentrating on the really hard work. I can see
24 in December of next year hopefully we'll have
25 concluded this work. But just to remind people

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too today that we'll be hearing from people who have received funds through the Intervenor Participation Program. Some of those people either expressed an interest or their presentations were considered extremely interesting for the Commission, and we're hearing from those groups today.

Thank you very much. I look forward to hearing the presentations this week.

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CO-CHAIR RENÉ DUSSAULT: Thank you, Mary.

I would now like to call on the representatives of the Equality Forum, Gérald Larose and Roméo Saganash, to come forward to the table next to us to make their presentation.

We welcome you and your colleagues, Mr Larose. When you're ready to begin your presentation, perhaps you could introduce the representatives of the Equality Forum. Any time.

BERNARD CLEARY, resource person, Equality Forum:

Mr Co-chair, Madam Commissioner, before we begin our presentation, as you

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say, I would like to introduce the people here at the table with me and also all those who signed the manifesto.

From the Assemblée des Évêques du Québec, Monsignor Gérard Drainville.

From the Quebec Native Women's Association, Jackie Kistabish. She is represented here today by Beverly Sabourin.

From the Centrale de l'enseignement du Québec, President Lorraine Pagé, Daniel Lachance and Henri Laberge.

From the Centre justice et foi, Father Julien Harvey.

From the Confédération des caisses Desjardins, Michel Doray and Claude Têtu. Mr Têtu is here today. Mr Laberge and Mr Harvey are also present.

From the Confederation of National Trade Unions, Gérald Larose.

From the Atikamekw and Montagnais Council, René Simon and Arthur Robertson.

From the Grand Council of the Waban-aki Nation, Denis Landry.

From the Grand Council of the Crees, Mr

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Saganash.

From the Ligue des droits et libertés, Gérald Mckenzie and Sylvie Paquerot.

From the Regroupement des centres d'amitié autochtones du Québec, Édith Cloutier.

The resource persons: myself, Pierre Bonnet and René Boudreault.

Before turning the proceedings over to the two co-chairmen, I would simply like to make one point. There was a consensus among the signatories of this manifesto of the Aboriginal Quebec Equality Forum representing their respective organizations.

The manifesto is currently in the process of being adopted by officials of these organizations.

Finally, sitting here with us on the far left is Gérald Mckenzie, representing, as I said earlier, the Ligue.

Gérald Larose, co-chairman of the CNTU, and Roméo Saganash. Mr Saganash will begin reading the brief.

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ROMÉO SAGANASH, Co-chairman, Equality Forum:

[Aboriginal language, no translation]

GÉRALD LAROSE, Co-chairman, Equality Forum: Five additional objectives guide our efforts in a more global approach to forming a true alliance between the Quebec nation and Aboriginal nations.

First, learning more about one another, sharing information and identifying the issues raised by Aboriginal people and Quebecers living together in society.

Second, clarifying and articulating the concepts that will enable us to join forces in common action.

Third, coming to terms on one or more proposed elements of a new alliance.

Fourth, developing within each group represented in the Forum the means to provide information, raise awareness and adopt positions on the issues in question.

Fifth, becoming a player in the public debate in order to provide information

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and objectively and positively influence the debate and the decision that may be taken regarding the future between Quebeckers and Aboriginal people.

ROMÉO SAGANASH: As for the process, some people have said that the Equality Forum's efforts to try to build bridges between the Quebec nation and Aboriginal nations is a process that should be promoted and expanded in order to make other people and organizations aware of the issue.

It was our hope that this manifesto would be presented to the Royal Commission on Aboriginal Peoples and others and that this process would involve as many member organizations of the Forum as possible.

We felt it was pertinent to present the Forum's manifesto to the Royal Commission. This is a very special arena in which we can address political leaders at several levels of government as well as groups that are not part of the Forum in order to encourage them to think about ways of building bridges between our nations and developing a valid common plan for society.

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We would like to address before the Commission a number of issues concerning relations between Aboriginal people and Quebecers and submit others for consideration and adoption of positions at a later date.

Our thoughts are developed in such a way that they find their full value as much in a context of Quebec sovereignty as in a federal context.

Insofar as life experiences are never completely positive or negative, many of these issues include converging and diverging opinions and interests and are capable of moving in either direction. We have tried to identify these aspects without being complacent or naive, but in the hope of strengthening the things we have in common.

The Forum believes it is important to recall the distinctions that exist in terms of the demographic, geographic, sociological, cultural and other realities of Aboriginal nations and the viewpoints of each of these nations.

We agree we should

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ideally point out the subtle differences in the positions of each Aboriginal group and each social group in Quebec, the positions of the national councils and Quebec and Aboriginal associations, the opinion of some women's groups and some lobby groups in Quebec and within some nations.

This is impossible and unrealistic because of the magnitude of the task and the means we have at our disposal. We would like to point out, however, that the analysis we will be presenting reflects a consensus within the Equality Forum.

We also note the difficulties associated with the definition of a social plan, understanding and communication between people of different cultures, the diversity of opinions and interests in Quebec and Aboriginal communities, and the diversity that exists even within Aboriginal nations.

GÉRALD LAROSE: The Equality Forum would like to begin its presentation by stating some of the principles on which there is consensus and which serve to guide its thoughts and the positions it takes.

Principle 1: The Equality Forum recognizes the right to self-determination

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of the peoples living in Quebec, that is, the 11 Aboriginal peoples and the Quebec people. It also recognizes that the democratic exercise of this right could lead to them achieving political sovereignty. It maintains that, in that case, geographic imperatives and political wisdom imply there has to be some type of association. It is committed to defending this right to self-determination and the exercise of that right and to promoting such an association if necessary.

Principle 2: The Forum believes that it would not be enough to accept simple legal protection of Aboriginal peoples in Quebec, even though they are a minority, whether in the name of individual or collective rights. It recognizes that the ancestral rights of each Aboriginal people include territorial rights that have yet to be defined and an inherent right to political autonomy.

Principle 3: Because, for more than three centuries, Quebecers have occupied and developed part of the territory, the Forum recognizes the rights of the Quebec people.

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If they are to become compatible, the land and political rights of Aboriginal peoples and the Quebec people must be negotiated in a spirit of law and not a power struggle. The negotiation of these issues must take into account the historical claims of each Aboriginal people, the rights of the Quebec people, international law and jurisprudence, as well as the space that is vital to the Aboriginal and Quebec peoples.

The Forum believes that many different types of land ownership and management by the Aboriginal and Quebec peoples are possible and can be negotiated, particularly the establishment of autonomous territories in which the Aboriginal population would be a very large majority and could have full ownership, territories that would form the territorial base for their autonomy; joint management of territories in which resource development would ensure sufficient economic and social development to meet the needs of the Aboriginal peoples.

The Forum notes that such joint management applies in particular to the

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lands of the middle north and the far north, fostering the development of a northern, even a circumpolar, economy.

The two types of territory will not necessarily be contiguous.

The agreements that are negotiated will have to cover the protection of natural resources in general, wildlife habitats and the environment and recognize that Aboriginal people in Quebec have a special bond with the land.

The scope of jurisdiction may vary from government to government, and the application of that jurisdiction will be determined through negotiations.

The Forum recognizes that special agreements have to be concluded with the parties concerned regarding Aboriginal communities in urban areas.

The process of achieving political autonomy will require the establishment of governments based not on the racial or ethnic character of those who are governed, but on territory. However, these governments will be able to take

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specific actions, actions inspired by international law and United Nations declarations, to protect the ethnic features of their constituents.

Further, these governments will have to have the means to protect their specific national language and culture and an independent economic base.

Non-Aboriginal people living and working in the territories overseen by these governments will have the rights and duties of citizens of the territories.

Principle 4: The Forum recognizes that in the event of a change in Quebec's political status, the rights of Aboriginal peoples and the persons who make up those peoples in existence at that time will be preserved in their entirety, and all obligations toward Aboriginal peoples previously assumed by Canada will then be assumed by Quebec until such time as those rights and obligations are changed by agreements.

Principle 5: The Forum does not claim to have the answers to all the

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sticking points in the relationship between the Aboriginal nations and Quebec. It recommends, however, the immediate creation by the Quebec nation and Aboriginal nations of a joint Quebec-Aboriginal tribunal with the authority to oversee the negotiations and ensure fair and perhaps progressive application of the agreements between all the parties concerned.

This joint tribunal would accompany the parties in the negotiations in order to settle their disputes. Where requested by either party, it would have to have powers of mediation, recommendation and arbitration.

If Quebec were to opt for sovereignty, this mechanism would have to govern the process of negotiating a new definition of relations between sovereign Quebec and Aboriginal nations.

Once these relations were redefined, the permanent dispute settlement mechanism referred to in Chapter 9 of this document would have to apply.

Principle 6: The Forum recognizes the existing relations between

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Aboriginal nations living in Quebec and members of Aboriginal nations living outside Quebec.

The Forum favours the preservation and development of co-operative ties between Aboriginal people living outside Quebec.

Principle 7: The Forum reiterates that the number of people involved has absolutely no bearing on the right. It recognizes, however, that this number may alter the way the right is actually applied.

Principle 8: The Forum recommends that all the parties involved recognize the UN Charter of Human Rights, including the Universal Declaration of Rights and the two international conventions on civil, economic, social and cultural rights, as well as the Convention on the Elimination of All Forms of Discrimination Against Women.

ROMÉO SAGANASH: In regards to the political framework, eleven Aboriginal nations have been recognized by the National Assembly since 1985. These eleven nations have aboriginal

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rights that include, we think, territorial rights.

The Equality Forum considers that these nations are also peoples and should as such have the right to self-government on their territory as well as the right to accede to the means that would enable them to control, according to their needs, their own collective development at the political, economic, social and cultural levels.

If Quebec were to choose the sovereignty option this would imply that each of these eleven aboriginal peoples should be represented at the Constituant Assembly of this geopolitical entity. This Assembly would have to define the main components of the political framework to be established between the Aboriginal peoples and the Quebec people, as well as the appropriate mechanisms such as a charter of individual, collective and national rights and a common political forum or institution.

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[English]

GÉRALD LAROSE: There are already many economic and social links between the Aboriginal peoples and the Quebec people, between their organization and the Quebec government.

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In recent decades, the Quebec people have attained a certain level of social and economic development, despite the problems that still persist, whereas the Aboriginal peoples are on the threshold of development that has to meet big needs and make up a great deal of lost ground.

Whatever unique options are chosen by each nation, the economies will have to be harmonized through negotiation and regulation.

The quest for greater autonomy for the Quebec people and the Aboriginal peoples is not a step back in history, but a step toward the future. This autonomy is rooted first and foremost in self-development, the initiative and internal vitality of each people.

The aim of development will have to be economic self-sufficiency through taxation, trade, revenue from the use of natural resources, etc.

Development that is to be

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viable and sustainable in the context of globalization and the formation of large trading blocs demands restructuring of the economy based primarily on the strength of local energies and requires greater decentralization and greater deconcentration of decision making.

The Equality Forum therefore recognizes that many social and economic objectives are shared by all the partners concerned: mechanisms for distributing wealth, better use of natural resources, better health and education services, and better international relations.

It recommends that existing mechanisms in these areas be strengthened and that new ones be created jointly to promote harmonization and self-development, particularly in the area of the Aboriginal economy.

ROMÉO SAGANASH: With respect to cultural development, like the people of Quebec, every Aboriginal people has a cultural uniqueness that must be considered

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a valuable heritage resource to be promoted and developed.

With respect to sustainable development, culture must be understood in its broad sense, including language, lifestyle, education and economics. Needless to say, each Aboriginal nation must be considered responsible for its own cultural development and must therefore have not only the powers, but also the means needed to ensure that development.

Means must be put in place to harmonize cross-cultural relations in order to facilitate self-expression and mutual understanding and fight racism and prejudice. One of the best means would be better knowledge of one another's cultures.

The Forum does not believe Quebec should impose a second language on Aboriginal peoples. However, the Forum recommends promoting French as a language of dialogue and taking whatever steps are needed to ensure development of the use of Aboriginal languages and ensure that the cultures of the Aboriginal nations grow and are

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disseminated throughout Quebec society.

The Forum calls on all the parties to be open to one another's situation and better mutual communication.

GÉRALD LAROSE: Regarding individual rights, collective rights and national rights, the legal instruments we currently have are not tailored to the reality of the collective and national rights of the Quebec people and the Aboriginal peoples.

The Forum believes it is necessary to have a common charter based on the Universal Declaration of Human Rights that will serve to protect the fundamental individual rights of persons, the equality of the sexes, collective rights and national rights.

The Forum includes in collective rights the right to employment, the right to free association, the right to health, the right to housing, the right to environmental quality and the right to education, and in national rights self-government and protection and promotion of language and culture.

ROMÉO SAGANASH: With respect to

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1 conflict resolution, as mentioned in subsection
2 4.5, the Forum suggests a permanent mechanism for
3 conflict resolution which would replace the
4 temporary mechanism provided for therein.

5 The permanent mechanism would be
6 modelled on practices developed elsewhere. For
7 example, the Waitangi Tribunal of New Zealand, the
8 Indian Commission and the Ontario statement on
9 political relationships with First Nations, and
10 the Draft Universal Declaration of the UN on the
11 rights of indigenous peoples.

12 Further to the drafting of a
13 coexistence treaty agreed to by Aboriginal peoples
14 and non-Aboriginal peoples in Canada and Quebec,
15 an arbitration tribunal based on principles of
16 equality and multiculturalism, legal pluralism,
17 and as a multiple value system should be
18 established.

19 This tribunal would see to the
20 application of the Coexistence Treaty. Such a
21 treaty would take precedence over the loss of
22 general application of the country and would
23 preside over relations between the First Nations
24 and the people living in this country.

25 Decisions rendered by this

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tribunal within its field of jurisdiction would be final and enforceable. In addition to its arbitration function the tribunal would also have the powers of mediation, recommendation, and conciliation.

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[English]

GÉRALD LAROSE: To conclude, the approach taken by the Equality Forum is part of the process of developing a social plan that is also meant to be a tangible formula for friendly coexistence. The Forum looks to the future but does not forget the past.

There is at present tremendous political and legal tension between the Aboriginal population and Quebeckers, and it is now essential that we not only improve communication on these two fronts, but also establish communication in other areas, particularly social and economic matters.

The Forum's initiative is only the first step toward a common ground, and the common work circle will have to be expanded to include other aspects of life in Aboriginal and Quebec communities.

There will always be differences in culture, language, lifestyle and

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development priorities, and we will have to learn to live with them and respect them.

Today, however, we have a joint responsibility to do everything we can to strengthen the things we have in common. History and geography compel us to take up the challenge of living together and quickly identifying the foundation of our relationship.

The historic encounter that took place in 1534 has been compromised because it was based on a power struggle; it now has to come together in a context of justice, equity and mutual respect. Our solitudes have become unbearable, and Quebeckers and Aboriginal people have to lay the groundwork for a social balance on which to build a true alliance.

The members of the Forum are therefore committed to continuing their work in their respective organizations and urge other groups and individuals who wish to be agents of change to do likewise.

Thank you very much, Mr Chairman.

CO-CHAIR RENÉ DUSSAULT: I would like to begin by thanking

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the members of the Equality Forum on behalf of the Commission for making this joint presentation, and I think this is important, on relations between Aboriginal and non-Aboriginal people in Quebec or in Canada, as you say, depending on future developments.

I would like to point out that this is the certainly first time in all the public hearings that we have seen in Canada a joint position, Aboriginal and non-Aboriginal, representing the strongest elements of both sides.

I think this is something to be commended. It is without question an initiative that promises a future filled with hope and, of course, results.

We thank you for taking the initiative, for sensing the need for such an initiative. The process of reflection that has begun among Aboriginal and non-Aboriginal people in Quebec will certainly be of great benefit to the Commission. I think that in a broader sense it will also benefit Canada as a whole.

I would perhaps like to begin by

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clarifying a number of small technical points and perhaps address a central question, namely the application of your manifesto in the context of Canadian federalism or sovereignty or full attainment of sovereignty by Quebec. Perhaps then we can take a break, after which my colleague and I would like to ask you a number of specific questions on various aspects of your manifesto.

First of all, to clarify, you say in your paper that the following people present this manifesto, and in the memorandum that the manifesto is currently being adopted by the various organizations.

I am trying to be very clear as to the current status of the document. If I'm not mistaken, of course, it represents the views of the signatories.

Groups such as the Caisses populaires Desjardins or labour organizations or Aboriginal associations, has the manifesto been approved by the top officials of each

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of the organizations here today, or is it an ongoing process? When you speak of adoption, does that mean acclimation, a better knowledge of the essence of the issues addressed in the manifesto or technically is it approval by each of the organizations at this time or is it in the process of being developed?

GÉRALD LAROSE: First of all, we must tell you that the signatory members of the Forum participated in the Forum with mandates from their own organizations, which means they are people who have responsibilities in their organizations and were given a mandate to assist in developing a common platform.

In other words, these people are not in it for purely personal reasons. They are duly authorized by their organizations to carry out this task.

Second, as for the Forum's work, we wanted to make sure that the work was done with some freedom and with some distance from the organizations, specifically to establish a

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dynamic, a thrust, that would ensure a constant give and take so that the organizations could adopt the content and move ahead on the various components.

At this point in time, things have not reached the same stage in all the organizations. Some organizations have official mandates that endorse the entire content, while others have official mandates from a higher level that will work their way down slowly, not quickly.

I would also like to point out that the Forum has the option of reviewing the content after the sweeping process of adoption by the organizations is complete to see if any aspects can be looked at more closely.

To sum up, our aim was to take an approach that would ensure that many groups in society could -- how shall I put it? -- take the momentum and become part of a dynamic that would ensure that collectively we would be able to build bridges and develop the proposals that we believe to be the most viable

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and the most sustainable for relations between Aboriginal people and Quebecers.

CO-CHAIR RENÉ DUSSAULT: Thank you, Mr Larose. I think that clarifies the current status of the document. It makes it very clear.

What I take from what you just said is that it's possible and you hope that other organizations will join the Equality Forum and participate in the process.

GÉRALD LAROSE: In fact, the manifesto is being made public here today. The members of the Forum hope that other groups in Quebec society will pick up on this approach, and in all likelihood we will set up a mechanism that will enable these other groups to join forces with the Forum and continue the process.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Since this is an important public awareness and public education process that gets people thinking about the issues, and you say at point three of the process that you

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hope to ensure that it is aimed at the people so that they will become involved in the Forum, perhaps a point of curiosity.

What mechanism is being used to circulate, to disseminate your document? What mechanism have you considered to ensure the broadest possible distribution of the Equality Forum's manifesto?

GÉRALD LAROSE: We printed the manifesto, I think there are 3,000 copies at this time, for initial distribution, on the understanding that many organizations want to reproduce it themselves. There is no limit on the number of copies of the document that can be made.

We are about to produce the English version of the document, which we hope will also be discussed by groups that use English more.

With respect to distribution, today the manifesto is being made public, but efforts are being made to disseminate it as widely as possible in all groups.

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CO-CHAIR RENÉ DUSSAULT: Thank you. I think the English version of the document in terms of Canada as a whole, as I said at the beginning, there are ideas that are useful in a broader context. I think this will be extremely useful as well.

I would now like to turn to the question, still with point three of your process, the question of the applicability of your proposals.

You say, "Our thoughts are developed in such a way that they find their full value as much in a context of Quebec sovereignty as in a federal context." Later on you talk about mechanisms and constituents, you refer to a type of sovereignty-association in Quebec between the people of Quebec and the 11 Aboriginal nations.

In federal Canadian terms, in terms of Canadian society as a whole, I understand that you say it's useful in either situation, did you pursue that line of thinking, because the main thrust of the document is still in the

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Quebec context. Could you elaborate on this? Are you able to elaborate on this?

If I'm not mistaken, the proposal was, for example, that there be the same type of general treaty, agreement, between Canadian Aboriginal peoples and the federal government if it occurs in the Canadian context. Could you [expand] on the scope of your proposal, your manifesto, in a scenario where it happens in a Canadian context?

ROMÉO SAGANASH: Mr Chairman, I recently responded to an Anglophone journalist who was surprised to see me sitting at the same table as a Quebec sovereigntist. I said I was a sovereigntist, too, but from an Aboriginal perspective, of course.

If we listen to what the Aboriginal people are saying, whether in Quebec or elsewhere, it has always been from that perspective of having more control over their own destiny. In that sense, the Aboriginal perspective of the manifesto amply reflects this, in my opinion. And that is entirely consistent, I think, at least what I've heard Aboriginal people saying across

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Canada.

I read with great interest the interview you gave the newspaper Le Soleil on the weekend, when you said specifically that Aboriginal leaders were a long, long way from what their members were saying locally. There's some truth in that, I assure you.

Being personally familiar with the Cree people who live around James Bay, I know full well that hunters who spend eight to ten months a year in the bush do not really care if other people call their territory James Bay, Quebec or Canada. They call it Inushti (PH), and as long as they can be what they are in their own territory when they want, I think that's what's important to them.

I think the only difference between what you are saying and the way things really are is that Aboriginal leaders have a tendency, I believe, to translate into political and legal terms what their representatives often tell them. That is perhaps their only small flaw, because when some of the statements of our members are translated,

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there is often a tendency to translate them incorrectly.

It was with this in mind that we sought to address the issue from our Aboriginal perspective, so that, I think, the process or principles that have been developed across the country can be applied.

I think that if we listened carefully, and even if we think in terms of what the Aboriginal people agreed to in the Charlottetown Accord and other agreements, the line was always that on the issue of self-government, the Aboriginal people wanted self-government to apply within Canada. I think that's something that is also reflected in the manifesto we have presented.

CO-CHAIR RENÉ DUSSAULT: Thank you. Just one more small thing.

Basically, the Commission has held hearings in almost 120, 125 communities now, all sorts of special consultations, and we as commissioners felt it was essential to go into the communities. Chief Justice Brian Dickson, who drafted the Commission's terms of reference, made it a

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very firm recommendation.

We realize the difficulty Aboriginal leaders face in expressing the essence of the long-term approach and at the same time ensuring that debate can take place in the communities.

We were struck, for example, by what Aboriginal women told us about daily life in their communities. It is in that sense that we made those comments as a Commission.

Having said this, I take what you are telling us to mean essentially that your proposals are interchangeable in both Canadian and Quebec terms. The aim is true self-determination mostly within Canada, in a context of sovereignty shared within Canada with other Canadian governments but determined by Aboriginal people.

We know that some Aboriginal peoples also want international sovereignty. We will be able to discuss

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that issue a bit in a moment, but on the whole, the proposal, and this is what I think is striking, is a model applicable in terms of Canada as well as in terms of Quebec. Obviously, it's more complex than that, there are more nations, there are more situations and diversity.

I would like at this time, before we begin the somewhat more technical discussion, perhaps a notch or two below the specifics of your paper, perhaps we could take a 15-minute break and come back at 10:45 and resume the discussion.

Thank you.

--- Recess at 10:30 am.

--- Upon resuming at 10:49 am.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on Aboriginal Peoples is resuming the hearing on the brief from representatives of the Quebec Equality Forum.

My colleague Mary Sillett will ask the first questions

COMMISSIONER MARY SILLETT: Thank you very much.

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1 Before I begin I will confess that
2 when Mr. Dusssault asked me to spend a second week
3 in Montreal I said oh please don't do that to me,
4 because I have a really hard time with this French
5 language, but I will try. If my questions aren't,
6 for example, really consistent with what you've
7 said, please understand why.

8 My first question is this. One of
9 the things that I've noticed, particularly in our
10 hearings in Quebec, is that the Aboriginal peoples
11 in some cases are trilingual. For example, when
12 you look at some parts of Nunavik you see
13 children, for example, who can speak Inuktitut,
14 who can speak French and in adult life are
15 trilingual.

16 One of the things we've heard from
17 many, many Aboriginal people across this country
18 is that this is a situation which they envy. I'm
19 wondering, in the context of your meetings, in the
20 context of your discussions, have you ever
21 discussed any models that would allow Aboriginal
22 people to learn not only their Aboriginal language
23 but other languages as well. Is that something
24 that your organization has ever talked about,
25 going beyond principles?

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1 ROMÉO SAGANASH: In the terms of
2 the language, we haven't really discussed in
3 detail what types of models that we can
4 specifically propose for Aboriginal peoples and
5 Quebeckers in tomorrow's society.

6 One can say that the fact that
7 some Aboriginal peoples in this province are
8 trilingual is a result more of a situation than
9 some particular model that existed in the past.
10 My situation is quite particular from other
11 situations as well. It's because when Jean
12 Chrétien decided that I would go a French school
13 rather than an English school and the residential
14 school. That was in 1968. He was MP for the St-
15 Maurice riding. So it's a result of a political
16 promise that he made in the Mauricie region here
17 in Quebec.

18 One of the things that I've heard
19 over the years, especially when I acted as Deputy
20 Grand Chief for the Grand Council of the Crees,
21 the things that I've heard from my people is this.
22 They say that if we are going to solve our
23 relations with our neighbours, then I think we
24 have to start teaching our children to learn
25 French as a second language rather than English,

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1 because our first neighbours are Quebeckers, who
2 are French-speaking individuals.

3 In that sense since the Grand
4 Council of Crees or the Cree people have taken
5 over their own education system following the
6 signing of the James Bay-Northern Quebec
7 Agreement, after the fourth year of education the
8 parents can choose for their children either
9 English or French as a second language. If you
10 compare it from the early 1980s and late 1970s,
11 where the majority of Cree people spoke English as
12 a second language, today the trend is completely
13 reversed in the sense that a large majority of the
14 kids now learn French as a second language, which
15 is a good sign I think for our future relations
16 with our neighbours, who are Quebeckers, in this
17 province.

18 COMMISSIONER MARY SILLETT: Thank
19 you very much.

20 My second question is this. When
21 you've discussed, for example, self-government,
22 and I think you've discussed that a lot according
23 to the amount of time that was given, have you
24 addressed how self-government might address the
25 concerns of Aboriginal women with respect to

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1 equality or protection of individual rights and
2 the need for accountability?

3 ROMÉO SAGANASH: The fact that
4 the Native Women's Association of Quebec
5 participated in our debates, I guess there was a
6 necessity to talk about the issue. We in fact did
7 talk about the issue. I think there's a mention
8 in our brief about that specific issue.

9 Should the Aboriginal peoples
10 decide to exercise their inherent right to self-
11 government, we think that at least the Charter of
12 Rights and Freedoms of Canada should apply to
13 their governments, specifically the provisions
14 respecting the equality of individuals.

15 One our point of references in our
16 debates was the draft declaration of rights of
17 indigenous peoples in this world. There are
18 provisions to that effect as well in that draft
19 declaration that inspired our debates in that
20 sense. We think it's important to recognize the
21 rights of half of our populations. I don't think
22 any society can survive in the future by refusing
23 to recognize the rights of half of their
24 societies.

25 I think it's an absolute necessity

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in our minds that the rights of women be
recognized and respected, even within our own
aboriginal governments.

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[English]

GÉRALD LAROSE: If we go back to the social and political plan put forward by the Equality Forum, it is easy to imagine that there will be in this gathering of associations some mobility, a transfer of very regular and sustained relations. We believe that the first step is to raise the question of the recognition and establishment of individual, collective and national rights and ensure a common pact between us.

In other words, everyone should have the same rights, obligations and opportunities. The inspiration for this is the whole mechanism proposed by international bodies. There was a lengthy debate within the forum, and we felt that in a gathering of associations as proposed, it was far preferable to agree at the outset on a common pact in terms of recognition of rights and obligations.

COMMISSIONER MARY SILLETT: Thank

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1 you very much.

2 I just want a further
3 clarification on the point that you made, Roméo.
4 You were saying, for example, that if Aboriginal
5 groups do decide to practice their inherent right
6 to self-determination the position that you
7 advocate is that the Charter of Rights and Freedom
8 should apply. Should that apply all the time or
9 should that apply -- for example, we've heard in
10 some cases that that would apply until the
11 Aboriginal organizations were in a position to
12 develop their own Charter.

13 ROMÉO SAGANASH: Of course when we
14 discuss the right of self-determination of
15 peoples, the peoples do have the right to choose
16 what form of government they will give themselves
17 and what kind of instruments they will adopt
18 respecting their members.

19 We feel that with respect to women
20 at least that provision from the Charter of Rights
21 and Freedom should apply towards governments, or
22 any other provision that would recognize the
23 rights of women in any society.

24 In that sense I think that's a
25 question that no society can avoid, that's a

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question that no society can push aside. You have
to deal with that question.

We advocate that the rights of
women be specifically recognized in the charter
that these governments will give themselves.

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[English]

BERNARD CLEARY: If I may, I would like to add one small clarification. It concerns the complexity or complementarity of what we are doing.

It is quite obvious that we cannot at this point, after only fifteen or twenty meetings, determine all the details of what might be the future social contract or the future definition of our autonomy for each party.

However, what the Forum felt it should present to the Commission at this stage, since the Forum lives on, was to give a broad outline, what we plan to work on, to ensure that there are mechanisms that could be put in place, perhaps outside the Forum, too, because in the end the Forum is not a job that will last forever to settle or

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discuss Aboriginal issues.

We therefore have to recognize the limits of what we are doing in the sense of details. When the details are not addressed as fully as they should be, it is because there was an urgency -- the Commission is going to wind up one day -- and at that time we had to take a stand. And another thing. Don't think it happened as easily as that, because there were civilized discussions, but there were also discussions like that and discussions that were in depth. You don't agree on the right to self-determination just like that. I think you have to take that into account.

What we are asking and what the Forum sets as an objective is to continue working and widening the circle, but to continue working by moving more specifically in the direction of certain elements conveyed by the general principles. I think you have [to bear] that in mind.

COMMISSIONER MARY SILLETT: Thank you.

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CO-CHAIR RENÉ DUSSAULT: I would like to ask an initial question about point 4.4 of your brief. Point 4.4 reads:

"The Forum recognizes that in the event of a change in Quebec's political status, the rights of Aboriginal peoples and the persons who make up those peoples in existence at that time will be preserved in their entirety . . ."

I think the position is clear.

The question I would like to ask you is whether you have considered the situation that has been expressed by many Aboriginal leaders in Quebec, their concern about Quebec sovereignty and the fact that they might decide, if Quebec achieves full sovereignty, to remain in Canada.

This is obviously a very difficult question, but one that has been raised

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many times, the possibility of making a clear choice. Many people told us about the past, when they felt they were in Canada, whereas for a long time, we were never consulted, the Innu of Labrador, the Inuit of northern Canada, northern Quebec, too.

Is this a question you considered, debated within the Equality Forum, or is the manifesto designed in such a way that if Aboriginal peoples . . . what will be the relationship then between Quebec and Aboriginal peoples, assuming it's a relationship that stems from the territory, that the people living in Quebec territory and therefore necessarily with Quebec?

Have you looked at how the idea that some Aboriginal peoples might want to maintain their ties with Canada, how that would be reconciled with the principles of self-determination that you accept straight off in your manifesto?

GÉRALD LAROSE: If we were politicians, Mr Dussault, we would say that's a hypothetical question.

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CO-CHAIR RENÉ DUSSAULT: It's a question we are asked regularly, not more than two weeks ago in Montreal, for example.

GÉRALD LAROSE: I would like to emphasize the perspective we have developed as a forum.

Clearly, if all we had to do was deal with the issue from a constitutional viewpoint or an international law viewpoint, there is material there for many debates, and as I say informally, there are many constitutional experts who have raised their families and will continue to raise their families with that type of issue.

That was not the Forum's major concern. What we set out to do was lay the groundwork for a social and political plan for all peoples who came into contact and now live together as a result of geography and history.

The aim of the proposal is to ensure that, while respecting and recognizing the national rights of all peoples, how can we propose a way of living that might lead us to viable,

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sustainable development that would in the end be a plus for everyone.

In the process, the people or peoples can of course choose what they want to say. Perhaps there are even some people who will look to the process as a way of promoting their own views. I'm sure Canada will not look upon this as an outsider and a neutral observer and that it will probably want to intervene.

We as a forum did not work with this type of scenario. For all the debates we held, we feel that in the event the Quebec people achieve sovereignty, it is interesting, it is wise for the people of Quebec, like the Aboriginal peoples, to establish a link with the principles we have stated here. For us, this represents a strong future.

To get back to your question very directly, we did not want to work with the scenario you suggested, although it is within the realm of possibility.

CO-CHAIR RENÉ DUSSAULT: Perhaps, then, an underlying question.

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Considering the scenario in Quebec that you explained was yours, how can the Equality Forum's approach, which is very clearly an approach whereby self-determination is achieved within Canada and in that context within Quebec, how can this process mesh with, for example, what is conveyed officially by the Mohawks, including in Canadian terms, with regard to international sovereignty?

This leads me perhaps to the underlying question, the question I put to you earlier regarding participation in the Equality Forum, the desirable expansion of strengths, this is true on both sides. Among the Aboriginal nations, there is a list of participants. There are some that are still not taking part.

This is sort of a two-part question. Is there any hope of widening the circle among the Aboriginal nations in Quebec to participate in the Forum, and obviously the question of international sovereignty can then be asked as conveyed by certainly one of the Aboriginal nations in Quebec?

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ROMÉO SAGANASH: Obviously, when we discuss such principles as the right to self-determination, we cannot apply a process that entails two weights, two measures regarding those issues. In that sense, I think that if the Mohawks are a people, they have a right to self-determination the same as Quebec, if Quebec is a people, has a right to self-determination.

This means they are entitled to choose their own future political status.

The only point we wanted to address in this regard is the promotion of an alliance, that there should be an alliance between Aboriginal people and Quebeckers here in this province. Obviously, no one can be forced into such an alliance, but we undertook to promote all aspects of such an alliance.

To get back to the previous question because the two are sort of connected, nor can anyone be forced, when Quebeckers decide to separate from Quebec, neither the Mohawks nor the Crees nor

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the others can be forced to go with Quebec or stay with Canada. The choice is theirs to make, and I think everyone has to respect that.

As we said at the beginning, we wanted more now to expand the discussion group. I myself contacted the Mohawk communities in an effort to get them interested in our discussions and so that perhaps they could bring their own perspective to the debate.

We the Aboriginal people in the Equality Forum were kind of tired of defending the Mohawks. I think that's something that they can easily do themselves.

In that sense, I think they have shown some interest. The three communities have expressed some interest in taking part, and we hope that once the document has been translated and once the manifesto has been presented before the Royal Commission, we then hope to be able to bring as many people on board as possible.

CO-CHAIR RENÉ DUSSAULT: Thank you.

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I would like to move on to the question of territory.

In your brief, point 4.2, the Forum recognizes the ancestral rights of each Aboriginal people, which includes territorial rights yet to be defined and an inherent right to political autonomy.

How do you view the tie-in in the context that you propose between this definition of territory, the exercise of inherent rights to self-government which therefore stem from an initiative by Aboriginal communities and Aboriginal nations but which must of course be co-ordinated with other governments in the territory, the Quebec government or municipal governments?

Can you elaborate a little on your view of this determination of territories. You say, "the Aboriginal nations will have to have enough territory to support their economic and cultural development" so that they can take control of it in the future. I understand you have had between 15 and 20 meetings, but this is a key issue.

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If you could at the same time on this question of the definition of territories, how, in your opinion, this would be done and also the process of inherent rights to self-government, which involves more than administration, but power to pass laws in some areas.

Can you elaborate on this?

GÉRALD LAROSE: I will begin by referring you to 4.2 and 4.3, in which we recognize the national rights of Aboriginal peoples and the Quebec people. For us, territory is also a key issue. There can be no sovereignty without a territorial base.

In keeping with the objective of developing a social and political plan, we wanted to agree that regardless of what fate the courts or the legal process might hold for the land issue, we believe it is essential to determine which territories will be the foundation for the sovereignty of each Aboriginal people, sufficient territory

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to guarantee the viability and the coming together of all the conditions needed to ensure the growth and development of each people.

Second, we also wanted to agree that there should be territories in which there would be shared sovereignty, in the sense that there would be agreement on the ultimate handling of the territories in question and on a method of jointly managing those territories.

How can all this come to pass? We know there can be many sides to the debate. I referred earlier to ancestral rights, the issue of the legal debate. We propose the immediate establishment of a joint mechanism which, even before Quebec decides its own fate, could work, a joint mechanism with powers of mediation, arbitration and conciliation, clearing the way to sovereignty for peoples that chose to exercise sovereignty.

This mechanism should also govern the development of new relations between Aboriginal peoples and the Quebec people. For us, there will likely be no model. Depending on geography and depending

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also, in all likelihood, on the numbers, there may be more or less sharing depending on these criteria from people to people, but the most important thing will still be that each nation will have made a choice.

This is basically the model we outlined. For us, the question in our debates to come until now is not to resolve the specific issues of each people. It is more a working model, and if there is a political will on all sides to go ahead, we think the proposed mechanism could work immediately, such that also in the framework of a decision by the Quebec people, the mechanism could serve a dual purpose.

CO-CHAIR RENÉ DUSSAULT: So basically what you're telling us is that also in the current context, efforts could be made immediately to establish relations on the basis of a joint mechanism between the Aboriginal peoples of Quebec, Quebec and the federal government as equals.

GÉRALD LAROSE: With Quebec and in effect, considering the fact that all the

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jurisdiction rests with the federal government, there are probably relations to be established with the federal government, but for us, regardless of how the constitutional issue is settled in Canada, there would be a way to put that in place.

ROMÉO SAGANASH: But first it takes a royal response to the issue.

CO-CHAIR RENÉ DUSSAULT: Don't wait for the Commission. I hope that's not what I'm hearing for [you] to move.

ROMÉO SAGANASH: One of the problems, I believe . . . obviously every society has to deal with these issues, and that's what we set out to do, if only to assess our political creativity. But these issues have to be addressed.

The problem in the past was that, whether it was Quebeckers versus Aboriginal people or Canadians versus Aboriginal people, we were never forced to deal with the issue and settle it once and for all. It happened once in the history of Quebec. It was when the James Bay hydroelectric project was being developed. People were sort of forced to look for

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answers.

You have the questions we were facing at the time, including territory. We found the means to negotiate at the time. That's why I said we had to have a royal response to the issue to force everyone, finally, to find answers to these questions.

BERNARD CLEARY: I would like to add something, please.

I think that what is emerging from this issue is the formula we are advocating, the formula for negotiation. I say this clearly.

Supports are provided for the negotiating formula. The first support is the consideration as equals that we see around it, and the major support is the power of negotiation created, whether we like it or not, by the possibility of self-determination. It must be recognized that the possibility of self-determination creates a power of negotiation that does not exist at this stage.

The issue fosters a discussion, bearing in mind that if we do not come to terms, there will definitely be

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some problems. I therefore believe that we have to look beyond the issue, too.

As Gérald said earlier, there is the whole famous monitoring mechanism, quote unquote, which lends real weight to the negotiation process that, in my personal opinion, does not exist at this stage.

CO-CHAIR RENÉ DUSSAULT: Speaking of joint mechanisms, one of the things in your brief that struck me, you spoke about a joint charter of rights.

This was discussed with the human rights commission two weeks ago in Montreal and also with the Ligue des droits et libertés. The Quebec Charter of Human Rights and Freedoms contains no provisions dealing with collective Aboriginal rights, to be sure.

In that sense, the declaration of 15 principles in the National Assembly also in 1983 and reiterated in 1985 in the National Assembly is to some extent a unilateral move despite Quebec's good intentions, but it wasn't negotiated that way.

I would like to put the question to you again.

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You therefore see the possibility of a charter of human rights and freedoms in Quebec, one that would of course include Aboriginal rights, developed jointly. This sort of touches on the question Mary Sillett asked earlier regarding the concern for Aboriginal values, because there is a debate in Canada over whether we should have a charter of rights in tandem with some of our own values. There has been a discussion of the equality clause.

If I'm not mistaken, that's what you advocate. You believe it is possible to have a charter of rights that would be developed jointly with Aboriginal peoples and agreed to by all parties, not just a move by the Quebec National Assembly.

GÉRALD LAROSE: Exactly. And that refers to paragraph 5 on page 12 of our document.

What we foresee for this geopolitical entity is the creation of a constituent assembly that would in effect generate the fundamental law governing all our relations and laying the foundation for the

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common political ground.

In that sense, it has to be the product of negotiation within a constituent assembly and not a unilateral action by one group without the others.

In short, to lay the foundation for this new social contract, to develop this new coexistence agreement through a constituent assembly aimed at establishing the parameters for the fundamental law and the operation of the common political ground. We think this is the most honourable way of ensuring that each nation, each people, is respected in the process. That is what we're proposing.

Then there's the mechanism for regulating or rather governing the negotiation that will take place, I would say, on an ongoing basis to apply whatever is established.

CO-CHAIR RENÉ DUSSAULT: Just to make it perfectly clear, then, the question of territory would not necessarily be determined by the constituent assembly in your plan, but by the joint mechanism that would flesh out in a real way the principle of the constituent assembly or would . . .

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GÉRALD LAROSE: We perhaps did not debate that issue in full detail, but if you're asking for my opinion, I would tend to think that the joint mechanism is what would have to work. My impression is that perhaps it would be a bit complex if it were the constituent assembly per se. But I admit that we did not engage in a full debate on that issue.

CO-CHAIR RENÉ DUSSAULT: You deal with the urban question very succinctly in your brief. I believe it's point 4.3.

You say:

"The Forum recognizes that special agreements have to be concluded with the parties concerned regarding Aboriginal communities in urban areas."

However, in the following paragraph you say there has to be a territorial base for Aboriginal self-government.

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We know that the strong trend, although Quebec is a little less affected than other parties, Western Canada in particular, there is a major trend of urban migration, so the advent of an Aboriginal government in an urban setting is a major concern, co-ordination with municipalities and towns. We will get a chance to discuss this matter this week with the Union des municipalités du Québec, the Federation of Canadian Municipalities.

Essentially, have you begun to think about the urban situation in Montreal, for example, or whether it is something that is coming into being instead. Can you elaborate on this?

GÉRALD LAROSE: The approach basically consisted in reciprocal relations. In our opinion, the people of Quebec, with each of the Aboriginal nations, could enter into agreements to provide specific services or facilities for Aboriginal nations in urban areas or in Quebec territory based on reciprocal agreements, to be negotiated nation to

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nation, people to people, government to government.

CO-CHAIR RENÉ DUSSAULT: In the urban sector there are two issues facing the Commission, the issue of whether institutions, for example, local institutions, hospitals, schools, social services, should offer their services to all Aboriginal people in urban areas regardless of whether they are Inuit or Indian or Métis.

Other people tell us they want separate identities for Métis, for Indians, for Inuit. They want distinct status.

Has the Forum given any consideration to whether native friendship centres, for example, the people who are on the front line providing the services tell us they want to serve Aboriginal people in general, and not make those kinds of distinctions.

Politicians often tell us they want the reserve to follow these people into the city and therefore relations with Aboriginal governments farther north.

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Have these issues been addressed by the Equality Forum?

ROMÉO SAGANASH: Not in any very specific way. I must point out that the alliance of Quebec native friendship centres joined our group a little later in the process. This means we will have an opportunity in the future to discuss this issue more specifically.

Our general understanding of this issue is based primarily on two points.

First, and this is a question that would have to be put to organizations that represent Aboriginal people living in urban areas. First, what do Aboriginal people in urban areas want? Is it simply access to health, education and other services? In that case, I think arrangements should be made between Aboriginal people living in urban areas and existing political organizations and the government.

Second, I think very seriously the question should be asked in

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political terms: "What do they want?" I think the question is very definitely worth asking.

Insofar as there are also political changes not only in the organizations that represent Aboriginal people living in urban areas, but also in the representatives and individuals themselves, in that today, I don't believe they are necessarily in an urban area for the sole purpose of getting services, but they also want to set up political organizations.

I once heard an Aboriginal person living in an urban area say that his hunting ground was Montreal and that the reserve for him, he had no reserve in Canada, Canada was the reserve. He should therefore have the same rights whether he is in the city or at home in Waswanipi.

These are questions that obviously are worth asking and worth debating, and I think we will very definitely get the chance within our group to debate these issues in a more specific way.

CO-CHAIR RENÉ DUSSAULT: Indeed, it is a very important question.

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Will the concern of Aboriginal people living in urban areas be manifested in the distribution of services or also on a political level?

One of the questions I have for the Forum, it would certainly be very helpful for the discussion to continue on a political level in urban areas, because that's where it's obviously more complex. Does this mean a tie-in with municipalities? And that raises a whole other series of questions.

If I'm not mistaken at this point you have not yet reached that stage, but it's also a question that is very important.

Mr Larose?

GÉRALD LAROSE: I don't know if this will shed any light on the debate, but for us from the time we hope for the establishment of self-government in each territory we do not have the impression we have to develop in each territory mechanisms that would ensure that . . . we would not want a basically ethnic approach to things.

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If there are specialized services, they have to be specialized in terms of the needs to be met regardless of ethnic origin. In that sense, I think that otherwise we can end up, as is too often the case in modern societies, creating more ghettos instead of fostering a two-way approach that ensure that people feel they are respected as citizens the same as everyone.

This is why we also point out in the brief that even the territories, for us it's clear that they will correspond with the reality of Aboriginal people, but the actual operation should not be ethnically based. In other words, the people who identify with the territory and who wish to become members of this majority people that inhabits the territory should have the same rights and the same obligations as all inhabitants.

In that sense, I know it's something of a hot debate in our society, the ethnic approach versus an approach based on exclusive rights, but I think the trend among the majority leans more toward an approach

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based strictly on rights.

CO-CHAIR RENÉ DUSSAULT: I think people recognize more and more that insofar as the territories will be increased to provide an economic based for Aboriginal governments, there will be more non-Aboriginal people in the territory, and that raises the question of democratic rights, being able to participate in Aboriginal government, being able to elect, being able to vote, especially if there powers of taxation.

Aboriginal governments in the territory at that point is a principle that has been raised. There are places where there are now problems in Canada, where non-Aboriginal people are part of a territory, are subject to taxes under agreements whereby municipalities have the power to tax exists but people do not have the right to vote. A number of groups mentioned this problem to us, and Aboriginal people are also aware of the situation.

Basically, your brief says that Aboriginal governments should be based on territory.

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I would like to go back to an earlier question. Mary Sillett and I were in Montreal in May and heard a brief from the Quebec Métis association. This week we will also be hearing from the Quebec native alliance, which represents Métis.

At that time we were told, listen, the aboriginal affairs secretariat in Quebec refers to 11 nations in its brochure and does not recognize the Métis as a nation. We were told a twelfth nation should be added. I see the Equality Forum's manifesto refers to 11 recognized Aboriginal nations.

Have you given any thought to the Métis situation? Again, the issue is a complex one. There are people in the west who define themselves one way, there are Métis in Quebec, in Labrador.

The Métis do not seem to be included in your manifesto at this point. You told me it's a document that is in the process of being developed and improved. Is this an issue you have made a decision on at this point?

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ROMÉO SAGANASH: Not really. Only to the extent that our understanding is that the term "Aboriginal" includes Métis. Only in that sense.

CO-CHAIR RENÉ DUSSAULT: My question is perhaps a little more direct.

Since you speak of 11 nations, in the end it's a question that applies to almost everyone in Quebec. Are the Métis a nation, or are they simply part of the various Aboriginal nations without technically having Indian status, and I don't want to get into a technical debate.

The fact remains that they feel forgotten, they feel they are still falling through the cracks, so to speak, and it's been more than 125 years. They are clearly concerned about this situation, and I wanted to be sure I brought it to your attention.

ROMÉO SAGANASH: We felt from the outset that people who consider themselves Aboriginal, Quebecker or Métis have gone through a process of self-definition in that we, Aboriginal people,

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are not necessarily able to say who is a Quebecker. Quebeckers themselves decide who is a Quebecker. And I think the same reasoning applies in the case of the Métis.

Perhaps not being familiar with their political demands, you spoke about the resolution adopted by the National Assembly in 1985. In our opinion, the resolution was not only adopted unilaterally, but is extremely symbolic and nothing more. I can also give you a recent and very specific example.

When Mr Mulroney announced a referendum would be held on the Charlottetown Accord, Quebec immediately replied yes, okay, but the process of public consultation will be carried out under Quebec laws. The Crees later said okay, but the process of public consultation of the Crees will be carried out under Cree laws. You recognized us as a nation in the resolution of your National Assembly. We say we are a people with the right to self-determination. You have to be consistent with these things.



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That's what we wanted to fight for, but the chief returning officer in Quebec told us it couldn't be done, that the first step was to ask the Quebec government for permission.

What all this means is that I think all these things are part of a process of self-definition in which people can determine by themselves who they are. This obviously leads on to the rights they possess.

GÉRALD LAROSE: As Roméo said, we did not think about the Métis issue. I will say that in my mind, Quebec society, like all societies, is the product of generations of interbreeding.

I think the failure to recognize the rights of Aboriginal people can create a desire to see the Métis . . . to recognize their rights, but in the approach used by the Forum, where the issue of territory would be settled, the issue of self-government, I think the people would have the option to choose, if I may say so, where they belong.

At some point, I don't think people can always convey in other societies

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the heritage they bring along with them. Take my own children. I am married to a Haitian woman. They are certainly Métis. But I will never recognize them as having the right to invoke the Haitian constitution in order to obtain services. They are Quebeckers and Métis or they are not; they are part of that society.

In that sense, my feeling is that we must not reduce the Aboriginal issue to an ethnic issue and we must not sow the seeds of ambiguity that would mean that because of blood or race there are things we will carry around with us all our lives.

CO-CHAIR RENÉ DUSSAULT: One of the big issues before the Commission is related to this point. People say, listen, the Indian Act initially defined us, categorized us, decided who we were, when we were ourselves, when we were not, etc. What should be done instead is let the Aboriginal people define themselves, just as you say.

Things become difficult, however, when these definitions are part of government programs that provide benefits.

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People often say it's obvious that for the purpose of the notion of government, it's a definition that goes without saying. That's how it has to be done.

What the Commission is looking at at this point, however, is when there are additional or specific benefits attached to a particular status, at that point a completely open-ended definition of the status raises the question of costs. It's a very difficult question. It is often raised as a matter of principle, but how can we resolve the issue when it's for a program?

I would like the Forum to think about that because it's going to come up every time people decide, and that is perfectly valid. Democratically, people identify with one community or another.

In a context where we have a legislative system and programs that provide specific benefits, that's where the question lies. In a sense, it's more of a reason to continue your discussion of

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the issue because that's where the difficulty lies.

This discussion has been on Canadian terms, but it's somewhat difficult to really do it, to reconcile the principles with the practical reality of programs.

I don't know if you have any other comments to make, but I hope you will continue to think about it.

GÉRALD MCKENZIE, President, Ligue des droits et des libertés: Of course there was a great deal of debate over this issue in the Forum, the issue of ethnicity, territory. We chose territory, but we should point out that in view of the lost ground that has to be made up or the remedy that is called for regarding the status of Aboriginal people, there are obviously, then, as you say, special benefits, special programs that will have to be set up to ensure that the lost ground is gradually made up.

This will obviously take some identification where the issue of identity will come into play. As things change, we will try to

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distance ourselves, if you will, from ethnicization. But we cannot say we're all going to become alike and that we're going to interbreed completely and that the nations and groups and special benefits are going to disappear for some time in any event until we reach the point where we can say we are all human. But that's not the end of it. There's still a ways to go.

The issue of identity has to be discussed, but without losing sight of the fact that it has to be based on territory, the notion of citizenship. What I mean is that the debate in the Forum was a debate that is not over and that is difficult to handle.

Obviously we're dealing with nations that are all equal but also in situations of inequality. Maybe that's what we have to consider and that's the route that has to be taken by the people in the majority, to say we are equal but at the same time, that equality, in principle, is currently suffering in a way from tremendous inequality attributable to exploitation or colonization and all that.

CO-CHAIR RENÉ DUSSAULT: Thank you.

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Obviously this is a debate that will have to continue. Everyone knows that being a status Indian, for example, creates a specific reality in terms of programs, which has contributed to this definition which, when we talk about Aboriginal government, makes more sense, and Aboriginal people this point out to us.

What is complex is the transition from a situation where you have particular views of programs. I think your brief is very clear on respect for differences and separate nations in Quebec.

I also think you were very clear on the issue of equality between men and women. There is great concern throughout Canada that there be fundamental protection for women and men alike in any social plan, whether Canadian or Quebec.

I would now like to go to point 4.6 of your brief. You raise an interesting question when you say that the Forum recognizes the existing relations between the Aboriginal nations living in

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Quebec and members of Aboriginal nations living outside Quebec.

I would like to ask you to explain in more detail what is meant by the Forum recognizing relations between Aboriginal nations and other nations in a Canadian context and in an American context.

Can you clarify a little your thoughts in this regard? What springs to mind is the whole circumpolar issue for the Inuit. We will be hearing a number of briefs this afternoon along those lines.

ROMÉO SAGANASH: I think it's an absolutely essential and fundamental point in any social plan that involves Aboriginal people to preserve existing relations between Aboriginal people within a particular boundary that out of necessity was defined by others.

An expert on such matters said one day that there are no minorities, only stupid colonial borders. I think that is something that applies to Canada as well.

There are Crees in

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Quebec, but there are Crees in other provinces -- Ontario, Saskatchewan, Manitoba, Alberta, even a community in British Columbia, I believe.

I think it was clear in our minds that we had to respect the fact that there have always been relations between these different Aboriginal nations across Canada and therefore recognize that these relations realistically have to be preserved, whether through cross-cultural dialogue between these nations.

I would like to add that this is one of the main concerns of Aboriginal nations throughout Canada when they discuss the issue of Quebec sovereignty as well. I was compelled to point out several times whenever a resolution was passed by the Assembly of First Nations, this issue was always raised. We therefore tried to give a fairly clear response.

I think it's something that without question we absolutely have to respect and I don't think it's recognition that

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is all east-west, but also north-south.

CO-CHAIR RENÉ DUSSAULT: Perhaps one more small point.

Does the manifesto consider the possibility of Aboriginal nations in Quebec having some international jurisdiction, international relations? As you are very well aware, Mr Saganash, Aboriginal issues not only have repercussions, but also there is the whole international dynamic because it's a reality all over the planet.

It is a bit like the mid-sixties in Quebec, for example, when there was much discussion of bringing an international dimension to provincial jurisdictions?

Did your manifesto, your group, the Forum, give any consideration to this, an international dimension for Aboriginal nations, international breathing space in addition to self-determination in Quebec or in Canada? The question can also be put in Canadian terms.

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Have you given this any thought?

ROMÉO SAGANASH: All I will say is that when we discussed these matters, especially in connection with the principle of the right of peoples to self-determination, we tried to avoid any distinction between the type of right to self-determination that one people might have relative to another.

I think the principle of two weights, two measures, in the application of this principle should be avoided for anyone.

In that sense, it's clear the right to one for anyone necessarily includes its secessionist expression.

Having made this point, I think you're familiar enough with Aboriginal people today, having travelled the country, to realize that we have a lot of ground to make up at all levels, I think, even within our own communities before we can even think about having international relations, which is not impossible because when we talk about people, we necessarily talk about relations between peoples.

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I think that in that sense peoples can have relations with other peoples who wish to have relations with them.

I also think to some extent that even if the right of Aboriginal peoples to self-determination were recognized in the Canadian constitution tomorrow, the country would not be in danger of being torn apart, as we have to ask ourselves a number of fundamental questions, especially us, are we ready to take on all the responsibilities that this implies? And all the similar questions that follow.

In that sense I believe there are preliminary steps that have to be taken.

BERNARD CLEARY: You should understand that our objective in the manifesto was not to draw a new square in the sand. That was not the aim of the manifesto.

It was much more a matter of setting our minds free or trying to find formulas that would satisfy the relationship that might come about in the future.

Working from that principle, we didn't

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solve all the problems, but we certainly didn't close the door to all that. In the spirit that Roméo spoke of earlier, we cannot on the one hand recognize the right to self-determination and on the other hand limit that right. I think the spirit of the whole issue is like that.

CO-CHAIR RENÉ DUSSAULT: It seems to me your manifesto is very clear on that point. There aren't two weights, two measures, and the same principles apply. But my question was not so much related to a choice of secessionist self-determination, that is, full sovereignty, as . . .

In the case where Aboriginal people opt for self-determination through self-government in Canada and Quebec, do you see a place in Canada, in Quebec, for international jurisdiction for Aboriginal governments in Canada? My question was more along that line, as an extension of the type of powers they would choose to exercise after negotiating with the neighbouring governments. It was more along those lines.

GÉRALD LAROSE: We could, I

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think, get into a fairly theoretical debate over those issues, but it seems obvious, for example, that for the economy of the far north, yes, specific powers have to be recognized, and in my view, it goes without saying that the people of the far north can be part of a circumpolar entity, for example.

I am not a great theoreticist on these matters, especially in an age where markets and the borders to establish those markets are becoming more and more open, but it seems obvious to me that there are going to be similar mechanisms.

GÉRALD MCKENZIE: The discussion we had on this issue of the circumpolar conference, which you must be very familiar with, Inuit Circumpolar Conference, which is becoming almost an international parliament, which is charting courses.

We even saw in this the possibility of other peoples in Quebec, if you will, having windows on the world. If Aboriginal peoples establish ties with one another and there are harmonious relations here that allow

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each nation to develop these international forums where these international political institutions could also be used, I think, perhaps the future is there, in ties, openings, means of reaching out to the world also for other nations. It's not a one-way street, shall we say.

CO-CHAIR RENÉ DUSSAULT: On the labour front, we had a few presentations from the International Labour Organization regarding Convention 169, which Canada has not ratified.

You spoke of a number of international documents. You refer, for example, to the draft declaration of Aboriginal rights that is before the United Nations, that is in the development stage.

Was the issue of Convention 169 considered and discussed? The Government of Canada has not ratified it, and there are provisions that affect Aboriginal people in a dramatic way. Has the issue been debated in the Forum or is there a chance it will be?

We know it's not an

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easy question in Canadian terms and it brings into play relations between Aboriginal people, Canadians and Quebecers. Can you elaborate on this?

GÉRALD MCKENZIE: Throughout the brief, we cite international documents, declarations, conventions and all that because throughout our debates we realized that if we allowed ourselves to be taken in by current Canadian law, namely the Quebec and Canadian charters, the debate would begin to get off track, shall we say.

We said more and more that international law should be what in the end guides Canadian or Quebec law. Obviously we didn't discuss the issue per se, but we hope our governments, the new Quebec or in any event the current government, will sign the international conventions without reservation. I say without reservation because as you know, all these conventions can be signed with some reservations that ultimately mean the convention is virtually unenforceable.

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That is more or less what the Forum intended, to ensure that the spirit of international law, shall we say, would apply and that we would be able to refer to it, which would perhaps prevent problems with laws that are still geared to current conditions and depend on the balance of power.

CO-CHAIR RENÉ DUSSAULT: There's one thing that needs to be clarified. There are many international instruments, and of course you mentioned some of them. I understand the principle.

We could obviously spend a great deal of time talking about your brief. I think what is important is the process you have undertaken, and as I said, it is certainly unique in Canada at this point to see Aboriginal and non-Aboriginal people working together to develop a social contract, a common social plan in which both sides could work.

All we can say is that we hope you will find a way in the next year to widen the circle of Aboriginal people and the general public,

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non-Aboriginal organizations, so that your dialogue, your process, continues to move forward.

For our part, we are very interested in staying in touch and keeping tabs on your thoughts. The public consultation process is over at the end of the week, but we will remain open to further suggestions, additional elements, until we close the books on the Commission's work.

I may have already had a chance to say that our plan in the next few months is to produce a number of public policy papers on the major points in our mandate, with options and limited discussions with governments and Aboriginal people in an effort to clarify where there are commonalities and where there are differences and build our recommendations on those commonalities, or try to draft recommendations that are based on clear, but also strategic, principles.

People always ask what

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the Commission is going to do to change things and say we can't go back to day one, so to speak.

What we have come up with after these four rounds of public hearings is to hold testing seminars, seminars for validating the options, which we hope will also spark a closer relationship and generate ideas to see where agreements can be reached and where we can start building the future.

In that sense, the process you have undertaken has many repercussions for us, because it's a process that has to be repeated on several levels. Perhaps one final question.

You are very familiar with the problem of public education, awareness. Often it's awareness of others that creates more conflict than there should really be. Often we realize when we get to know one another that we are alike in many ways.

In the specific context of Montreal and Quebec society, if you have any ideas, additional approaches in terms

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of closer ties through basic information and frank discussion, we encourage you share them every chance you get because it's critical at this time that we come together instead of going our separate ways.

Again, the Commission report, as I said, will question some widely accepted ideas, many of them ideas that are accepted because in the end they have been passed down from generation to generation and no one ever really stopped to say, "Do things have to be this way?"

There also has to be a fertile ground, and the process has to be carried out collectively, not by looking to a group like a royal commission or other groups in society.

In that sense, we accept your brief and your manifesto with great interest and hope that the process of having the manifesto adopted by the various organizations goes well.

We thank you once again for your contribution, which, I repeat, is

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a Quebec contribution, but also a Canadian contribution in a broad sense because it's a process that does not yet have a counterpart outside Quebec.

Thank you, Mr Larose, Mr Saganash.

The Commission will take a recess until 1:30 pm, when we will hear the brief from the Makivik Corporation, followed by Nunavut Tunngavik, the Inuvialuit Regional Corporation and the Western Arctic Inuit Corporation.

Thank you.

--- Recess at 12:08 pm.

--- Upon resuming at 1:39 pm.

CO-CHAIR RENÉ DUSSAULT: Good afternoon, everyone. The Royal Commission on Aboriginal Peoples is resuming its public hearing.

This afternoon we are going to have the presentation of the Makivik Corporation. Without further ado, I would like to call on the president, Charlie Watt, to make the presentation.

CHARLIE WATT, President, Makivik Corporation: [English]

Thank you, Mr. Chairman.

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1 On behalf of the Makivik
2 Corporation and the Inuit of Nunavik, we would
3 like to thank the Royal Commission on Aboriginal
4 Peoples for this opportunity appear before you
5 today.

6 Makivik was created under the
7 James Bay and Northern Quebec Agreement and acts
8 both as a development corporation and a
9 representative organization for the Inuit of
10 Nunavik. We also remind Commissioners that
11 Nunavik consists of almost all of the Quebec
12 mainland north of the 55th parallel. This is
13 approximately the top third of the province.
14 Nunavik includes the adjacent offshore area which
15 is under federal jurisdiction. It is important to
16 remember that Inuit constitute the overwhelming
17 majority of the population in this region.

18 We know that the Commission is
19 already familiar with Nunavik as a result of
20 hearings held in our region, the testimony given
21 by the Nunavik Constitutional Committee on our
22 self-government objectives, and your work on the
23 High Arctic Inuit Exiles issue. On this latter
24 point, we thank the Commission for conducting a
25 thorough review of the hardship suffered by these

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1 people. We urge you to make the necessary
2 recommendations to help bring this matter to a
3 just and equitable conclusion.

4 As the Commission is aware, a
5 number of the non-ethnic institutions created for
6 the benefit of Inuit under the James Bay and
7 Northern Quebec Agreement come under provincial
8 jurisdiction. As a result, many of our day-to-day
9 issues are affected more by Quebec policies and
10 legislation than those of the federal government.
11 Rather than survey all of these issues, we will
12 concentrate our presentation on those areas where
13 Nunavik could benefit from changes to federal
14 policies or legislation. We believe this is where
15 the recommendations of the Royal Commission will
16 have their greatest impact.

17 The fleeting nature of federal obligations and
18 fiduciary responsibilities to Inuit:

19 From our vantage point in Nunavik,
20 it is becoming increasingly obvious that Inuit are
21 fast becoming a victim of the federal government's
22 desire to "get out of the native business."

23 For years we witnessed federal-
24 provincial wrangling over the "off-loading" of
25 responsibilities and expenses associated with

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1 Aboriginal peoples. We have seen the Department
2 of Indian Affairs and Northern Development divest
3 itself of almost all programs aimed specifically
4 at Inuit. We have also heard public and private
5 statements by federal ministers and officials that
6 the federal government would no longer be assuming
7 its traditional level of responsibilities and
8 obligations for the Inuit of Nunavik. Some of
9 these statements have been retracted, but the
10 government continues to apply its unwritten policy
11 of distancing itself from its responsibilities for
12 Inuit, especially those of us residing in
13 provinces.

14 Inuit of Nunavik are especially
15 sensitive to this issue. During the negotiations
16 of the James Bay and Northern Quebec Agreement we
17 became the first Aboriginal group to opt to have
18 many of our institutions come under provincial
19 jurisdiction. At the time we had the opportunity
20 to come under federal jurisdiction exclusively,
21 but quickly realized that this option would lead
22 to nothing more than an Indian reserve system
23 modified for Inuit. We rejected it because we saw
24 no advantage in limiting our future to small
25 parcels of land.

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1 As a result, we opted for non-
2 ethnic regional institutions coming under the
3 Quebec jurisdiction. We also believed there would
4 be practical advantages in having our institutions
5 better integrated with the various provincial
6 regimes. However, under no circumstances did we
7 sign off on our relationship with the federal
8 government or on the federal fiduciary
9 responsibility to the Inuit of Nunavik. It must
10 be remembered that the only reason it was possible
11 to bring the Kativik Regional Government and the
12 Kativik School Board into existence through
13 provincial legislation was that they are non-
14 ethnic bodies that are not for the benefit of
15 Inuit exclusively.

16 Unfortunately, in all too many
17 instances, the federal government took the James
18 Bay and Northern Quebec Agreement and our
19 willingness to work with provincial jurisdiction
20 as an opportunity to disavow much of its
21 responsibilities to the Inuit of Nunavik. Except
22 for issues which are clearly matters of federal
23 jurisdiction (the offshore being one example), the
24 federal government has consistently attempted to
25 limit its obligations to the Inuit of Nunavik to

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1 nothing more than the terms of the James Bay and
2 Northern Quebec Agreement.

3 The most recent example of this is
4 the federal government's refusal to consider a
5 process for participating in self-government
6 negotiations for Nunavik. Although we see the
7 primary negotiations taking place with Quebec, we
8 believe the federal government has an obligation
9 to participate at the appropriate time and to help
10 cover the costs of the process.

11 Recent ministers have defended the
12 government's position on this matter by stating
13 that Canada will honour all of its obligations
14 under the James Bay and Northern Quebec Agreement
15 and the associated implementation agreement. The
16 absurdity of this rationale is found in the fact
17 that these two agreements are obviously not self-
18 government agreements.

19 There are also alarming trends at
20 the national level concerning federal government's
21 obligations to Inuit. In general, programs aimed
22 at Aboriginal peoples will fall into one of the
23 following three categories: (1) programs for
24 Indian First Nations; (2) programs for Aboriginal
25 peoples in general; and (3) northern programs.

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1 From this breakdown, we can see
2 that Inuit have no business in the design,
3 devolution, or the possible cancellation of
4 programs falling into the first category. Inuit
5 do have a role to play in the second category.
6 However, we only have limited influence because of
7 our small numbers and because these program are
8 often put in place to meet the needs of large
9 Aboriginal populations in southern Canada. Inuit
10 are often consulted about northern programs but,
11 more often than not, these are designed and
12 administered in conjunction with the territorial
13 governments.

14 The point of all this is that the
15 fulfillment of federal obligations to Inuit is a
16 very tenuous proposition if Inuit do not even have
17 the opportunity to sit down one-on-one with the
18 federal government to discuss programs aimed
19 specifically at Inuit. One solution to this
20 problem is to have the federal government address
21 its obligations and responsibilities to Inuit
22 through Inuit-specific programs, policies and
23 legislation.

24 Our national organization, the
25 Inuit Tapirisat of Canada, has been calling for

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1 such an approach, and Makivik fully supports them
2 on this matter.

3 Even more important than the
4 creation of Inuit-specific programs is the need to
5 have the federal government honour and act on its
6 responsibilities and obligations for all the
7 Aboriginal peoples under its jurisdiction in an
8 equitable manner. The government does not have
9 the luxury of being able to pick and choose where
10 it will act on its responsibilities and
11 obligations based on political convenience. This
12 means the federal government has a duty to honour
13 its obligations and responsibilities to the Inuit
14 of Nunavik that go beyond the terms of the James
15 Bay and Northern Quebec Agreement.

16
17 Some reasons for Inuit-specific programs and
18 policies:

19 Justification for the
20 establishment of Inuit-specific programs and
21 policies can be found in the fact that the
22 situation of Inuit and the other Aboriginal
23 peoples is dramatically different in a number of
24 areas.

25 The Inuit track record with the

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1 land claims process is a good example of this. We
2 were among the first of the Aboriginal peoples to
3 enter into land claims negotiations, and we are
4 the first to conclude agreements for most of our
5 major claims. With the settlement of the Nunavut
6 claim, approximately 90 per cent of the Inuit of
7 Canada are part of one or another land claim
8 agreement. Only the Nunavik offshore area and
9 Labrador claims remain to be settled. These are
10 presently under negotiation.

11 Our record in settling our claims
12 is impressive when one considers that a little
13 less than two decades ago, Inuit had absolutely no
14 land claims agreements or treaties with the crown.

15 The implementation of our self-
16 government rights is another area where Inuit are
17 moving in a direction that differs from that of
18 the other Aboriginal peoples. It now appears that
19 most of the Inuit of Canada have opted to exercise
20 their self-government rights through the creation
21 of non-ethnic regional and territorial
22 governments. This is in sharp contrast with
23 models that foresee a high degree of Aboriginal
24 sovereignty over a fairly limited land base.

25 One factor that clearly sets Inuit

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1 apart from other Aboriginal peoples is that we are
2 the overwhelming majority in the unique part of
3 the country we inhabit. The significance of this
4 only becomes apparent when one examines the
5 situation of the other Aboriginal peoples in
6 Canada.

7 The cultural, social, and
8 political institutions of the Métis and Indian
9 First Nations differ greatly from that of the non-
10 Aboriginal populations of this country. But they
11 do have one thing in common: they share the same
12 landscape; they are all in the same area of the
13 country and live below the tree line. We call it
14 southern Canada. Inevitably, they often end up
15 sharing certain transportation and communication
16 networks and other services.

17 Needless to say, things are
18 different in the Arctic. Aside from transient
19 workers involved in resource development or the
20 military, and the non-Aboriginal professionals who
21 have taken up residency as "part" of the Inuit
22 communities, Inuit are pretty much the only people
23 living on a permanent basis in the vast stretch of
24 this country which lies north of the tree line.

25 Many people fail to grasp the full

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1 implications of this simple reality. As we
2 mentioned earlier, it means that political
3 arrangements based on small parcels of land are
4 simply out of the question. It means Inuit can
5 take a chance with non-ethnic government
6 arrangements that may be inappropriate for most
7 other Aboriginal peoples. It also means Inuktitut
8 remains our daily language and that, with few
9 exceptions, we continue to have unrestricted
10 access to the land that has been home to our
11 people for thousands of years.

12 Unfortunately, our situation also
13 means a high cost of living which is two to three
14 times the Canadian average. Transportation and
15 communication costs are staggering. In Nunavik,
16 it is no more a luxury for an Inuk to take a plane
17 than it is for a Montrealer to board a bus or
18 train. Employment and higher-education
19 opportunities are few and far between. In our
20 communities, the unemployed do not have the option
21 of going down the road to look for temporary work.
22 And yet, the costs of doing business in our region
23 is mind-boggling. The start-up costs alone are
24 enough to discourage the most ardent entrepreneur.

25 The examples given demonstrate

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1 that there are some major differences between
2 Inuit and other Aboriginal peoples in a number of
3 fundamental areas. Under these circumstances, it
4 is easy to understand how government programs
5 designed in the south, administered in the south,
6 and generally targeted at Aboriginal peoples in a
7 southern context, are often ill-suited for the
8 Inuit and the North.

9 As stated earlier, the solution to
10 this problem is for the federal government to
11 create Inuit-specific programs. We believe that
12 business and economic development and housing are
13 some of the many areas where the government should
14 be taking immediate action to establish Inuit-
15 specific programs.

16

17 Self-government policies:

18 In this part of our presentation
19 we will be making three points concerning self-
20 government within the context of the current
21 constitutional framework. We will save our
22 comments on constitutional entrenchment of the
23 inherent right of self-government for a later
24 section of this presentation.

25

Our first point is that the

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1 federal government has an obligation to enter into
2 self-government negotiations with Inuit in all the
3 regions in Canada. The Inuit Tapirisat of Canada
4 also raised this matter in their appearance before
5 the Commission several weeks ago, and we believe
6 that it is especially important for Inuit in the
7 Nunavik, Inuvialuit and Labrador regions.

8 In Nunavik, we know that from a
9 practical standpoint much of our negotiations will
10 have to take place with Quebec if we are to arrive
11 at a truly workable lasting arrangement for a
12 strong, effective government for our region.
13 However, this does not absolve the federal
14 government of its obligations to sit down with us
15 to establish a process by which it will
16 participate in these negotiations and help cover
17 the cost of the negotiating process.

18 The second point we wish to
19 address concerns the fact that most Inuit are
20 opting to implement their self-government rights
21 through non-ethnic institutions. Although the
22 federal government has not stood in the way of
23 such a choice, it has done very little to develop
24 policies recognizing this option or to facilitate
25 the negotiation of non-ethnic self-government

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1 arrangements. At most, the government has
2 acknowledged the non-ethnic options as an after-
3 thought, an adjunct, to whatever approaches it may
4 be developing for the implementation of the self-
5 government rights of the Indian First Nations.

6 We believe that it is high time
7 the federal government develop policies to
8 explicitly accommodate and support the negotiation
9 of non-ethnic self-government agreements with
10 Inuit. Such a policy should establish that non-
11 ethnic governments would be open to the
12 participation of all residents under their
13 jurisdiction, and that they would respect the
14 rights of all people. However, the policy will
15 have to clarify that non-ethnic governments would
16 be established as a result of negotiations with
17 Inuit and that they would be put in place
18 primarily for the benefit of Inuit. It is in this
19 context that the policy should stipulate that
20 agreements for non-ethnic governments should allow
21 for an "ethnic component" to help safeguard and
22 promote the rights, culture and practices of
23 Inuit.

24 Our next point addresses the
25 federal government's policy of excluding self-

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1 government provisions from land claims agreements.
2 We see no logic behind this policy since land
3 claims agreements generally lay the ground work
4 for a new relationship between the Aboriginal
5 party and non-Aboriginal society. Moreover, many
6 land claims agreements already contain self-
7 government provisions of one type or another.

8 Our own James Bay and Northern
9 Quebec Agreement provides for the Kativik School
10 Board and a regional administration in the form of
11 the Kativik Regional Government. More recently,
12 we see that Article 4 of the Nunavut Agreement
13 commits the federal government to creating a whole
14 new territorial government.

15 The federal government should not
16 only abandon its policy of excluding self-
17 government provisions from land claims agreements;
18 it should be prepared to support the request of
19 any Aboriginal people to re-open their land claims
20 agreement to include self-government arrangements.
21 It should be at the sole option of the Aboriginal
22 party whether or not to include all, or part, of
23 their self-government provisions in a land claim
24 agreement, a stand-alone self-government treaty,
25 or in a simple contractual agreement.

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1 In our case in Nunavik, we have
2 plans to include provisions for the establishment
3 of the Nunavik Assembly in the James Bay and
4 Northern Quebec Agreement. We feel this makes
5 sense in that it would be possible to regroup many
6 of the self-government powers already found in the
7 Agreement under this one body.

8 Alternatives to extinguishment:

9 We will be as brief as possible on
10 this issue. We know many other groups have
11 addressed this question and that the Commission
12 has conducted substantial research on the matter.

13 Ultimately, we expect to see an
14 alternative to extinguishment where the parties to
15 an agreement would recognize and affirm each
16 other's rights as described in the land claim
17 agreement. This would enable the parties to
18 strike "the deal" which is essential to all modern
19 day land claims agreements, but would do away with
20 the repugnant notion that one side must surrender
21 their rights for extinguishment.

22 Whatever the mechanism put forth
23 by the Commission, it is important that the
24 alternative to extinguishment be accompanied by a
25 recommendation that it be applied uniformly to all

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1 Aboriginal peoples across Canada. This would mean
2 that Aboriginal people who already have a land
3 claim agreement would have the option of re-
4 opening their agreement for the purpose of
5 substituting the surrender and extinguishment
6 provisions with whatever alternatives may be
7 adopted by the federal government.

8 We do not believe that such
9 actions would undo or change the effect of the
10 existing agreements, but they would do much to
11 help eliminate a blemish on what are otherwise
12 excellent land claims agreements. To do anything
13 less means we would run the risk of characterizing
14 Aboriginal rights in terms of the "post-
15 alternative era" and the "pre-alternative era."
16 The last thing we need is another artificial
17 distinction for defining the rights and status of
18 the Aboriginal peoples in the country. I think we
19 have experienced that with the Indians.

20 Pan-Canadian recognition of Inuit and Inuit
21 rights:

22 It should be obvious that the
23 territorial and provincial boundaries which divide
24 up our homeland in Canada are arbitrary lines
25 which, up to now, have been imposed on us. In

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1 most cases these boundaries have little bearing on
2 how we would go about defining our homeland or
3 organizing the jurisdiction of our political,
4 cultural, social and economic institutions.

5 Nevertheless, Inuit are a
6 pragmatic people and we have chosen to work with
7 the reality of provincial and territorial
8 boundaries which run across our land.
9 Accordingly, Inuit have negotiated, or are seeking
10 to negotiate, land claims agreements and self-
11 government arrangements which respect and
12 accommodate the existence of provincial and
13 territorial boundaries and jurisdictions.

14 Despite the handicap of having to
15 work with these boundaries and jurisdictions, we
16 have managed to negotiate some good agreement
17 which will help secure a future for our peoples
18 for generations to come. In some cases we have
19 had to work around these boundaries by developing
20 innovative overlap agreements and joint management
21 regimes between Inuit claimant areas. The overlap
22 agreement between the Inuit of Nunavik and Nunavut
23 is a good example of this. In other cases, Inuit
24 have actually found ways of putting boundaries to
25 work in our favour. We note with admiration that

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1 the Inuit of Nunavut have made use of territorial
2 boundaries to further their self-government
3 objectives.

4 Although we have accommodated the
5 existence of boundaries and have negotiated
6 agreements independently of one another, we have
7 never stopped viewing ourselves as a single
8 people. To put it mildly, it is an understatement
9 to simply say that Inuit of the different regions
10 of the Arctic have much in common. In reality,
11 the Inuit of Labrador, Nunavik, Nunavut and
12 Inuvialuit regions are all the same people, and we
13 share the same culture, language, history,
14 traditions and relationship to the land.

15 The fact that we are one people
16 may be obvious to us and anyone else who cares to
17 pay attention. However, there is very little
18 recognition of this fact in Canadian law or in
19 federal policies. Now that we have concluded most
20 of our land claim agreements and are on our way to
21 implementing different self-government regimes, we
22 are fearful that there will be a trend among
23 governments and Canadians to view us as different
24 Aboriginal groups who happen to share a common
25 heritage.

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1 We are also fearful that Inuit
2 from one claimant area will legally be treated as
3 non-Inuit if they take up residence in a part of
4 the Arctic covered by a different Inuit land claim
5 agreement. If this problem is allowed to fester,
6 it could lead to a situation where there would be
7 a whole class of what would effectively be "non-
8 status" Inuit living throughout our homeland --
9 very dangerous.

10 Now is the time to act to prevent
11 this. A mechanism is needed at the national level
12 to ensure that we are recognized as one people,
13 that we are able to speak with one voice, and that
14 we are able to enjoy certain basic rights as Inuit
15 regardless of what land claim regime we may happen
16 to be living under in our homeland. Such a
17 mechanism could also be used to ensure that the
18 various self-government institutions operating at
19 the regional and territorial levels will have the
20 power and jurisdiction to conduct business with
21 one another and to enter into inter-governmental
22 agreement on any matter relating directly to Inuit
23 and Inuit concerns -- very important.

24 In the past some Inuit leaders
25 spoke about providing for such a mechanism through

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1 a National Inuit Treaty involving the federal
2 government and all the Inuit regions. This would
3 require the consent of various Inuit organizations
4 and a willingness on the part of the federal
5 government to act on its responsibilities to
6 Inuit. We are sure this approach would have
7 widespread support among Inuit, and we believe it
8 is an idea whose time has come.

9 I just did my field trip last week
10 around the communities, and this is exactly the
11 mandate that I received from our people.
12 Aboriginal peoples and the constitutional reform
13 process:

14 We know that few governments and
15 even fewer Canadians are interested in getting
16 into another constitutional reform process at this
17 point in time. Although there remain many
18 outstanding issues to be resolved, we are not
19 advocating the immediate resumption of
20 constitutional talks. However, we have been
21 around long enough to know that if Canada is not
22 in the midst of a constitutional reform process,
23 it is about to enter one.

24 Our suspicions appear to be borne
25 out by the fact that the Bloc Québécois now forms

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1 the Official Opposition in Parliament, that a
2 Quebec general election will likely take place
3 within the next year, and that section 49 of the
4 Constitution Act, 1982 requires that a
5 constitutional conference on the amending formula
6 be held sometime before 1997. There is some
7 disagreement among experts as to whether or not
8 the obligation to hold such a conference was
9 satisfied by the process leading up to the
10 Charlottetown Accord, but this question will
11 surely be debated.

12 We are raising these matters in
13 order to stress the fact that Inuit and the other
14 Aboriginal peoples must fully participate in the
15 next round of constitutional reform talks. This
16 may seem like a foregone conclusion in light of
17 the developments of a few years ago. But we have
18 seen two constitutional reform processes come and
19 go during the past six years. While we were
20 invited into the Charlottetown process with open
21 arms, Aboriginal peoples were completely shut out
22 of the Meech Lake process. With this in mind, we
23 believe that the Commission would not be wasting
24 time in recommending that there be no exception of
25 the rule that Aboriginal peoples be full and equal

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1 participants in all future constitutional reform
2 processes.

3 Assuming that this will be the
4 case, the inherent right of self-government will
5 certainly be one of the items slated for
6 discussion at the constitutional table. On this
7 we have something to say.

8 Many people will concede that the
9 inherent right is the source of right to self-
10 government and that this right will manifest
11 itself in different ways for different Aboriginal
12 peoples. Models applicable to Aboriginal peoples
13 living in major urban centres may bear little
14 resemblance to the system of government that may
15 be adopted by First Nations residing on reserves.
16 As Commissioners already know, most Inuit will be
17 seeking to exercise their right of self-government
18 through non-ethnic institutions.

19 We are dwelling on this point
20 because many governments, officials, scholars, and
21 even this Commission have been approaching the
22 issue of entrenching the inherent right in terms
23 of only one model. Although perfectly valid, this
24 model foresees a high degree of Aboriginal
25 sovereignty over a pre-determined land base, and

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1 is probably most applicable for First Nations
2 living on reserves. During the Charlottetown
3 process, this model and the inherent right became
4 so closely associated that many people believed
5 that they were one and the same. Unfortunately,
6 this is cause for concern for us since we have
7 resisted models for Aboriginal self-government
8 that are limited to small parcels of land.

9 We understand the need to entrench
10 the inherent right in a manner that will satisfy
11 the Indian First Nations. At the same time, we
12 must insist that future constitutional reform
13 processes avoid proposals that would entrench the
14 inherent right in a manner that would favour one
15 model over another.

16
17 Regional and community concerns:

18 We are aware that the Royal
19 Commission's mandate is not confined to legal and
20 political issues. Inuit share with other
21 Canadians the challenge of increasingly hard
22 times. We know it will be difficult to expand the
23 northern economy in our period of high government
24 deficits. Here in Montreal this very day, Mr.
25 Paul Martin will be announcing new federal debt

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1 figures. Yet, the Nunavik economy must expand.
2 We also have our share of social problems which we
3 are tackling. Today I would like to give you some
4 brief indication of where we are and how we want
5 to proceed.

6 Inuit capability:

7 Nunavik Inuit want to contribute
8 to prosperity and well-being in Canada. And we
9 have shown our ability to achieve this objective.

10 Let me provide a few examples.
11 Makivik Corporation, through Air Inuit, ensures
12 the only regular mode of transportation between
13 our communities in our region where no road
14 network links our villages, where no roads link us
15 with Canadians to the south. Air services are
16 essential to keep us working together.

17 Our corporation also owns First
18 Air, a jet and turbo-prop operation that links the
19 high Arctic to the south. The performance of this
20 Inuit-owned airline has markedly improved.

21 Makivik's fishing subsidiary,
22 Seaku, and Unaag, a joint venture with Baffin
23 Island Inuit, ensures employment of over 100 Inuit
24 and generates income of over \$1 million for
25 northern residents. The Seaku Development Fund is

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1 designed to guarantee strong Nunavik Inuit
2 involvement in the fishery for years to come.

3 These and other examples reflect
4 our ability to cope with the modern world. What
5 Nunavik Inuit need are partners and capital.
6 Moreover, government policies should reflect the
7 fact that Inuit business and corporations are
8 fully able to explore and exploit the natural
9 resources in the North.

10 Economic development:

11 We know that self-government could
12 have a very marginal impact in the absence of an
13 economic base. In Quebec Inuit face some tough
14 problems. They also should benefit from specific
15 opportunities.

16 One such opportunity is in the
17 area of food production. In any economy, people
18 have to build on comparative advantages: one of
19 ours is the Nunavik wildlife product sector.

20 Makivik Corporation, in co-
21 operation with other Nunavik institutions, is
22 developing a five-year business plan to establish
23 a Nunavik intercommunity trade network. The
24 network would integrate hunting, inspection,
25 processing, transportation and marketing

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1 operations. According to our estimates and
2 whereas our arctic foods enterprise would generate
3 profits in a matter of years, the venture would
4 provide over 400 jobs, a gigantic figure for the
5 territory. We want to work with the federal
6 government and the provincial government to
7 sustain this venture. Any federal and provincial
8 funds initially invested would be more than
9 compensated by savings in areas such as social
10 transfers.

11 Many people forget that tourism is
12 the world's first industry. Tourism is another
13 regional asset we want to develop.

14 As of 1993, thousands of sports
15 hunters and fishermen visited Nunavik outfitting
16 camps. These stays are crucial for Nunavik
17 because they contribute to labour-intensive
18 activity. And tourism monies in the form of
19 foreign currency are good for the national and
20 Quebec economies.

21 One area we are looking at very
22 closely is the area of adventure tourism. We are
23 increasing our land and sea expedition capability
24 to reach an international market, primarily
25 located in Britain, France and Germany, and which

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1 is expected to grow at 15 to 20 per cent a year.
2 Like other Canadian operators, we will need
3 federal government support to improve our
4 infrastructure and to implement effective
5 marketing plans abroad.

6 One of the most serious
7 development problems Inuit in Quebec face concerns
8 the field of taxation.

9 Inuit have opted to be taxpayers.
10 But we need a system which is fair and effective
11 if our economic base is to expand. To illustrate,
12 let us briefly review three sectors.

13 Canadian taxpayers support farmers
14 through a series of tax breaks -- for example,
15 GST, subsidies and marketing schemes. Yet Inuit
16 hunters, trappers and fishermen, engaged in
17 essential food production, have no access to
18 special taxation, despite very high costs.

19 Despite rapid progress, Inuit
20 incomes are still low for the most part. A survey
21 conducted in 1993 by Makivik Corporation revealed
22 that only 27 per cent of Inuit households could
23 claim the federal northern deduction of \$5,475,
24 because their incomes were too low. To have
25 deductions, one has to make money. Costs are very

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1 high in our territory. Prices in Salluit or
2 Ivujivik surpass those here in Montreal by 100 per
3 cent. Yet, Nunavik Inuit have to pay a combined
4 GST/Quebec sales tax of 15.56 per cent. This is a
5 nominal figure because, if you take into account
6 high costs and real purchasing power, the real tax
7 rate can exceed 30 per cent. Is this fair? Is
8 this effective?

9 Another issue of concern to us is
10 the increasing tendency of government to replace
11 direct cash transfers by tax credits, for example
12 family allowances. To obtain tax credits, income
13 tax returns have to be filed. Yet, many older
14 Inuit are unilingual in Inuktitut, our Arctic
15 language. This year Makivik Corporation assisted
16 hundreds of Inuit households in filing returns, at
17 great cost I might add. We cannot substitute for
18 government forever.

19 In short, in these areas alone, we
20 need new tax arrangements for Inuit hunters such
21 as GST exemptions, a more generous tax credit
22 system to compensate for high costs and a federal
23 tax office in northern Quebec.

24 Infrastructure:

25 As I noted earlier, infrastructure

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1 is crucial for economic development. Yet, Nunavik
2 communities have no marine infrastructure to speak
3 of -- docks, wharfs, storage and so on; this in a
4 territory of sea-going people where there are as
5 many boats as there are households. The
6 development of a marine infrastructure is
7 absolutely necessary for the economic development
8 with regard to transportation, fishing and hunting
9 initiatives, as well as tourism.

10 Eighteen years after a solemn
11 commitment made under the James Bay and Northern
12 Quebec Agreement in 1975, Canada and Quebec, in
13 co-operation with our corporation and the Kativik
14 Regional Government, finally undertook three
15 marine infrastructure feasibility studies in
16 Nunavik. It is even more essential that studies
17 be followed by infrastructure investments. It has
18 been said that Inuit have been studied to the
19 verge of death. I hope this will not be the case
20 for our ports.

21 Justice:

22 On March 1, 1993 the Nunavik Inuit
23 Justice Task Force tabled its final report
24 entitled: "Blazing a Trail to a Better Future."
25 The task force was created because of the deep

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1 malaise in northern Quebec toward a foreign
2 justice system and southern ways of inducing
3 people to live together or forcing them to live
4 apart.

5 For two years, the task force
6 consulted residents through questionnaires, radio
7 and community meetings. It conducted exhaustive
8 research into Inuit legal customs and alternatives
9 to the existing regime. The six members went on a
10 series of field trips in Quebec and elsewhere in
11 Canada, and I believe also into the international
12 communities.

13 Their conclusions are reflected in
14 the scores of recommendations contained in the
15 final report. These recommendations cover the
16 following eight areas:

- 17 1. Prevention;
- 18 2. Law enforcement;
- 19 3. The court system and
20 alternatives;
- 21 4. Correctional services;
- 22 5. Post-correctional services
23 like probation;
- 24 6. Inuit customary laws;
- 25 7. Special problems of youth; and

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1 8. Specific civil law matters in
2 the region.

3 Task force findings are practical
4 and are based on common sense. For example, one
5 of the best ways of implementing justice is
6 through a recreation network and similar
7 preventive measures. Or it might be more cost-
8 effective for Quebec to establish a detention
9 facility in the region just as the Government of
10 the Northwest Territories did in Iqaluit just
11 north of Nunavik. Or that Inuit customs and
12 traditions developed in the north be reflected in
13 the legal system.

14 Inuit of Quebec put a great deal
15 of effort into the report. We think it deserves
16 more than a glance. It deserves follow-up and
17 action.

18 Conclusions:

19 Members of the Royal Commission on
20 Aboriginal Peoples are coming to the end of their
21 long journey. It has taken you across the country
22 and into hundreds of communities, large and small.
23 It has, perhaps unfortunately, forced you to
24 review thousands of pages, hundreds of documents.
25 We, for our part, the Inuit of Nunavik, would like

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1 to extend our appreciation for your hard work and
2 long hours.

3 We can assure you that Inuit of
4 Nunavik will take a very careful look at your
5 analysis, at your recommendations, when your final
6 report is issued. In the same vein and spirit, we
7 would expect you, during your remaining work, to
8 take into account our views and suggestions.

9 Thank you very much.

10 CO-CHAIR RENÉ DUSSAULT: Thank you
11 very much for providing us with this very
12 informative brief. There are some questions, and
13 I will turn the floor over to Mary Sillett.

14 COMMISSIONER MARY SILLETT: Thank
15 you very much, Mr. Chairperson. Nukmik (ph),
16 Charlie.

17 Before I begin, I would like to
18 recognize the presence of Rosemarie Kuptana. She
19 is the President of Inuit Tapirisat of Canada.
20 Welcome, Rosemary.

21 I am going to ask some questions
22 about your presentation and some questions which
23 aren't included in your presentation. The reason
24 I am doing that is that this is the first
25 opportunity that you personally have sat here, and

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1 I know that you are involved in many, many issues.
2 You have a lot of expertise, and I would like to
3 take advantage of that during this session.

4 The first question I would like to
5 ask is: Of the Inuit groups, the northern Quebec
6 Inuit are one of the first groups that ever had a
7 land claims agreement; in fact, it is 18 years
8 old. I am wondering if you would be able to just
9 give a general comparison of what life is like in
10 northern Quebec, in Nunavik, prior to the James
11 Bay and Northern Quebec Agreement and how the land
12 claims agreement has impacted upon the lives of
13 northern Quebec Inuit.

14 CHARLIE WATT: To begin with, I
15 will say that there is no comparison whatsoever
16 between the life today and what the life was
17 before.

18 I, for one, probably was in the
19 midst of the new realization, if you want to call
20 it that, at the time when the Government of Canada
21 and some instrument, which is part of the
22 instruments of the Government of Canada, first
23 arrived in northern Quebec. At that time I can
24 actually count on my hands how many people there
25 were when they first arrived. I may not look that

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1 old, but I have been around.

2 At the beginning of the arrival of
3 the people, aside from the Hudson's Bay Company
4 and aside from the RCMP, the Department of Indian
5 Affairs arrived in the north, I would say, around
6 the mid-1950s. During the mid-1950s we had no
7 role to play whatsoever in terms of our
8 communities, other than the fact that we were just
9 too busy trying to survive, trying to, as they say
10 in the south, bring bread and butter to the table,
11 but we were bringing our bread and butter in a
12 different way -- that is, we had to get it
13 ourselves, which has been the normal practice of
14 our people for many, many years -- thousands and
15 thousands of years.

16 I would like to add this because
17 the daughter is here and the mother was speaking
18 on the news not long ago. I was watching when I
19 was in Kuujjuaq Mary Simon's mother who was
20 basically raised in Barboa (ph), during the hard
21 times. You would never believe today that same
22 person had gone through that. It seems like a lot
23 of us have flipped. When you are cooking bannock,
24 sometimes you have to shake it and then flip the
25 bannock. That's what happened to us in a very

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1 short while.

2 Whether that is a good thing or a
3 bad thing I don't think anybody can really answer,
4 but it was inevitable. It was coming. The white
5 man was coming whether we liked it or not. So we
6 had to deal with that.

7 At that time we didn't know how to
8 deal with it. We were just a "yes" people until
9 the mid-1960s, I would say, and then we began to
10 start raising our eyelashes when we were being
11 spoken to. Before that we just smiled and said
12 "yes." I think, Mary, you are pretty familiar
13 with that; you don't need to be educated in that
14 field. That was the reality.

15 Today it is very different. I
16 always say, Mary, that what you make of it and how
17 you handle it and how you take it and how you
18 proceed with it is what makes the difference.
19 It's not really what is written down in black and
20 white. Those are only guidelines, and if you try
21 to follow them print by print, life doesn't work
22 that way. Sometimes you have to put that aside
23 and take your own course and move with it, as long
24 as you have a reference to go back to. Especially
25 today, we have to operate under the terms of

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1 legalities; we have to take those into
2 consideration now.

3 Are we still having hardship? Not
4 the same kind of hardship as we had before. We
5 are probably having hardship today in being
6 influenced by the new things that are coming, like
7 alcohol, drugs and things of that nature, and
8 trying to cope with administering the municipal
9 services and housing and things of that nature.
10 We never had to worry about that before. If we
11 needed housing, we built a snow house or made a
12 tent. That still exists to a certain extent, but
13 it is not the full occupation of our life.

14 Coming back to whether it's a good
15 thing or a bad thing, I don't know, Mary. I don't
16 think anybody can actually say we have gone in the
17 wrong direction or we have gone in the right
18 direction. I don't think anybody will judge that
19 to come up with the merit on that.

20 That is my own personal opinion.

21 COMMISSIONER MARY SILLETT: As you
22 said in your report, we have gone right across
23 this country and have heard from many, many
24 people. We have heard from communities that are
25 almost destitute, and many say, "If we could only

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1 get a self-government agreement, then we would
2 have a chance of having our life improved."

3 It's sort of interesting to check
4 that out with groups like yours. Of the Inuit
5 groups, you are one of the first to have had a
6 land claims agreement.

7 When we were meeting with various
8 groups in northern Quebec -- and it wasn't only
9 the Inuit groups, but other groups as well -- one
10 thing that we heard much about was the
11 implementation problems of the James Bay and
12 Northern Quebec Agreement. I am sure you are
13 fairly well aware of that.

14 I don't want to spend time
15 identifying the difficulties, but I was wondering
16 if you could just spend a few minutes identifying
17 what you see as being the solutions to those kinds
18 of problems.

19 CHARLIE WATT: Mary, I can only
20 speak on behalf of Makivik and on behalf of people
21 that I do represent, such as the Inuit in Nunavik.
22 If your question is leading toward the Cree --
23 lack of implementation, broken promises --

24 COMMISSIONER MARY SILLETT: No.
25 If, for example, in the land claims agreement you

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1 do have problems with implementation, what should
2 be recommended to avoid those?

3 CHARLIE WATT: I would have to say
4 that there is a problem, I guess, in every life.
5 To try to find the absolute solutions to that
6 problem of implementing the agreement, I think one
7 would have to say that you would need a mechanism
8 in place in order to properly implement the
9 agreement that you have negotiated politically.
10 Even if you do that, you are still constantly
11 under negotiation, even if you have an
12 implementation form.

13 As an example, about three years
14 ago we finally finalized our deal with the
15 Government of Canada, in some part. It doesn't
16 mean that we won everything; we lost quite a lot
17 of important elements, I would say. Nevertheless,
18 life has to go on, so we concluded an agreement.
19 We established a forum. That is to say, we can
20 invite the Deputy Minister level of whatever
21 department, whoever we have to deal with, even
22 right up to the Minister level. I find that is a
23 very useful forum -- we call it a forum. It's a
24 table, to sit down and negotiate, air out the
25 different problems and things of that nature, and

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1 to try to satisfy both sides for the purpose of
2 implementing the spirit and intent of the
3 agreement. I find that is very useful.

4 Right now, when you have two
5 levels of government that you have to deal with
6 under the Convention, one would have to say that
7 we are still inviting the Government of Quebec.
8 We are only at the stage of the implementation
9 negotiations with Quebec, even though we finished
10 the federal side partially. They are not part of
11 that Implementation Committee yet. We only have a
12 table with the Government of Canada at this point,
13 but we have the right to invite them if we choose
14 to.

15 Whether we are going to end up
16 with one form of implementation forum we don't
17 know yet. In some cases, governments have been a
18 little bit reluctant to become a part of that and
19 sometimes they want to be part of it. I don't
20 know what the end result is going to be yet.

21 COMMISSIONER MARY SILLETT: One of
22 the things I have always wondered about is: For
23 example, in Nunavik you have a land claims
24 agreement, and there is always the thought that
25 there are a lot of jobs available. Then people

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1 think about training: Do you have enough trained
2 people in order to take on the responsibilities?

3 In Nunavik what is the situation
4 with training and higher education? Do you more
5 jobs than you have trained people? Do you take an
6 active interest in training and higher education?

7 CHARLIE WATT: Amongst the various
8 departments within the Makivik Corporation maybe
9 that is one area where the Youth Training
10 Department is probably going to skyrocket within
11 the Makivik Corporation for that purpose.

12 At that same time, to partially
13 answer the question, yes we do have all kinds of
14 openings -- an unlimited number of openings that
15 could be acquired by the Inuit, providing you have
16 the education required to carry out that
17 responsibility.

18 It's coming slowly, but it will
19 take time. If somebody asks me, "Have you gone
20 too far too fast in creating those positions?" I
21 would have to say that they are not under my
22 control. I can only operate when the issue
23 becomes an issue. When there is a time to
24 spearhead some of the issues, we have to do them
25 whether we are ready or not. Some of us are

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1 ready, and we are hoping that the influx of the
2 young people will keep on coming.

3 I would say that I am more
4 encouraged than ever before after I have reviewed
5 the status of the students from the north. It's
6 incredible. It's getting there slowly.

7 COMMISSIONER MARY SILLETT: We
8 heard last week from the Canadian Paediatric
9 Society, from some of the people who have worked
10 in medicine for a long time, that in northern
11 Quebec groups have decided what their priorities
12 are for training. There are many teachers in
13 northern Quebec, many people in the health field.
14 The northern Quebec Inuit have decided what their
15 priorities are and have concentrated on those
16 areas for training.

17 Is that consistent with your
18 understanding of how things have developed?

19 CHARLIE WATT: Very much so. Not
20 only Makivik Corporation but, I believe, Kativik
21 School Board in the past, when the Kativik School
22 Board was first put into place, did not waste any
23 time in starting to prepare the Inuit to become
24 teachers. They have managed to succeed. Whether
25 the quality level that is required to become a

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1 teacher is there is still questionable to a
2 certain extent, but, at least today, they are
3 almost at the stage where they can begin to start
4 looking at some of the graduates.

5 They have had to pump a lot of
6 energy and money into upgrading the potential
7 teachers in a short period.

8 COMMISSIONER MARY SILLETT: I am
9 going to limit the rest of my questions to two,
10 mostly because I know Mr. Dussault usually has
11 about 10 or 20.

12 One of the things that you mention
13 in your document is that there is a whole class of
14 what would effectively be non-status Inuit living
15 throughout our homeland. I received some
16 statistics the other day which said that either
17 1,000 or 8,000 of the total national Inuit
18 population are living in cities. That is not a
19 lot compared to other groups.

20 We have heard, for example, from
21 the other Aboriginal groups that probably 60 per
22 cent of Aboriginal people now live in urban areas.
23 There are more and more Inuit moving from the
24 communities to live elsewhere in Canada, but there
25 still aren't a lot.

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1 One of the things we have seen,
2 particularly in Labrador, is that, if you have
3 moved outside the claim area and you live outside
4 the claim area for 10 years, you are no longer
5 entitled to benefits, you are no longer entitled to
6 membership. That has created a big, big problem,
7 especially with many of our Inuit leaders who
8 spend all of their time outside that region
9 representing the interests of that particular
10 group.

11 Is that an issue that has been
12 identified with your particular claims agreement?
13 How do you take care of Inuit who live outside
14 your claim area?

15 CHARLIE WATT: Those problems do
16 exist. If you are away from your designated
17 community for 10 consecutive years, you
18 automatically lose your eligibility -- not only
19 eligibility in terms of enjoying the benefits, but
20 you also lose your ability to take part and be
21 influential in decision-making and also to be
22 elected.

23 I do agree with you that that is a
24 problem. What happened to our people -- our
25 people are here only for that reason. That area

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1 has to be revisited by us, and it is part of our
2 objective to revisit that through the
3 implementation negotiations.

4 What I am talking about more in
5 here is what is happening now. Some of our people
6 from Quebec are really not all that concerned
7 about the land claims up there, and the same thing
8 is happening with people coming into Quebec from
9 Labrador. If they are constantly moving back and
10 forth, sooner or later they are going to lose
11 their status. Then we are going to have a
12 different class of people throughout the Arctic,
13 let alone the people down south. That is what I
14 am referring to.

15 COMMISSIONER MARY SILLETT: I know
16 what you are referring, but I wanted to let you
17 know the other side of the picture we have heard,
18 from people who leave their claim areas not to go
19 to the NWT or another Inuit region, but to go to
20 cities. Essentially they join many of the urban
21 Aboriginal population who say, "Who represents us?
22 We don't have any political representation; we
23 don't have any rights any more."

24 CHARLIE WATT: Are you asking me
25 what we do with people in the south?

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1 COMMISSIONER MARY SILLETT: Yes.

2 CHARLIE WATT: Go home. I have no
3 answer.

4 COMMISSIONER MARY SILLETT: What
5 is the rule in your claims agreement? Is it 10
6 years?

7 CHARLIE WATT: If one given
8 person, let's say me or Mary or anybody -- if that
9 person goes back, he is automatically reinstated.
10 It only applies when you are away. When you get
11 back to the territory -- it's only applied during
12 the time that you are away.

13 The question you raise is a very
14 important one, and that is: What about the ones
15 who are down here representing the people up
16 north? You have to have them.

17 COMMISSIONER MARY SILLETT:
18 Actually, there are other people, too, who have
19 said that they have had to be in urban areas for
20 medical reasons. The reason they are not home is
21 because they are really sick and there is no
22 hospital there.

23 CHARLIE WATT: Those people who
24 are there for medical reasons or educational
25 reasons can be easily dealt with. I am talking

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1 about the ones who on their own will commute to
2 the south.

3 COMMISSIONER MARY SILLETT: I
4 think you have answered that, that it is an issue
5 that still has to be addressed.

6 My final question is: We have
7 heard much about family violence in many of the
8 communities. In fact, it is sort of disturbing
9 for me to hear about family violence. It's
10 awfully disturbing that many of the male-dominated
11 organizations do not address this at public
12 forums; they usually talk about the Constitution
13 or the inherent right to self-government.

14 We have heard from many people
15 that, if family violence is to be addressed and is
16 to be addressed adequately, it requires input from
17 all organizations and all people at all levels.

18 In terms of the issue of family
19 violence, how do you see your organization
20 addressing this issue?

21 CHARLIE WATT: Take the law in our
22 own hands. I think at times that almost becomes
23 necessary.

24 With the absence of a proper
25 justice system in place and with the justice being

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1 administered by somebody else rather than
2 yourself, those are the problems. I do recognize
3 that there is alarming violence in many different
4 ways -- sexual abuse, battered women; maybe it is
5 coming to the battered men pretty soon. That does
6 exist, and it's a big problem. It is creating a
7 very unhealthy community.

8 I guess the only way to turn that
9 around is to put the system in place that could be
10 useful to Inuit and for them to administer it.

11 I might not be able to say the
12 same thing when it comes to the policing. We have
13 some experience in dealing with our people in
14 conjunction with the police where we have not been
15 quite successful in terms of policing our
16 communities. The reason behind that is that the
17 law enforcement officers have a tendency to shy
18 away from carrying out their responsibilities. At
19 times maybe they are scared, and I think we have
20 proven that they are basically scared to take
21 action.

22 It has a lot to do with the fact
23 of some vagueness in the James Bay and Northern
24 Quebec Agreement relating to legalities, if there
25 is a criminal matter that arises. It is our mess,

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1 and that whole mess is being addressed by the
2 Justice Task Force. They even went as far as
3 doing research on family relations, which is not a
4 very healthy one either. We are going to have to
5 do something about it if we want to have
6 credibility in this society. It's a big problem.

7 COMMISSIONER MARY SILLETT: Thank
8 you.

9 CO-CHAIR RENÉ DUSSAULT: As we are
10 running late in our schedule, I will try to
11 concentrate on a few questions only.

12 I understand that the thrust of
13 your brief is to say that the Royal Commission
14 should concentrate on elements that will have an
15 impact on the federal responsibility toward the
16 Inuit people alongside the responsibility of a
17 province like Quebec.

18 I think Makivik Corporation
19 presented a brief before a parliamentary committee
20 in Quebec -- either Bélanger-Campeau or one of the
21 two dealing with Bill 150. You recommended that
22 there would be an amendment brought to the
23 Electoral Act to devise a northern electoral
24 district regardless of the number of people living
25 in the north, in order to give you a say at the

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1 National Assembly level. Of course, that would be
2 parallel to the Nunavik Assembly in progress now.

3 Could you elaborate on that.

4 CHARLIE WATT: As you are aware,
5 our homeland is divided in two: one is Apikipi
6 (ph) and one is Amanawakin (ph).

7 Regardless of the result of the
8 votes in our communities, that is not taken into
9 account because the higher numbers of population
10 in the southern part are the ones where they took
11 those numbers and put them in their back pocket
12 and run south, if you want to put it in those
13 terms.

14 As a result of the last election,
15 every one of the communities turned the whole
16 coast to red, but it is still not red today; it is
17 still blue. There is a tremendous need to put the
18 reality in place.

19 Our recommendation has been since
20 1971 to change the electoral boundary. Instead of
21 splitting it, cut it across using the boundary of
22 the self-government. That is our recommendation,
23 and we are going to do whatever we can and use
24 every means possible to get that in place before
25 four years from now.

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1 CO-CHAIR RENÉ DUSSAULT: So that
2 recommendation stands, and you are still pushing
3 for it.

4 CHARLIE WATT: Yes.

5 CO-CHAIR RENÉ DUSSAULT: I was
6 interested in what you said at page 11 about
7 portability of rights among the various Inuit
8 communities coming under different land claims.
9 You discussed with Mary Sillett the situation of
10 the urban people, people moving south to the
11 cities, but here your point is that there should
12 be the same kind of status when one moves to the
13 Western Arctic, to the Eastern Arctic or from
14 northern Quebec to Baffin and vice-versa or to
15 Labrador.

16 In fact, my question is: Is there
17 something that could be achieved between the
18 various Inuit authorities after the land claims
19 settlement is done? Do we need to have a central
20 approach to something like that, because each land
21 claim has its own history and solutions. Could
22 you expand on that a bit more.

23 CHARLIE WATT: It could begin
24 internally as a discussion and trying to find a
25 solution to that problem before that problem

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1 becomes unmanageable. That certainly can take
2 place internally.

3 But you must remember that the
4 Canadian government at this point, I think
5 deliberately, probably doesn't want to recognize
6 that, that we are one people. There has to be, in
7 the highest level of order, a statement that we
8 are one people. Only then can you begin to start
9 articulating what the rules of the game should be.

10 We are one people. I can even go
11 to the international level. I can understand
12 Greenland and I can understand and communicate --
13 I am the same culture and the same heritage --
14 with Alaska and Greenland. Right now I am only
15 talking within the Canadian framework.

16 CO-CHAIR RENÉ DUSSAULT:

17 Governments being public governments, they don't
18 have as much to do with the electoral process. If
19 somebody moves from one territory to the other, he
20 has a right, as an inhabitant of the new
21 territory. But what you have in mind are specific
22 benefits for education, health and things like, to
23 make sure that you don't lose them when you move
24 from one territory to the other.

25 CHARLIE WATT: Those are the

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1 things that I say have to be dealt with by
2 government-to-government discussions in terms of
3 people moving to another area, unless that person
4 is sufficiently well off economically. Then you
5 don't have to worry about expenditures that are
6 coming up, because you will be looking at them as
7 an investor coming in.

8 That is not what is really
9 happening at this point in time. Hopefully, they
10 will be starting to come in with money and make
11 investments so that we don't have to look for some
12 way of housing them and providing social services,
13 and things of that nature.

14 CO-CHAIR RENÉ DUSSAULT: I see an
15 analogy with the medicare system in Canada where
16 the federal legislation provides portability when
17 people move from one province to another. There
18 is a three-month period, but then it does apply.

19 Do you have that kind of mechanism
20 in mind?

21 CHARLIE WATT: Would you repeat
22 that.

23 CO-CHAIR RENÉ DUSSAULT: What I am
24 trying to say is that for medicare the federal
25 legislation makes it compulsory, when you move

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1 from one province to another, that you keep your
2 benefits. Because of the requirement of the law,
3 there is a condition for payment from the federal
4 government to the provinces.

5 CHARLIE WATT: Not to get into the
6 technicalities of how it can be answered, I would
7 like to deal with it in a general fashion.

8 I would have to say that the
9 Government of Canada must come up with a uniform
10 system to deal with people in the Arctic and the
11 mobility of those people. Not only that but:
12 What makes us unique; what makes us one people;
13 what makes us behave in the same way; what are the
14 policies that have to apply to Quebec and Labrador
15 and the NWT? I think those are the things you
16 have to look at from the standpoint of: Here is
17 one people. How do we answer their needs?

18 I think it even goes so far as do
19 we have to have three sets of governing
20 institutions or should we have one set that is
21 answerable to everybody, regardless of their
22 boundaries or do away with their boundaries, north
23 and south. Why not?

24 CO-CHAIR RENÉ DUSSAULT: We are
25 aware that self-government could be discussed at

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1 the community level, at the treaty area, at the
2 nation level and at a people level.

3 CHARLIE WATT: It really bothers
4 me when parts of my nation are being kept out as
5 another group, when I know very well that they are
6 the same people. It bothers me.

7 CO-CHAIR RENÉ DUSSAULT: As a
8 matter of principle, it is clear. It is the
9 mechanisms to attain the goal that are more
10 delicate.

11 Getting back to the situation in
12 northern Quebec, what is your assessment of the
13 coming up of the new Nunavik, the Constitution and
14 the Assembly? We had a consultation in May. Do
15 you feel that it is coming along well? Is it
16 going to happen in the time frame?

17 CHARLIE WATT: I would have to say
18 that it is not moving at all at this point. I am
19 not even sure whether it is moveable between now
20 and the provincial election.

21 If you are talking in terms of
22 constitutional protection and the constitutional
23 arena, one might have to say maybe the issue is
24 going to come up again at the next provincial
25 election, whether we like it or not. Maybe at

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1 that time we will have a better chance of
2 achieving what is required by the Inuit of Quebec.

3 If we would like to move ahead
4 between now and whenever the Constitution is
5 opened up again, I think it would be correct to
6 say that we can advance it by way of establishing
7 an Assembly, just merely by Assembly. Then you
8 would have to enter into negotiations later on to
9 get the jurisdiction and powers to go with it.
10 Parts of that power and jurisdiction is already in
11 existence in scattered ways within the James Bay
12 and Northern Quebec Agreement. At the least, at
13 the beginning we could have an opportunity to
14 regroup them into one. That would carving it out
15 in the direction of moving to Nunavik government.

16 Then you also have to think in
17 terms of also dealing with the offshore. Nunavik
18 is not only within the Quebec boundary; it also
19 takes in parts of NWT, which is linked to the NWT
20 claims. Then there is a management responsibility
21 associated with that. That is the wildlife
22 management. The wildlife cannot recognize the
23 boundaries. They can't say, "I can't go over to
24 Quebec because I belong to NWT."

25 We used to be that way, too, until

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1 we were educated in the white man's way that we
2 have to respect the boundaries.

3 CO-CHAIR RENÉ DUSSAULT: It is
4 still one of your goals, then. You see it as a
5 valid step to establish the Nunavik Assembly along
6 the lines of the Constitution that was adopted.

7 CHARLIE WATT: Yes.

8 CO-CHAIR RENÉ DUSSAULT: The last
9 point is the high cost of doing business in the
10 north and living in the north. Many people across
11 the country have talked about that in their
12 presentations. There is the taxation problems
13 which you raised, and all kinds of problems.

14 We are working on the northern
15 economy. We are very much interested in ideas.
16 You have mentioned quite a few ventures that have
17 been successful in the past.

18 Do you feel that the main question
19 is taxation, that there should be exemptions for
20 the north generally from taxes like the GST and
21 others? You also mentioned by analogy the
22 subsidies that are granted to agriculture and
23 others and that that way of thinking has not been
24 directed to concerns of the north.

25 Could you be a bit more specific

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1 on that.

2 CHARLIE WATT: Maybe I can start
3 off by saying that the Taxation Act, in the way it
4 was designed, was designed for the south and the
5 people that live in the south, taking into account
6 what is the reality associated with the south.

7 When you take a look at the
8 taxation questions and the Tax Act, it has to be
9 modified. We would probably require a new Tax
10 Act, probably for northern Quebec, and you might
11 even have to look at the differences also to
12 accommodate others like Labrador and NWT.

13 I see the country not making a
14 substantial improvement economically unless they
15 are prepared to look at the whole taxation
16 question. As you know, every time we deal with
17 the question of taxes and the economy, we always
18 run into the problem of trying to correspond that
19 southern way of taxation and plug into the
20 northern concept. It doesn't work. They are very
21 different.

22 We are always going to remain
23 unprotected unless the Government of Canada comes
24 to realize that there has to be a major overhaul
25 in that area. We believe in contributing to the

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1 bigger society in order for the bigger society to
2 protect us to survive as a group, but there has to
3 be some give and take. Right now there is no give
4 and take.

5 We have to bear a cost which is
6 not created by us. Knowing that we are already in
7 a very high-cost zone, we need tax exemptions in
8 some areas and we need to modify the Tax Act in
9 some areas, and we also have to look at some of
10 the transportation subsidies. We also have to
11 look at some of the production subsidies which
12 might be applied to the farmers. When we are
13 doing our subsistence hunting and things of that
14 nature, I don't see any difference between
15 subsistence hunting and the farmer's subsidy.

16 Some of those issues are already
17 being dealt with through the negotiations. We
18 have a table now with the Government of Quebec to
19 examine the whole question of taxation.
20 Eventually, we will have to get the federal
21 government involved in that, too. We are making
22 some real success, which was not known to the
23 outside before.

24 This is the type of contribution
25 that we can make in order to help Canada to

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1 recover economically -- maybe in small ways, but
2 nevertheless they are positive.

3 COMMISSIONER MARY SILLETT: During
4 our consultations with the national groups we
5 heard from regional Inuit associations, when ITC
6 had its turn at the table and Tony Anderson,
7 particularly, from Labrador was saying very much
8 the same kinds of thing, that there are policies
9 and programs which are designed for the south, by
10 the south, and they have no applicability to
11 Inuit. He mentioned, for example, the UIC scheme
12 where fishermen, for example, are unable to get
13 UIC benefits for certain portions of the year, the
14 North of 60 and South of 60 policies and program,
15 and the northern cod moratorium.

16 What you are saying certainly has
17 been said very clearly, particularly by Inuit in
18 the north.

19 CHARLIE WATT: That is one of the
20 reasons that in our presentations at every
21 opportunity we try to highlight the need for
22 special programs, programs only for the Inuit who
23 are living in the north. That is very important.
24 That does not exist.

25 Since we have had the James Bay

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1 and Northern Quebec Agreement, Ottawa has denied
2 -- maybe "denied is too strong a word.
3 Nevertheless, they have not really looked at
4 northern Quebec as one of their obligations. As a
5 matter of fact, they would like to wash their
6 hands and say goodbye.

7 The same thing is probably going
8 to happen to Labrador, if we allow that to happen.

9 COMMISSIONER MARY SILLETT:

10 Charlie, there is one thing I should ask before I
11 forget.

12 You were saying that there is a
13 mechanism in place whereby the Inuit of Nunavik
14 and the Inuit of Nunavut can resolve overlapping
15 claims or conflicts. I know in Labrador there was
16 an overlapping land claims committee. There has
17 been conflict. I don't want to hear about the
18 conflict, but I am just wondering, in terms of
19 solution, could you describe this mechanism.

20 CHARLIE WATT: We don't have a
21 permanent mechanism to deal with the overlap
22 issue. The only experience we have had dealing
23 with an overlap issue is when the Tunngavik
24 Federations, before they had their settlements,
25 had to sit down and iron out their differences, if

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1 there were any. It turned out that there were no
2 differences. The only thing was who was going to
3 have the ownership of that piece of island.

4 Even though we were being told by
5 the legal people that it could not be done in this
6 country, or even outside this country, that you
7 cannot have ownership of the same island when you
8 are under two different jurisdictions, I said
9 "bullshit." Anyway, we got it. It is part of the
10 TFN Agreement. We don't even have to negotiate it
11 any more. We have just have to complete the
12 extension. It is already in the NWT Agreement.
13 That's a perfect example.

14 COMMISSIONER MARY SILLETT: I
15 assume from reading the National Inuit Treaty that
16 it isn't something that all Inuit have consented
17 to. Have you talked to other Inuit? How much
18 support is there for this National Inuit Treaty
19 from other Inuit?

20 CHARLIE WATT: We have talked
21 about it long enough over the years. I think we
22 actually began with that, before the existence of
23 NQI and ITC. That's the way the Inuit used to
24 talk.

25 When it came to receiving the

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1 report from their representatives, that is when
2 they started questioning it. They said, "How come
3 we are different? How come we are apart? How
4 come we are not one?"

5 I would have to say that, from the
6 people that I associate with, my colleagues and
7 the people I work with, I think we are all very
8 much thinking along the same line, right up to the
9 international level.

10 COMMISSIONER MARY SILLETT: Thank
11 you.

12 CO-CHAIR RENÉ DUSSAULT: I have
13 two very short questions.

14 In May we had a presentation by
15 Falconbridge, a project at the tip of northern
16 Quebec. You have an ongoing relationship with the
17 company?

18 CHARLIE WATT: Yes, I do have an
19 ongoing relationship. We have a negotiation
20 process with Falconbridge, which is a mining
21 company. We are far from being able to agree --
22 the cap is so big. It is always down to dollars
23 and cents. If they want to undertake to do this,
24 what is the market value of what they want to do?
25 We have some differences in that area, and I would

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1 have to say that I might have to have a meeting
2 with the President of Falconbridge very soon in
3 order to try to unblock the blockage. We are not
4 in agreement with each other at the moment.

5 **CO-CHAIR RENÉ DUSSAULT:**

6 Obviously, to bring economic development into the
7 north -- there is an opportunity there if there
8 were an agreement.

9 **CHARLIE WATT:** Very much so, and
10 they have no problem highlighting that there is an
11 opportunity there. When it comes down to deciding
12 who is going to have a role, to say yes or no,
13 they wanted to have it all. I said "no." If
14 there is going to be agreement between the two,
15 there is going to have to be give and take on both
16 sides.

17 **CO-CHAIR RENÉ DUSSAULT:** This
18 morning, Roméo Saganish of the Cree was part of
19 the presentation by the Equity Forum, and he
20 mentioned, in terms of the second language, that
21 the trend had been reversed toward French for
22 young people in northern Quebec. What is the
23 situation as far as the Inuit people are
24 concerned? Is it the same trend, or is there a
25 big difference during those 18 years since the

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1 agreement was signed?

2 CHARLIE WATT: I think there is a
3 great deal of difference between before the
4 agreement was signed and what transpired after the
5 agreement was signed. As you are probably aware,
6 we never used to have that much of a closeness
7 with the French-speaking people in the past. That
8 was not really the fault of the Inuit, I would
9 add. The Government of Quebec did not assume
10 their responsibilities.

11 CO-CHAIR RENÉ DUSSAULT: They
12 weren't there before 1963.

13 CHARLIE WATT: Not until 1963,
14 1964. Where were they before when I needed them?

15 They came about and all of a
16 sudden they were going to have their way. "We'll
17 tell you what's good for you. We'll make you
18 French. Forget about English."

19 We Inuit are a very proud people,
20 and we know what is good for us. We don't like to
21 be told what is good for us, especially by people
22 who don't really have any idea of what we are and
23 what we are made of.

24 CO-CHAIR RENÉ DUSSAULT: In fact,
25 my question, because we are highly concerned with

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1 the relationship --

2 CHARLIE WATT: When the issue was
3 raised that related to language, culture and
4 things like that, I get a little bit touchy, the
5 same as the French person. All of us have a
6 little bit of nationalism in us, every one of us.
7 We may not be able to say the same thing to the
8 Anglo, but who knows.

9 CO-CHAIR RENÉ DUSSAULT: I must
10 say that there is some kind of misunderstanding in
11 Quebec about the reaction of some Aboriginal
12 groups toward the French language. Very often it
13 struck me that people do not realize that we are
14 talking about a second language. That is not the
15 case with the Inuit, obviously, but very often
16 people have lost their mother tongue and learned
17 one second language. When you come to learn a
18 third language, the reaction is not against the
19 language but against the fact that they have lost
20 their mother tongue and were forced to learn a
21 second language.

22 I am just trying to shed some
23 light on an issue that does not help the
24 understanding.

25 CHARLIE WATT: The Inuit in

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1 Nunavik, regardless of their small numbers, are
2 far off from losing their language. I think their
3 language is getting stronger and stronger -- I
4 won't say every day, but gradually. It's
5 happening quite rapidly. It never was weak to
6 start off with. They are using it now as the
7 language of instruction in the classroom, so it is
8 getting stronger.

9 Coming back to being able to cope
10 with the French language, I for one, along with a
11 lot of other people, would like to be able to
12 speak French. Sometimes my wife says to me,
13 "Maybe it's a good thing you don't speak French;
14 otherwise, you would be down in Quebec City all
15 the time."

16 Nevertheless, we are not rejecting
17 the idea of learning French, not at all. Maybe
18 some of our people have in the past for other
19 reasons. The more you know of other people's
20 culture, the better it is for you as far as I can
21 see. That is the way we are pursuing our
22 education.

23 COMMISSIONER MARY SILLETT: One of
24 the things that has always amazed me about some
25 stories we have heard from northern Quebec is that

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1 the younger children definitely know Inuktitut and
2 they might even be trilingual, so they are more
3 exceptional in terms of languages than other
4 groups.

5 CHARLIE WATT: Another interesting
6 thing that is developing -- and I can't say it is
7 bad or good at this point. Any competitiveness is
8 always good, I think.

9 It is very interesting what I am
10 learning this year from the students. We have
11 students going to French classes and some in
12 English immersion with French. They are
13 competing. I just found out not long ago that
14 they are competing. I think it's healthy on one
15 hand, but how it is going to transpire down the
16 road no one really knows. I don't think there is
17 anything wrong with one trying to outdo the other,
18 especially in the field of education.

19 I am not going to tell you my
20 finding, though.

21 CO-CHAIR RENÉ DUSSAULT: Two weeks
22 ago we were at Concordia University. There was a
23 panel with two young non-Aboriginal and two young
24 Aboriginal people, and there were teachers from
25 the English CEGEPs like John Abbott. They were

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talking about exactly what you have said, the number of young Inuit and Crees that are registered in CEGEP this year as opposed to five years ago. It is tremendous.

CHARLIE WATT: Last night three students from John Abbott came to my house, and they came to do their homework. So they kept me busy last night.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you very much for coming and sharing with us. We hope that we will keep in close contact at the Commission's work.

At this point I would like to say to the next presenters, Nunavut Tunngavik, that we are going to have a short break for 10 minutes. We will resume at 3:30.

November 29, 1993

Royal Commission on Aboriginal Peoples

[English]

CO-CHAIR RENÉ DUSSAULT: [English]

The Commission will take a 10-minute recess. We will resume at 3:30. Thank you.

--- Short recess at 3:18 pm.

--- Upon resuming at 3:36 pm.

CO-CHAIR RENÉ DUSSAULT: Good afternoon, everyone. We are resuming the public hearing of the Royal Commission on Aboriginal Peoples with the presentation from Nunavut Tunngavik.

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1 I would like to ask the
2 representatives to proceed whenever you are ready.

3 BERNADETTE MAKPAH, Secretary-
4 Treasurer, Nunavut Tunngavik Inc.: (Native
5 language) Thank you.

6 First of all, I would like to
7 apologize for the unfortunate absence of our
8 President, Mr. Paul Kwasi (ph). He could not make
9 it today. Our first Vice-President, Mr. James
10 Ituuluk (ph) was going to be making this
11 presentation on behalf of Nunavut Tunngavik but,
12 because of other urgent commitments, couldn't make
13 it.

14 My name is Bernadette Makpah. I
15 am the Secretary-Treasurer for Nunavut Tunngavik
16 Inc. To my left is our Executive Director, Mr.
17 Alex Campbell. On my immediate is our Director of
18 Implementation, Mr. Paul Okalik, and he can answer
19 most or all questions with regard to our very
20 young life and implementation plans. To my left
21 again is Mr. John Merritt, our legal counsel.

22 I guess you could say that it took
23 four of us to replace the President today. I am
24 not quite prepared for this, so please be patient.
25 I will start off by reading portions of our brief.

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1 The full submission will be circulated, I
2 understand, today.

3 On behalf of Nunavut Tunngavik, we
4 would like to thank members of the Royal
5 Commission on Aboriginal Peoples for the
6 opportunity to appear here before you today.

7 With a view to reserving time for
8 informal exchange with Commissioners, we will keep
9 our opening remarks as brief as possible.

10 I almost forgot to mention that I
11 have a flight to catch at 5:30, so I am going to
12 be leaving probably right after this. I haven't
13 been home in a couple of weeks, so I am anxious to
14 get to the airport.

15 The Commissioners have been
16 supplied with some background information as to
17 the make-up, role and objects of Nunavut
18 Tunngavik. Nunavut Tunngavik is a not-for-profit
19 corporation representing some 17,500 Inuit of the
20 Nunavut Settlement Area for two purposes:

21 (1) the effective implementation
22 of the Nunavut Agreement signed on May 28, 1993
23 and given force of law on July 9, 1993; and

24 (2) the successful launching of
25 the new Nunavut Territory and Government on or

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1 before April 1, 1999.

2 The focus of this presentation is
3 to identify certain parts of federal government
4 policy in relation to land claims and self-
5 government that should be changed so as to bring
6 about better results for both Aboriginal and non-
7 Aboriginal Canadians.

8 In making this presentation, it is
9 the intention of Nunavut Tunngavik to build on the
10 presentation already made by Inuit Tapirisat.
11 Instead of attempting to cover the range of issues
12 dealt with in the presentation by Inuit Tapirisat,
13 we would like to speak to five topics of
14 particular concern to us. They are:

15 1. the issues of legal certainty
16 and finality in land claims agreements;

17 2. the relationship between land
18 claims agreements and Aboriginal self-government;

19 3. the establishment of the
20 Nunavut Territory and Government;

21 4 adequate support for
22 traditional land-based economies; and

23 5. measures important to
24 neighbouring northern Aboriginal groups, which I
25 believe Mr. Watt touched on quite a bit.

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1 We will speak to each of these
2 topics in turn.

3 The Issues of Legal Certainty and Finality in Land
4 Claims Agreements:

5 Like the numbered treaties, the
6 Nunavut Agreement contains a provision whereby the
7 Inuit of Nunavut, in consideration of the rights
8 and benefits in the Agreement, cede to the crown
9 any Aboriginal title in and to the lands and
10 waters of Nunavut that may have arisen under
11 Canadian common law.

12 Needless to say, this provision of
13 the Agreement was not suggested by Inuit. Inuit
14 leaders agreed to the inclusion only with the
15 greatest reluctance and only upon concluding that
16 the rights and benefits set out in the Agreement
17 are, on objective assessment, greater than the
18 rights that could likely be secured through the
19 courts in the foreseeable future based on
20 assertions of Aboriginal title.

21 It should be pointed out that the
22 "cede, release and surrender" language in the
23 Nunavut Agreement does not bring about complete
24 legal certainty. This conclusion flows from
25 factors such as the following:

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1 - the provision does not relate to
2 non-proprietary rights of the Inuit, such as the
3 right to self-government;

4 - the provision does not alter the
5 fiduciary or trust relationship between Inuit and
6 the crown;

7 - the provision could be affected
8 by emergence of a judicial doctrine characterizing
9 Aboriginal rights as a species of fundamental
10 human rights incapable of complete or permanent
11 alienation;

12 - the provision is part of a
13 contract between Inuit and the crown, thereby
14 raising questions about what might happen in the
15 event of circumstances amounting to fundamental
16 breach of the contract by the crown or to
17 frustration of the contract.

18 Just as the Nunavut Land Claims
19 Agreement does not bring about complete legal
20 certainty, the Agreement does not constitute a
21 final word on the nature and scope of Inuit rights
22 in Nunavut or on the organization and operation of
23 land and resource management bodies operating
24 under the Agreement. This is evident in a number
25 of aspects of the Agreement:

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1 - There is a schedule for
2 enactment of additional legislation by Parliament
3 in relation to a set of land and resource
4 management boards.

5 - Flexibility is allowed in the
6 initial design and subsequent legislative
7 evolution of the Nunavut Territory and Government.

8 - There is a requirement that the
9 parties to the implementation contract
10 accompanying the Nunavut Agreement revise, at
11 predictable intervals, the budget allocations of
12 various bodies set up under the Agreement.

13 - The Nunavut Agreement provides a
14 simple mechanism for its own amendment.

15 It is understandable that any
16 agreement between the crown and an Aboriginal
17 party in relation to the ownership and management
18 of lands and resources would be required to
19 provide enough legal certainty to allow the
20 parties to the Agreement, and third parties
21 relying upon it, to be confident that the
22 fundamental features of the Agreement would be
23 implemented and honoured. Provisions supplying
24 legal certainty should, however, be realistic in
25 their limits and be equally respectful of the

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1 needs of Aboriginal peoples and the crown.

2 Under the current comprehensive
3 land claims policy, the federal government insists
4 on incorporating the provocative vocabulary of
5 "cede, release and surrender" into the agreements.
6 It is possible to imagine a formula which would
7 employ an alternate vocabulary of perhaps
8 "recognition." For example, in consideration of
9 rights defined for an Aboriginal party o an
10 agreement the Aboriginal party could "recognize"
11 the status of certain lands as crown lands
12 governed by laws of general application relating
13 to the administration of crown lands.

14 It is self-defeating to pursue a
15 policy that supposes that the terms of a land
16 claims agreement can be fixed for all time. There
17 can be no acceptable final definition of the
18 compromises that must be made between societies
19 over succeeding generations. The conclusion of a
20 modern land claims agreement must be seen as a
21 beginning, not as an end.

22 The emphasis on finality in the
23 current federal land claims policy is at odds with
24 the federal government's expressed support for
25 Aboriginal self-government. In the event that

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1 comprehensive land claims agreements are to serve
2 as a central reference point in the balancing of
3 the distinctiveness of Aboriginal societies and
4 the demands of a common Canadian citizenship, then
5 the agreements must be open to periodic review,
6 renegotiation and amendment. It is ambitious
7 enough for the representatives of the crown and an
8 Aboriginal people to achieve a mutually beneficial
9 agreement for the foreseeable future; it is
10 ludicrous to try to anticipate with precision the
11 circumstances and needs of all future generations.

12 This need for the periodic review
13 and renegotiation of land claims agreements has
14 been widely recognized for some time, as has been
15 the need for an independent, objective body to
16 provide advice and assistance. The report of the
17 Coolican Task Force in the mid-1980s recognized
18 these needs. The package of constitutional
19 reforms contained in the Charlottetown Accord
20 contained provisions dealing with treaty
21 renovation. As recently as October 8, 1993, the
22 Liberal Party of Canada called for the creation of
23 a Land Claims Commission with the following
24 functions:

25 "-- to report regularly to

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1 Parliament; to facilitate
2 claims negotiations; to
3 establish time frames; to
4 develop criteria for
5 validating claims to inquire
6 into the need to clarify or
7 renovate treaties to make
8 their express terms
9 consistent with their spirit
10 and intent; and to have an
11 ongoing role in the
12 implementation of claims
13 agreements."

14 Nunavut Tunngavik recommends that
15 the Royal Commission make the creation, mandate
16 and operation of such a Claims Commission a
17 central part of its work and final report. In
18 light of the importance of such a body, we suggest
19 that the Royal Commission be as specific as
20 possible with respect to the role of a Claims
21 Commission, indicating its views with respect to
22 the legal basis of such a commission, reporting
23 relationships, precise powers, and administrative
24 organization and resources.

25 The Relationships between land claims agreements

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Commission royale sur
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2 A review of northern land claims
3 agreements reveals many provisions intended to
4 provide Aboriginal peoples with greater
5 involvement and control over law-making and public
6 administration within Aboriginal homelands. Joint
7 Aboriginal/senior government land and resource
8 management boards are an example of this.

9 Northern land claims agreements have given rise to
10 new school boards, regional government and, in the
11 case of the Nunavut Agreement, a new territory and
12 territorial government.

13 Attempts to divorce issues of land
14 rights and self-government have only served to
15 distract from an honest evaluation of the overlaps
16 between land rights and self-government issues
17 without in any way deflecting Aboriginal peoples
18 from insisting on the need for progress on both
19 fronts.

20 The way in which commitments with
21 respect to the creation of the new Nunavut
22 Territory and Government have been negotiated and
23 secured is a case in point. The commitment to
24 create the new Nunavut Territory and Government is
25 contained in Article 4 of the Nunavut Agreement

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1 and is thereby protected by section 35 of the
2 Constitution Act, 1982. At the same time, the
3 commitment to create the new Nunavut Territory and
4 Government is expressed in such a way as to allow
5 non-Inuit to play an active role in the political
6 life of the new government and territory and also
7 to provide Parliament with considerable
8 legislative discretion in the design and operation
9 of the new territorial government. In this way,
10 Article 4 is a triumph of pragmatism over
11 preconceived policy.

12 Land claims agreements provide an
13 effective place to situate any further areas of
14 agreement reached by Aboriginal and crown
15 representatives with respect to enhanced level of
16 Aboriginal self-determination. If, for example,
17 the Inuit of Nunavut and the Government of Canada
18 were to reach an understanding in the coming years
19 about a funding formula for the Nunavut
20 government, or the acquisition to greater natural
21 resource jurisdiction by the Nunavut Legislative
22 Assembly, or residency requirements for voting for
23 members of the Assembly, then these understandings
24 could be expressed in the form of amendments to
25 Article 4 of the Nunavut Agreement. In this way,

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1 the protection of further understandings as to the
2 best was or promoting a satisfactory level of
3 self-government by Aboriginal peoples could be
4 achieved by making full use of the opportunities
5 provided in the existing Canadian Constitution.

6 Nunavut Tunngavik recommends that
7 the Royal Commission support a policy that land
8 claims and self-government issues should be open
9 to negotiation in unison and that amendments to
10 already-concluded land claims agreements be
11 regarded as an appropriate way to achieve a
12 greater degree of self-government by Aboriginal
13 peoples.

14 The Establishment of the new Nunavut Territory and
15 Government:

16 The commitments made by the
17 government and Parliament to the creation of the
18 new Nunavut Territory and Government have
19 generated a great deal of excitement and optimism
20 in Nunavut, particularly among the youth.

21 Excitement over the prospect of
22 the new Territory and Government is not confined
23 to the Arctic. The commitments made by the
24 Government and Parliament of Canada have also been
25 viewed very positively by Canadians outside

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1 Nunavut and, indeed, by the international
2 community.

3 The smooth setting-up and early
4 operation of the new Nunavut Government will
5 entail an enormous amount of work in the coming
6 years. Eagerness will result in mistakes as well
7 as accomplishments, but it is vital to Inuit, and
8 equally vital to Canada, that our efforts succeed.

9 Nunavut Tunngavik suggests that
10 the Royal Commission emphasize the following in
11 its final report:

12 - the successful establishment of
13 the Nunavut Territory and Government is vital to
14 Inuit and all Canadians, both for its intrinsic
15 importance and as an inspiration for other parts
16 of Canada and the world;

17 - the Government of Canada has a
18 very high moral obligation to ensure that
19 financial arrangements leading to and following
20 the establishment of the new Nunavut Government
21 are adequate; and

22 - every effort should be made
23 under existing and new education and training
24 programs to ensure that the work force of the new
25 Nunavut Government is made up of a high and

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1 growing proportion of Inuit, as stipulated in
2 relevant provisions of the Nunavut Agreement.

3 Adequate Support for Traditional Land-Based
4 Economies:

5 "Living on the land" and the
6 "country food" obtained from doing so are key
7 issues for many, if not most, Aboriginal peoples
8 and communities in Canada. Numerous studies over
9 the last 10 years by a range of governments, non-
10 governmental organizations, academics and
11 Aboriginal organizations have documented the
12 economic, social and cultural importance of
13 traditional land-based economies -- and my mind is
14 going back to Charlie Watt's comments where it has
15 been suggested that Inuit have been studied to
16 death.

17 These studies have consistently
18 and graphically revealed the large cash value of
19 the food and other goods produced by traditional
20 land-based economies and the critical role of food
21 production and distribution networks in
22 maintaining cultural continuity and social
23 cohesiveness.

24 In contrast with some other forms
25 of primary production activity in Canada, like

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1 small-scale commercial fishing and the family
2 farm, the hunting, trapping, fishing and gathering
3 economies so important to Aboriginal peoples have
4 been largely under-valued and ignored. Little
5 serious attention has been by public policy-makers
6 to finding ways of reinforcing the viability of
7 these economies in the form of well-considered
8 economic development, income assistance, and
9 taxation policies and programs.

10 Given the importance of
11 traditional land-based economies to Aboriginal
12 peoples throughout Canada and the vulnerability of
13 those economies to the anti-fur movement and other
14 international and domestic factors, Nunavut
15 Tunngavik urges the Royal Commission to devote
16 careful attention to how comprehensive hunter
17 support programs might be established for the
18 various Aboriginal peoples and communities in
19 Canada, mindful of the important differences in
20 their land-based economies.

21 Given the fundamental overhaul
22 that may be in store for all of Canada's income
23 maintenance and other social programs due to our
24 shared fiscal problems, there may be an
25 opportunity for the Commission to have a

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1 significant impact on an intensifying social
2 policy debate.

3 Measures Important to Neighbouring Northern
4 Aboriginal Groups:

5 The Inuit of Nunavut hope that
6 other Aboriginal peoples in Canada, particularly
7 those whose situations the Inuit of Nunavut are
8 most familiar with, will have appropriate
9 attention devoted to their concerns. Without in
10 any way claiming to speak for any other Aboriginal
11 people outside Nunavut, Nunavut Tunngavik invites
12 the Royal Commission to shape its final report and
13 recommendations to reflect the following:

14 - the importance of offshore
15 negotiations to the Inuit of northern Quebec;
16 - the need or priority to be
17 attached to the conclusion of a comprehensive land
18 claims agreement benefiting the Labrador Inuit;
19 and

20 - the special rights and roles of
21 Aboriginal peoples in the adoption of a new
22 constitution for the Mackenzie Valley.

23 In addition, Nunavut Tunngavik
24 encourages the Royal Commission to take note of
25 the unnecessary hardship created by the current

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1 federal government policy that prohibits any
2 individual from being enrolled under more than one
3 land claim agreement at the same time.

4 (Native language). We thank you
5 for your attention and we would be happy to try
6 answer any questions you may have for us.

7 CO-CHAIR RENÉ DUSSAULT: Thank you
8 for your brief. We are, of course, very
9 interested in hearing from the Nunavut Tunngavik
10 Inc. Even if the process is moving ahead, we are
11 interested in many aspects of the implementation
12 the Nunavut Agreement. We thank you very much for
13 coming and presenting us with this brief.

14 At this point I will ask Mary to
15 start with a few questions.

16 COMMISSIONER MARY SILLETT:
17 (Native language). Thank you very much.

18 Before you go, there is a question
19 I would like to ask you specifically.

20 As we have crossed the country, we
21 have heard very much about self-government. We
22 have heard a lot of people, particularly women,
23 express fear about self-government simply because
24 they are concerned that there is a certain amount
25 of abuse going on and they feel that, if self-

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1 government becomes a reality, there will be
2 further abuse. There are many people who advocate
3 that healing is a necessary first step before
4 self-government occurs.

5 As well, during my presidency of
6 the Inuit Women's Association of Canada, there was
7 some concern expressed about the lack of
8 representation of women in various organizations,
9 the possible lack of representation in any self-
10 government model. Really, if anyone called for
11 accountability, it was primarily women. They felt
12 that organizations should be accountable to their
13 constituents and to their members.

14 In the case of NTI, how are you
15 addressing those two issues, particularly the
16 representation of women and the accountability?

17 **BERNADETTE MAKPAH:** Speaking for
18 myself, when I ran for the Secretary-Treasurer's
19 position Nunavut-wide -- there are 27 communities
20 in the Nunavut Settlement area. You know as well
21 as I do that I have been an advocate for women and
22 children and social problems in the north that
23 derive from lack of education, economic
24 development, housing and all this other stuff. I
25 have been involved in those organizations in the

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1 past.

2 When I ran for Treasurer position
3 in Nunavut Tunngavik, I ran under the full
4 commitment that I would consider this as a mission
5 to contribute my business experience and to
6 incorporate it with the body to represent the
7 Inuit of the Nunavut Settlement area.

8 In its very early stage of life,
9 Nunavut Tunngavik is just looking at developing
10 such bodies and entities, which we call DIOs,
11 designated Inuit organizations, that will address
12 all social problems that face our people right
13 now.

14 As most of you are aware, I am
15 sure, Nunavut Tunngavik's mandate is to manage the
16 land claim and its resources through that land
17 claim in the future and also to manage the
18 compensation fund, which is our first priority.
19 In our very early life, as a brand new entity, we
20 are so busy concentrating on implementing our own
21 internal administrative structure for our
22 organization that that is something that has to be
23 addressed once all our human resource needs and
24 the headquarters question and the moving of the
25 different regionalized administrative offices are

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1 finalized.

2 It is a question that is raised
3 quite often. For instance, the Inuit Social
4 Development Council would address those issues,
5 and we do have a policy adviser based in Iqaluit
6 who is working on developing a plan on how the
7 Social Development Council would come about.

8 Does that answer your question in
9 very general terms?

10 ALEX CAMPBELL, Executive Director,
11 Nunavut Tunngavik Inc.: I just want to add to
12 some of Bernadette's comments.

13 The other way we ensure that women
14 are represented on Nunavut Tunngavik membership is
15 through the youth. Youth could be young ladies
16 representing their regions or their communities.
17 Also, we insist on having one seat per region to
18 be a female on Nunavut Tunngavik Inc. As well, in
19 the DIO designations that we are in the process of
20 establishing, we are very sensitive to the need to
21 have women on those panels that we are setting up.

22 BERNADETTE MAKPAH: To elaborate,
23 we have actually taken some action. We haven't
24 looked at adopting any policies to be more
25 representative of women's issues, Inuit women in

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1 particular I would assume.

2 As Alex has already explained, in
3 our by-laws we have recognized that each regional
4 association send a woman representative to our
5 Annual Assembly. Because of the vast area that
6 the Baffin Region serves, we consider a north and
7 south Baffin woman rep and, of course, youth reps
8 and Elders. So we have those three special
9 interest groups attending our AGM in Rankin Inlet
10 next week.

11 The other thing we have done for
12 our Annual Assembly for next week is that we have
13 organized an arts and crafts week-long festival to
14 promote. We know quite well, having been involved
15 with the Inuit Women's Association, that there is
16 always a very high turnout and interest,
17 especially in sewn products. We are very busy
18 organizing that arts and crafts exhibit and sale
19 on behalf of all crafts people -- carvers and
20 seamstresses -- in the Nunavut area.

21 COMMISSIONER MARY SILLETT: The
22 other question I have relates to an issue that was
23 raised when Charlie made a presentation. He
24 talked about the inability of Inuit who might be
25 members of Nunavik and, if they move to Nunavut,

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1 they may lose their benefits, that they cannot be
2 recognized as members of beneficiaries of Nunavut.
3 You have also identified that issue.

4 I was just wondering if you have
5 any ideas of how this particular issue could be
6 resolved.

7 PAUL OKALIK, Acting Director of
8 Implementation, Nunavut Tunngavik Inc.: In the
9 Agreement, we looked at it very flexibly because
10 we wanted to be able to benefit from each claim
11 area. How we looked at that is that we can reach
12 agreements with other groups to be able to
13 benefit. If, for instance, I were to live in
14 northern Quebec, I want to benefit from that area.

15 We can work out arrangements
16 whereby I can benefit from their land claim
17 agreement while I am residing in that particular
18 claim area. We looked at flexibility in that way
19 so that we can transfer from one land claim
20 agreement to the other.

21 However, on the other agreements,
22 that may not be possible. We left ours open-ended
23 so that, if I move back to my original community,
24 I can still benefit from our land claim area.

25 The federal government insisted

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1 that you could only benefit from one land claim
2 agreement at one time, so we have to agree to that
3 provision. But we made it flexible enough that we
4 can transfer back and forth, one at a time.

5 COMMISSIONER MARY SILLETT: The
6 other part of that issue, which I am sure you
7 heard when Charlie was at the microphone, is that
8 the Inuit, for example, may move to urban areas.
9 I know that in the Nunavut area many of your
10 people are living in Ottawa, for example, and in
11 other areas.

12 How are those Inuit represented,
13 or are they represented, in your land claims
14 agreement?

15 PAUL OKALIK: In the more
16 populous cities, like Ottawa, all the Inuit are
17 normally entitled to vote. I voted in the last
18 elections even though I was residing in Ottawa.
19 We left that open so that residents living
20 elsewhere can mail in their ballots if they want
21 to vote in a particular election. That is how we
22 keep it flexible, so that Inuit from our
23 traditional area can benefit through elections,
24 but there is not a lot they can benefit from
25 unless they actually reside in the territory.

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1 **COMMISSIONER MARY SILLETT:** Just
2 to clarify, if you were actually living in
3 Nunavut, what are the actual benefits that you
4 would be entitled to? I understand, for example,
5 that if you are an Inuk from the Nunavut area and
6 you are living in Ottawa, you do have the right to
7 vote, but you don't have any other privileges.
8 What are the privileges that they don't have?

9 **PAUL OKALIK:** One obvious point is
10 the hunting right. Inuit in Nunavut can hunt
11 anywhere in Nunavut, but they can't always
12 exercise that right when they are residing
13 elsewhere. Those are some of the benefits that
14 they can't really exercise when they are living
15 outside their traditional territory.

16 There may be some areas where they
17 can probably benefit economically. We require
18 services in Ottawa, such as translation or jobs in
19 Ottawa, and we give preference to Inuit from our
20 territory.

21 **COMMISSIONER MARY SILLETT:** I know
22 that training has been a focus, particularly with
23 UTTI prior to Nunavut. For many years people have
24 said, "Nunavut is going to become a reality some
25 day, and we have to prepare for that reality by

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1 making sure that our people have the skills to be
2 able to take on the jobs that are there."

3 What is happening with respect to
4 training -- and this is the same question I asked
5 Charlie. Do you have lots of jobs or do you have
6 enough Inuit to fill all those jobs? What do you
7 see in the future? How do you see more and more
8 Inuit being involved in the positions in Nunavut?

9 BERNADETTE MAXPAH: We just had a
10 Board meeting in Ottawa. ITC, which is the
11 Nunavut Implementation Training Commission -- and
12 I don't think they have ever missed a presentation
13 at our meetings -- is almost fully operational and
14 up and running. It is a separate board
15 represented by seven, three from the Nunavut area
16 and three from the territorial government and one
17 Chair. It is a bona fide board now, and they
18 received \$13 million in funds from the federal
19 government, I believe in September or the
20 beginning of October.

21 That body will be responsible for
22 implementing the training plans and programs for
23 all the DIOs that will be assisting in making
24 Nunavut a reality and in managing the land claim.

25 As far as UTII, we directed the

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1 Nunavut Sivunuksavut (ph) Program in conjunction
2 with NITC and UTTI to prepare a submission to
3 present at our next Board meeting, so that we know
4 what their initiatives are at this point, the
5 success rate.

6 Again, I have to stress that,
7 because we are such a brand new entity, there is a
8 lot of learning we are going to have to do before
9 we make a commitment to take over a body or more
10 DIOs, designated Inuit associations.

11 We have asked the Nunavut
12 Sivunuksavut Program, which was working closely
13 with UTTI, I believe, and ITC to do a proposal
14 based on their request which was that we take them
15 back under their arm because the TFN, the
16 Tunngavik Federation of Nunavut had sponsored them
17 as a group.

18 Does that answer your question?

19 COMMISSIONER MARY SILLETT: Yes.

20 Last week we heard from a
21 Department of Health official of the GNWT and they
22 talked about what they were doing, et cetera. One
23 of the things that occurred to me is that I am
24 sure that the whole structure of the GNWT will be
25 impacted as a result of Nunavut. What will it

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1 look like? How will it be impacted? What will
2 happen to the Department of Health and what will
3 the western portion look like compared to the
4 Nunavut portion when it is all done with?

5 **BERNADETTE MAKPAH:** I would really
6 like to answer that question before I leave. It
7 just reminded me of one very useful and important
8 initiative that we have taken on with the Nunavut
9 Caucus, which is the Eastern Arctic MLAs for the
10 territorial legislature, and our desire to work
11 closely with the Western Caucus, and the Premier's
12 request for NTI to publicly announce that we are
13 in support of their continual battle with the
14 dispute that is in the courts right now with the
15 health billings and payments that the federal
16 government backed down on.

17 Last week one of the Regional
18 Health Boards made a presentation with several of
19 their concerns and the fast-disappearing funds
20 into parts of the Eastern Arctic in relation to
21 health costs that are just -- Charlie was talking
22 about the high cost of living over there. It is
23 no different in health care. The health costs are
24 rising, but we are not getting any more nurses.
25 In the last 10 years they haven't increased that.

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1 So it's a real concern for us
2 that, before the transition is final with the new
3 government, we want some very concrete agreements
4 and contracts signed with the federal government
5 to protect our own future health care.

6 The Nunavut Tunngavik Board -- and
7 I can't quite recall what the resolution was. We
8 passes a general resolution for all of the Nunavut
9 Settlement Area and the Northwest Territories in
10 fact to support publicly and release to the press
11 our concerns on the area of health care in the
12 Northwest Territories at this point.

13 ALEX CAMPBELL: The other thing,
14 of course, is that the Nunavut Implementation
15 Commission is in the process of being formed.
16 Part of the mandate of that commission, of course,
17 is to oversee what kind of government Nunavut is
18 going to have in 1999.

19 COMMISSIONER MARY SILLETT: My
20 final question is this: I remember several things
21 from being in meetings with Inuit from different
22 regions and hearing Inuit from the Eastern Arctic
23 say, "We have been talking about this land claims
24 agreement for I don't know how many years, and
25 when will it become a reality?"

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1 Two years ago, when we were having
2 public hearings, there was a real excitement, a
3 real optimism, that we felt from our presenters
4 from the thought that this was imminent reality.
5 But there is no doubt that, in the case of
6 Nunavut, it has taken a long time to get there.
7 When you look at northern Quebec, it took a
8 shorter time to get there, probably because they
9 were forced to because there was major development
10 happening there and something had to happen. I
11 understand from reading the Western Arctic
12 materials that they took 10 years.

13 It took that 20-year period, and
14 it is becoming a reality now. You mentioned on
15 the first page of your submission that that has
16 given you a lot of time to look at other models
17 and to find out where mistakes have been made, and
18 you have learned some lessons.

19 What are the major lessons that
20 you have learned from other agreements that you
21 decided to implement with respect to the Nunavut
22 Agreement?

23 BERNADETTE MAKPAH: I was not part
24 of the negotiating body, ever. I am more
25 knowledgeable in the administering of the land

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1 claim itself and being part of the Executive as a
2 political advocate for the land claim.

3 John Merritt, our legal counsel,
4 and Paul Okalik were directly involved for many
5 years in the actual negotiations, so they may
6 answer that.

7 In the meantime, I would like to
8 thank you for your time, and I am going to go off
9 to the airport and go home.

10 Thank you very much.

11 CO-CHAIR RENÉ DUSSAULT: Thank
12 you. Have a good flight.

13 PAUL OKALIK: We took a bit longer
14 in negotiations because we insisted that we get
15 what we originally asked for, which was a
16 commitment on Nunavut territory. We insisted on
17 that because we wanted the commitment to establish
18 our own government. We managed to get that.

19 In looking at the problems of
20 implementation and the previous agreements, we
21 also insisted that we get an implementation
22 contract to resolve some of the problems that
23 arose in previous agreements.

24 Those were the main areas that I
25 can think of right now. I wasn't fully prepared

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1 to answer that question. That is my initial
2 response.

3 We also insisted that the joint
4 management institutions have some decision-making
5 authority. In looking at other agreements, we
6 managed to get a bit more in that area.

7 I hope that answers your question.

8 JOHN MERRITT, Legal Counsel,
9 Nunavut Tunngavik Inc.: There is just one point I
10 might add.

11 Especially toward the end of the
12 negotiations it became an important issue as to
13 whether the Inuit would be satisfied that the
14 agreement would, at the end of the day, have the
15 force of law. That's a point on which there is
16 continuing ambiguity on the part of the federal
17 government. Ultimately, it took a great deal of
18 time to construct the agreement and to agree to
19 ratification legislation which satisfied Inuit
20 that their agreement would at the end of the day
21 have the force of law.

22 I think that slowed things down,
23 but ultimately it provides much greater legal
24 predictability and security as to the agreement
25 that has been negotiated.

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1 COMMISSIONER MARY SILLETT: Thank
2 you.

3 CO-CHAIR RENÉ DUSSAULT: I would
4 like to get back to the issue of extinguishment.
5 You have dealt extensively with it in your brief.

6 Of course, as such but also under
7 the subtitle of legal certainty, I understand that
8 the thrust of your brief is to say that this
9 clause is not as final and secure as it could be.
10 You give the example of the non-proprietary rights
11 that are not covered by the clause, and you refer
12 to the Coolican report. Also you stress very much
13 the need for certainty and for third parties to
14 know what is going to be their situation.

15 Overall -- and I understand that
16 you would have preferred without it than with it.
17 I know there is a long way to go to implement.
18 The whole process goes to the year 2008, and maybe
19 farther. Are you relatively comfortable that the
20 process with Article 4 and with the ratification
21 process is one that is going to satisfy what was
22 envisaged by the Inuit of the Eastern Arctic? Of
23 course, the economy to sustain the working of the
24 government is fundamental.

25 I just want to hear a bit more

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1 about the move that there is in the Eastern Arctic
2 and in Nunavut at this point.

3 PAUL OKALIK: As it says in the
4 brief, we did not totally agree with the concept
5 of giving away all our rights, future claims and
6 everything else through the agreement. We state
7 in our brief that we can do that and meet the
8 concerns of the government without having to take
9 away everything that the government insists on.
10 We obviously want that policy changed.

11 In addition, we want to be able to
12 renegotiate some portions of the agreement itself.
13 We know that this agreement is forever, and
14 circumstances may change in the future. Maybe 100
15 years from now some portions of this agreement,
16 which Innu as negotiators feel strongly about, may
17 change. We want the option to be able to re-open
18 some portions of the agreement, where it is
19 relevant for the Inuit of the future.

20 We would need a change in
21 government policy to be able to achieve that. The
22 agreement itself did not achieve everything that
23 we originally sought. Article 4 does not deliver
24 everything that Inuit wanted; it just gives the
25 commitment to establish Nunavut. It doesn't

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1 protect the powers that that government might
2 have. It doesn't really address our language, for
3 instance.

4 We may want to visit those in the
5 future.

6 CO-CHAIR RENÉ DUSSAULT:

7 Obviously, it is important to have the mechanisms
8 to adapt as life goes on.

9 I would like to clarify the
10 discussion you had with Mary. The discussion we
11 had with the previous presenter, Makivik
12 Corporation, was about the portability of benefits
13 when Inuit people move from one land claim area to
14 another.

15 In your brief you state at page 15
16 that you would like an individual to have the
17 possibility of being enrolled under more than one
18 land claims agreement at the same time.
19 Obviously, you can't be in different land claim
20 areas at the same time. Could you explain a bit
21 more what you have in mind.

22 I feel that there is something
23 additional to what we have discussed previously
24 with Makivik. I am not clear.

25 JOHN MERRITT: My understanding is

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1 that that point comes out of a concern in relation
2 to individuals who often have children, and those
3 individuals are often from different background.
4 There are Inuit who are married to status Indians.

5 At the moment, under the current
6 rules, as the federal government has insisted on
7 incorporating them into the land claims agreement,
8 those individuals will be obliged to register
9 children as either Inuit of Nunavut or,
10 alternatively, status Indians.

11 We know, even from the first six
12 months of the agreement being implemented, that
13 compelling people to choose a child's identity, to
14 determine whether a child of mixed background
15 should be either an Inuk or a status Indian for
16 the purpose of registering for eligibility for
17 government programs, is a very difficult thing to
18 impose on a parent.

19 As Paul indicated earlier, a lot
20 of the benefits really are geographically
21 confined. Obviously, one can't go hunting in two
22 places at the same time. So there doesn't appear
23 to be any logic which would force people to
24 identify enrolment in one agreement rather than
25 another.

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1 The same would be true, of course,
2 with Inuit from different parts of the Arctic.
3 There doesn't appear to be an obvious reason why a
4 person couldn't be enrolled under two agreements
5 at the same time.

6 CO-CHAIR RENÉ DUSSAULT: This
7 would not mean getting the benefit twice.

8 JOHN MERRITT: Of course, at the
9 moment the federal policy doesn't say that certain
10 benefits can't be enjoyed at the same time. The
11 federal policy at the moment prohibits enrolment
12 for any purpose.

13 It would probably be more logical
14 if the federal policy indicated, for example, that
15 someone couldn't obtain particular types of
16 benefits, say entitlement to university
17 scholarships or something of that kind, that
18 someone couldn't double-dip, so to speak. That
19 would make sense.

20 At the moment the policy says that
21 you really have to -- and parents have to face
22 this problem. You have to identify yourself or
23 identify your child as belonging to this
24 particular agreement or that one over there. We
25 know from our own experience that that is a very

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1 unwelcome choice that many parents face, and it
2 seems like an unnecessary choice.

3 CO-CHAIR RENÉ DUSSAULT: Thank
4 you.

5 Getting back to the training, you
6 had some discussion earlier on the health
7 professions and also the kind of training that
8 will be necessary to implement Nunavut and to have
9 the administration of Nunavut run not only at the
10 political level but at the administrative level by
11 Inuit persons.

12 I can't help raising the issue of
13 nurses in the Baffin area. We were struck by the
14 fact that there are, as you say in your brief,
15 between 18,000 and 20,000 Inuit that will come
16 under Nunavut and that in the whole Baffin there
17 is not a single Inuit nurse. There are some CHRs,
18 community health representatives. Obviously,
19 there is a lack of continuity. Nurses come from
20 the south to Iqaluit or whatever.

21 We know that it is a difficult
22 issue. It has to do with bringing more training
23 programs to the north, getting more support in the
24 south for young people to adjust to the transition
25 and to get post-secondary training.

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1 Do you plan to do work as to the
2 method -- and I suppose the solutions will be
3 many. What are your views on that? With the
4 number of young Inuit people that now get their
5 secondary school training, how could we spark a
6 change? It seems obvious that it has to happen.

7 PAUL OKALIK: There are two main
8 components identified. One is the Nunavut
9 Implementation Commission which Bernadette already
10 explained. It is more related to the land claim
11 agreement itself. Then in the Nunavut Act itself,
12 we stress that training should take place for all
13 territorial government positions. We felt
14 strongly about it, but we weren't able to provide
15 commitments for the Nunavut Implementation
16 Commission, which will commence shortly, to be
17 able to fund training, for instance.

18 All the Implementation Commission
19 will be able to do is identify the training needs
20 for the new Nunavut territory government. They
21 will recommend training programs for all the
22 people in Nunavut to the federal government, and
23 the federal government will then be able to decide
24 on those recommendations.

25 We would stress to the Royal

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1 Commission that the Royal Commission recommend to
2 the government that any recommendations regarding
3 training be accepted by the federal government.

4 CO-CHAIR RENÉ DUSSAULT: But,
5 again, it seems to us that it is not only a matter
6 of funding. There is also the matter of the value
7 attached to education by the parents, by the
8 community leaders.

9 My question is: What kind of
10 action do you see? Even if the money is there to
11 get out of the community and to move south, with
12 all the problems it entails, it is seen as
13 something close to impossible by many young
14 people. What kind of action does an organization
15 like yours plan to take to put as high a priority
16 on education as possible?

17 PAUL OKALIK: Bernadette had
18 mentioned the Nunavut Sivunuksavut which has been
19 in place for the last six years or so. That is an
20 organization that provides for the transition
21 period, whereby the young people are assisted in
22 the transition stage from the community to the
23 city life. During that period they prepare each
24 student on more academic requirements.

25 That is one area that we have

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1 touched on, and it has been quite successful to
2 date. The students have gone on to university and
3 other areas.

4 We would suggest that you may want
5 to look at such a program, maybe on a larger
6 scale. We have been funding it ourselves almost.
7 You might want to increase funding for such
8 programs in the future.

9 COMMISSIONER MARY SILLETT: The
10 Canadian Paediatric Society made a presentation to
11 us last week, and one of the things they said made
12 a lot of sense to me. Particularly in Inuit
13 communities where there is a fair degree of self-
14 development, why don't you have more doctors or
15 nurses?

16 One of the things they were saying
17 was that, if you look at all the communities in
18 the north, it has been the communities that have
19 decided, for example, where their training
20 priorities are. In cases like northern Quebec,
21 their priority for training has been on teachers,
22 for example.

23 With the sciences it is very
24 difficult. For example, to be a doctor or to be a
25 nurse you have to have a good science background.

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1 The curriculum in many of our schools isn't geared
2 to produce that, so there has been an additional
3 step that is necessary for us to produce those.
4 They identified that as an obstacle.

5 I think there are places, such as
6 the University of Manitoba, where they do provide
7 the opportunity for northern Aboriginal people to
8 get that secondary type of training so that they
9 can go on.

10 They were saying that particularly
11 with the doctors and nurses it is more difficult
12 to get them because of our lack of science and
13 math, or weak science and math in the high
14 schools.

15 CO-CHAIR RENÉ DUSSAULT: It would
16 be the same with regard to the administration and
17 financial skills that are needed for the
18 implementation of the Nunavut government.

19 At this point, I would like to
20 thank you for your presentation. We could go on
21 and on. I was very interested in your section on
22 the support for traditional land-based economy.
23 This is an area where the Commission has done
24 quite a bit of work. We feel, as you do, that
25 much more could be done in this area. Economic

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1 development will have to be done in many avenues.
2 We have to work on all fronts because it is tough
3 to bring it.

4 In a nutshell, do you have
5 specific plans, apart from the plea you made for
6 income security for hunters and trappers along the
7 line of the James Bay Agreement? Are you working
8 on specific programs to put forward in the near
9 future?

10 PAUL OKALIK: In our initial
11 negotiations on the land claim, we were trying to
12 get a program similar to the Cree of James Bay,
13 but we weren't able to convince the government on
14 that.

15 However, we decided to spend our
16 own money and set up our own program. We
17 committed ourselves to spend \$15 million, and the
18 territorial government, in turn, committed \$15
19 million. The federal government committed
20 absolutely nothing.

21 That is one of the reasons that we
22 stress that the government should be further
23 pushed to at least contribute to such programs so
24 that not just the hunters will benefit, but the
25 communities themselves will benefit from such

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1 programs by increasing monies to the communities.

2 We hope that you will recommend
3 that such programs be established throughout the
4 Inuit communities.

5 CO-CHAIR RENÉ DUSSAULT: Of
6 course, as you were pointing out in your own
7 brief, you are concerned with the financial
8 constraints. Obviously, a case will have to be
9 made very clearly as to the benefits of shifting
10 the money from welfare money to productive money.

11 We will be looking forward to
12 keeping close contact with your organization on
13 the last leg of our trip as a Royal Commission.
14 We will be beginning very soon to put it together
15 and trying to come up with recommendations in all
16 areas of our mandate.

17 At this point, as we are running
18 late on our agenda -- we have two other groups to
19 hear this afternoon -- I would like to thank each
20 and every one of you for coming and sharing with
21 us your thoughts. Do not hesitate to contact us
22 in the coming weeks and months for further
23 discussion or ideas.

24 Thank you

25 PAUL OKALIK: Thank you, Ma'am. Thank you.

November 29, 1993

Royal Commission on Aboriginal Peoples

Sir.

CO-CHAIR RENÉ DUSSAULT: At this time I would like to ask the next group, the representatives of the Inuvialuit Regional Corporation, to join us at the table.

Good afternoon. First of all, I would like to apologize for the delay in our schedule. I know we kept you waiting. Without further ado, I would like to ask Roger Gruben to make the presentation. Please proceed when you are ready.

ROGER GRUBEN, Chairperson,
Inuvialuit Regional Corporation: Thank you very much, sir. My name is Roger Gruben, and I have with me Vince Teddy who is a member of the Executive of the Regional Corporation and, as well, Russel Newmark who is the Chairman of our Petroleum Corporation and, I would say, is an honorary beneficiary of the Inuvialuit.

I will begin by saying that you have a copy of our presentation there. For the sake of brevity, I will not read into the record all of our presentation. I will read selected portions.

We are pleased to be here today to

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1 make this presentation to the Royal Commission and
2 to answer any questions you may have regarding the
3 implementation of our land claims agreement or our
4 self-government initiatives.

5 The Inuvialuit are Inuit of the
6 Western Arctic, and we number approximately 5,000.
7 We reside in the six communities of Aklavik,
8 Inuvik, Tuktoyaktuk, Sachs Harbour, Holman Island
9 and Paulatuk.

10 Like the Makivik Corporation and
11 the Nunavut Tunngavik Inc. groups, we are
12 supportive of the efforts of ITC and would like to
13 take this opportunity to supply ITC's submission
14 by describing our experiences in implementing a
15 comprehensive claims agreement and our initiatives
16 in the area of self-government.

17 In 1984 after over 10 years of
18 very intensive negotiation, we concluded a final
19 land claim settlement with the Government of
20 Canada. Through the Inuvialuit Final Agreement,
21 we retained ownership of 35,000 square miles of
22 land in the Western Arctic and will receive cash
23 payments on a scheduled basis to 1997. On 5,000
24 square miles of these lands we own both surface
25 and sub-surface rights, including oil, gas, coal

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1 and minerals, and the IFA also entrenched various
2 rights and benefits for the Inuvialuit including
3 wildlife harvesting rights.

4 The major stated goals and
5 objectives of the Inuvialuit Final Agreement
6 include:

- 7 - protection of our wildlife,
8 environment and traditional harvesting activities;
9 - control and management over the
10 lands within our Settlement Region; and
11 - meaningful participation by
12 Inuvialuit in the national and northern economies.

13 The Regional Corporation and its
14 subsidiary corporations were created to help
15 fulfill these goals and objectives and manage the
16 compensation funds and lands we received as a
17 result of the signing of the IFA. We have used
18 these corporations to preserve and conservatively
19 invest our settlement monies, to establish
20 profitable development corporations, and to create
21 employment, training, education and business
22 opportunities for our people.

23 At the present time we own and
24 operate a large number of businesses in the
25 Northwest Territories as well as in southern

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1 Canada. These ventures include a regional
2 airline, a wholesale food distributor, retail
3 operations, a marine transportation company, the
4 largest mobile home manufacturing company in
5 Canada and, as well, a pipeline valve
6 manufacturer. We also have extensive real estate
7 holdings in British Columbia, in Alberta and in
8 the north. Our Inuvialuit Petroleum Corporation
9 is a fully functional oil and gas corporation
10 producing in excess of 5,000 barrels of oil per
11 day, making it one of the 50 largest oil companies
12 in Canada.

13 The Regional Corporation is
14 composed of six community corporations from those
15 communities that I mentioned earlier. Each
16 community democratically elects its community
17 corporation directors, and one director from each
18 community sits at the Regional Corporation level.

19 We also operate the Inuvialuit
20 Land Administration which has total authority and
21 control over all of our private lands and
22 administers these lands in a professional manner
23 according to the principles and guidelines that
24 are set by us. No land use activities or access
25 to our private lands is permitted without the

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1 approval and the issuance of the proper
2 authorities by our Land Administration.

3 We have a social development
4 program and a fund that has the responsibility for
5 areas such as education, language and culture,
6 housing and other matters.

7 The Inuvialuit Game Council was
8 established in 1979 to represent our interests in
9 wildlife. The Game Council participates in all
10 wildlife harvesting matters and also in the joint
11 government/Inuvialuit wildlife management bodies
12 created pursuant to our Final Agreement.

13 I would like now to turn things
14 over to Russel Newmark.

15 **RUSSEL NEWMARK, Self-government**
16 **Advisor, Inuvialuit Regional Corporation:** In the
17 past 10 years the economy and social structure of
18 the Western Arctic has been reshaped as a result
19 of the IFA. We believe that our claims settlement
20 has been extremely successful and beneficial for
21 the Inuvialuit and for all people of the region.

22 However, the implementation of the
23 claim has entailed a tremendous amount of work and
24 some difficulties. Establishing a skilled,
25 professional human resource base and meeting the

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1 expectation of our beneficiaries for immediate
2 opportunities and benefits have been two very
3 difficult obstacles we have had to overcome.

4 However, our greatest difficulty
5 has been in convincing government to honour the
6 constitutionally-protected commitments and
7 obligations set out in the Agreement itself.
8 Government compliance is inconsistent between and
9 within departments. There is no system which has
10 been put in place by either Canada, the Yukon or
11 the Northwest Territories to ensure that all
12 departments and all officials are aware of their
13 obligations and their commitments.

14 Funding for research activities,
15 our joint wildlife management organizations and
16 the co-management bodies has been difficult to
17 obtain. Consequently, Inuvialuit effectiveness in
18 carrying out our mandate in these areas has been
19 seriously impaired.

20 We have also had several disputes
21 concerning the control of our own private lands.
22 Unfortunately, government has consistently
23 attempted to erode and avoid Inuvialuit
24 authorities over our private lands and our
25 resources.

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1 Obligations by Canada to clean up
2 government installations on Inuvialuit lands and
3 extinguish existing encumbrances remain
4 outstanding, despite numerous attempts by us to
5 require government to address these issues and
6 matters. We have become so frustrated by
7 government delays that we recently initiated
8 arbitration proceedings in accordance with the IFA
9 to resolve Canada's obligation to clean up two
10 abandoned DEW Line sites.

11 Canada had previously agreed to
12 clean up these sites based upon the IFA and a
13 specific 1989 Settlement Agreement with the
14 Inuvialuit. One site is located in the NWT at
15 Horton River, while the other site is situated at
16 Komakuk Beach in the Yukon. In addition to
17 meeting the environmental clean-up requirements,
18 these projects would have created important
19 business, employment and training opportunities
20 for Inuvialuit.

21 These costly arbitration
22 proceedings could have been avoided had Canada
23 been willing to honour its obligations.

24 What is particularly disappointing
25 about this situation is that in several letters

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1 and meetings with the Minister of DIAND and his
2 other officials the Inuvialuit had been repeatedly
3 assured that the clean-up projects would proceed
4 and that Canada's commitments would be met.

5 In the area of procurement Canada
6 has frequently ignored section 16 of the IFA which
7 contains specific provisions respecting government
8 contracting and economic development within our
9 Settlement Region. Our recent arbitration
10 includes two specific instances where Inuvialuit
11 are seeking damages due to Canada's failure to
12 fulfill requirements under this section.

13 It is critical for Canada to
14 revise its contracting policies and procedures to
15 ensure their compatibility with the spirit, intent
16 and specific provisions of the Inuvialuit Final
17 Agreement. We have provided suggestions to
18 Canada, including the establishment of specific
19 procurement practices and policies for the
20 Inuvialuit Settlement Region, but we have had
21 little positive response to our suggestions.

22 If we could send but one message
23 to government, this would be that it must change
24 its established policies and practices to comply
25 with the constitutionally-protected promises it

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1 has made in the claims agreements.

2 To talk a little bit about the
3 self-government initiatives, I am going to turn it
4 over to Vince Teddy.

5 VINCE TEDDY, First Deputy
6 Chairman, Inuvialuit Regional Corporation: In
7 addition to the goal of concluding a comprehensive
8 land claims agreement, a complementary objective
9 of the Inuvialuit for over 20 years has been to
10 restructure government institutions in the Western
11 Arctic.

12 The issue of self-government is at
13 the centre of almost every area of concern for us
14 -- from economic development to justice, housing,
15 education, and health care. Self-government means
16 that we have the right to determine our own
17 institutions of government according to the
18 circumstances and needs of the Inuvialuit and that
19 we must have control of governments responsible to
20 us in matters relating to our social, economic and
21 cultural development.

22 In recent years we have worked
23 very hard to accomplish this objective. Our
24 approach has remained focused and constant for
25 many years and includes four basic features:

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1 - to establish a regional, public
2 government in the Western Arctic;

3 - to strengthen our community
4 governments;

5 - to work for the constitutional
6 recognition of our inherent right to self-
7 government; and

8 - to ensure that Inuvialuit
9 language, culture and traditional practices are
10 promoted and protected in any national or
11 territorial constitutional process.

12 We have always believed that a
13 regional government approach is the most effective
14 means to achieve self-government. Our preference
15 that this be a public government lies in the
16 belief that all residents of the region can work
17 together more beneficially and cost-efficiently as
18 a regional community.

19 A regional approach will also
20 allow Inuvialuit to undertake specific measures to
21 protect and promote our language and culture and
22 to design governmental mechanisms which are more
23 consistent with our aspirations and values.

24 I will leave it for Roger to
25 continue on.

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1 ROGER GRUBEN: Thank you, Vince.

2 We have been working in a number
3 of directions to advance our self-government
4 aspirations. These include the submission of a
5 self-government proposal to Canada and
6 participation with other groups and regional,
7 territorial and national political processes.

8 Following several meetings with
9 Canada and extensive community consultations in
10 March of this year, we submitted a very
11 comprehensive self-government proposal to Canada.
12 This proposal included both a draft self-
13 government agreement and draft legislation to
14 establish a regional government.

15 Although DIAND, on behalf of
16 Canada, has provided informal comments on our
17 proposal, government has been unable to co-
18 ordinate efforts and begin discussions and
19 negotiations with us.

20 We have also been working together
21 with an Indian group adjacent to our Settlement
22 area. The name of the Indian group is the
23 Gwich'in. We have also been working with the
24 municipalities and other organizations in the
25 Western Arctic to develop a regional government

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1 proposal which will satisfy many of our self-
2 government objectives and aspirations.

3 The proposal describes a Western
4 Arctic Regional Government built upon strong
5 community governments. Its primary objective is
6 to restructure public government to maximize
7 overall legislative authority in the region and
8 enure the delivery of superior government programs
9 and services.

10 We now intend to advance this
11 proposal at both the territorial and federal
12 government levels.

13 We also participate in territorial
14 and national processes for political and
15 constitutional development. The finalization of
16 the Nunavut claim will result in division of the
17 Northwest Territories by 1999. This alone makes
18 it necessary for those outside of the Nunavut area
19 to develop a constitution and government for a
20 Western Territory. As a result, we are working
21 with many other groups and peoples in various
22 committees to design the structures for a new
23 Western Territorial Government.

24 At the national level we co-
25 operate with other Inuit through the Inuit

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1 Tapirisat of Canada. Achieving the entrenchment
2 of the inherent right to self-government, the
3 constitutional protection of self-government
4 agreements and recognition of our languages and
5 culture remain important objectives for Inuvialuit
6 and, indeed, for all Inuit.

7 In conclusion, the past nine years
8 have been very exciting years for the Inuvialuit.
9 Through our claims agreement, we have been able to
10 transform the economy and social structure of our
11 region while, at the same time, protecting and
12 promoting our traditional harvesting practices and
13 cultural activities. Although we have been
14 disappointed at the extent of non-compliance by
15 government, we continue to successfully implement
16 our claim.

17 Progress in the area of self-
18 government has not been great. However, despite
19 significant efforts and expense, we have not been
20 able to conclude a self-government agreement or to
21 restructure public in the Western Arctic.

22 In particular, government must
23 move beyond its vague and abstract promises and
24 begin concluding meaningful arrangements for self-
25 government with Aboriginal peoples. As we have

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1 done in the past, we are prepared and able to move
2 ahead and look forward to the challenge of
3 regaining greater control of our communities and
4 our government. It is time for government to move
5 forward with us.

6 Thank you. We are prepared to
7 answer any questions you may have.

8 CO-CHAIR RENÉ DUSSAULT: Thank you
9 very much for providing us with a good survey of
10 the work that has been done for many years. It is
11 very helpful.

12 As you are aware, the Commission
13 has held many hearings in the Western Arctic.
14 Mary and I were in Fort McPherson a year and a
15 half ago, in May 1992. We have also been to the
16 Yukon, to Old Crow and Inuvik.

17 One of the questions that was
18 raised during those hearings was the following:
19 What will happen to the Government of the
20 Northwest Territories once the Nunavut is
21 accomplished, when the separation of the Eastern
22 and Western Arctic is done and we have a separate
23 territory? With the various land claims that were
24 quite successful in the Yukon -- the Inuvialuit
25 land claim and one with the Saitu also -- and in

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1 your brief you are talking in addition about a
2 regional government, which is not a territorial
3 government yet.

4 When we look at the governance
5 reality in the Western Arctic, once Nunavut is
6 accomplished, moving toward self-government
7 alongside the land claims settlement, what is your
8 vision of a public territorial government with
9 whatever would be left? On the one hand, the
10 Eastern Arctic will be gone; on the other hand, a
11 much stronger community and probably regional
12 government will take place.

13 What kind of role do you see for
14 the territorial government in the future?

15 We were struck by the fact that at
16 the community level the territorial government,
17 even if the members elected to the Assembly were
18 by a huge majority, 20 out of 24, Aboriginal
19 people, very often the territorial government was
20 seen as a province from the community point of
21 view.

22 Could you give us your vision of
23 the future and the organization of public
24 government in the north. A lot is happening in
25 the Western Arctic, in particular.

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1 ROGER GRUBEN: Thank you.

2 From the Inuvialuit point of view,
3 we are in support of a regional government that is
4 very community-oriented. In other words, the
5 power base emanates from the community level. The
6 communities themselves, through a plebiscite or
7 through some demonstration of community decision-
8 making, will make the decision as to whether they
9 want to join the regional government. The
10 building blocks, I always say, are the
11 communities.

12 The regional government will be
13 responsible for introducing cost-efficiencies and
14 efficiencies in the delivery of services. Let me
15 explain that a bit more.

16 We expect that at the regional
17 government level the regional body will be
18 responsible for negotiating with a central
19 government, whether it be out of the Northwest
20 Territories or with the federal government,
21 financial transfers for housing, as an example --
22 block transfers of funding for housing. We would
23 see that, at the community level, the community
24 would be responsible for the design of the
25 housing, for the construction of the housing, for

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1 the operation and maintenance of the housing
2 units. In other words, the communities would
3 deliver certain types of roles and services.

4 What would remain now at the
5 central government level? We see that there is
6 definitely a role for the territorial government.
7 That role still in many ways has to be defined
8 more finitely. As we have mentioned in our
9 proposal to the federal government for a self-
10 government agreement, we still have to define that
11 role. We would want to have the territorial
12 government at the table as part of the team of the
13 federal government to help us define that role.

14 We can see that in many ways they
15 can be responsible for certain aspects, such as
16 the Workers' Compensation Board. They can be
17 responsible for the labour standards ordinance.
18 They can be responsible for health insurance --
19 those types of very, very broad standards and
20 policies that governments normally develop. They
21 would be setting the standards and certain
22 policies that would be adhered to territory-wide.

23 At the regional level we would
24 have the responsibility, of course, to meet those
25 standards and to meet the policies and the

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1 regulations that have been set by the territory.
2 In addition to that, we would be able to set laws
3 or standards that would be applicable to the
4 region itself only.

5 I use a very, very simple example
6 here. The territorial government might say that,
7 in the areas of education, every person in the
8 Western Territory shall have the right to
9 education. That's a standard; that's a policy.
10 At the regional level we can take that particular
11 policy and standard and interpret it to say that
12 now every community in our regional government
13 parameters shall have a high school.

14 The community level can say that
15 every student in our community shall be given X
16 number of hours per day or per week instruction in
17 the Inuvialuit language.

18 You see how I am bringing it from
19 standards and policies of the territorial down to
20 the regional down to the community. In some cases
21 there might be services that can be better
22 delivered on a regional basis. For instance, a
23 doctor might make visits to all the communities on
24 a regular basis. It doesn't make much sense to
25 have a doctor in a community of 130 people and

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1 another doctor in another community of 140 full-
2 time. However, it does make sense to have a
3 specialist that would be available for all these
4 communities at certain times for the benefit of
5 all. We are introducing now cost-efficiencies.

6 I know that is a very rambling
7 answer, but I hope you have a better idea as to
8 what we propose.

9 CO-CHAIR RENÉ DUSSAULT: It is a
10 good answer for us. If you could provide us with
11 a written design or plan or model, we always look
12 forward to getting those models. We know there is
13 a lot of diversity.

14 I have two further questions. The
15 first one is: Of course, your notion of self-
16 government is one where there is a government of a
17 public nature that covers everybody in the
18 territory. Is it the same for the regional
19 government that you are advocating? The regional
20 government would be a public government also?

21 ROGER GRUBEN: That is correct.
22 The Inuvialuit over the last number of years have
23 consistently maintained the position that our
24 preference is for a regional government that is
25 public; in other words, it's a government for

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1 everyone.

2 In our brief, at page 10, we say
3 that we have been working with the Indian group in
4 our own area, which is the Gwich'in, as well as
5 with the municipalities in our area to develop
6 with their assistance the proposal for regional
7 government, based on a public government model.

8 CO-CHAIR RENÉ DUSSAULT: This
9 leads to my second question. Would the regional
10 government be an elected government, and not only
11 made up of people appointed by the communities?
12 Would it be directly elected by the population of
13 the communities?

14 ROGER GRUBEN: That is correct.
15 The way we would see the people elected to the
16 regional council would be that each community,
17 regardless of size, would have equal
18 representation. In other words, a small community
19 of 130 people would have one representative;
20 whereas, a larger community of maybe 2,500 would
21 have one representative as well.

22 We would also have at-large
23 representatives which would be elected by all the
24 communities that are members to the regional
25 council. That is our way of saying that, if you

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1 are a larger community, you will have that much
2 better opportunity to get additional people on the
3 regional council, but you will have to do your
4 work.

5 CO-CHAIR RENÉ DUSSAULT: When you
6 speak about communities, you speak not only of
7 Indian or Inuit communities, but municipalities
8 which covers non-Aboriginal people.

9 ROGER GRUBEN: That is correct.
10 In our proposal for a regional
11 government, we are looking at the boundaries being
12 the Inuvialuit Settlement Region boundary as well
13 as the Gwich'in Settlement boundary. Two land
14 claim boundaries would comprise the boundaries of
15 the regional government.

16 There are eight communities in the
17 confines of the boundaries. The people who are in
18 those eight communities include Inuvialuit,
19 Gwich'in and non-Aboriginal. One of those
20 communities is a major administrative centre,
21 which is the town of Inuvik, which has 42 per cent
22 non-Aboriginal residents.

23 CO-CHAIR RENÉ DUSSAULT: And you
24 still see room for a territorial government?

25 ROGER GRUBEN: Yes.

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1 CO-CHAIR RENÉ DUSSAULT: With a
2 legislative role mainly, if I understand your
3 plan, to establish plans and policies.

4 ROGER GRUBEN: The way I would
5 characterize the relationship between communities,
6 regions and a central government is that
7 communities are the building blocks. They are the
8 agencies that form the regional government. The
9 regional government is there on their behalf to
10 introduce cost efficiencies, effectiveness and
11 adequate representation for delivery of services.

12 We see the community and the
13 regional forms of government as being very, very
14 strong. We do not see a central authority or a
15 central government as being as strong as it is
16 now, although there is a role for it.

17 CO-CHAIR RENÉ DUSSAULT: Thank
18 you.

19 COMMISSIONER MARY SILLETT: Thank
20 you very much, Roger, Russel and Vince, for coming
21 all this way. It's a long way.

22 I had only two questions. The
23 first one was asked by Mr. Dussault.

24 I have always perceived the
25 Inuvialuit in the Western Arctic as real go-

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1 getters and being really successful in the area of
2 economic development. I think many people
3 recognize that. The Inuvialuit were key speakers
4 at our Economic Round Table.

5 One of the things that keeps
6 coming back to us is the poverty that many small
7 communities face, the lack of ability to provide a
8 decent living for themselves and for their
9 children. It seems to me that you have some
10 lessons that could benefit other areas like that.
11 For example, in terms of the economic development
12 lessons that you have learned, what kind of advice
13 could you give to other communities who are
14 interested in pursuing that route?

15 ROGER GRUBEN: For sure now, you
16 are going to make me miss my plane because I am
17 going to take half an hour to answer that one.

18 COMMISSIONER MARY SILLETT: Roger,
19 that's what you get for not showing up in Inuvik.

20 ROGER GRUBEN: I want to take a
21 first crack at that question and then I am going
22 to ask Vince and Russel to assist me.

23 One of the very first things that
24 we did, Mary, when we signed our land claim
25 settlement was that we travelled around to our

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1 communities and said to them that a land claim
2 settlement, once it is signed, does not
3 immediately mean money in your pocket. If we were
4 to begin handing out dividends to all of our
5 beneficiaries, our claim would be eroding over
6 time, and at some point in the future we would be
7 no better off than where we were.

8 What we did was we travelled
9 around to our communities and to our beneficiaries
10 and asked for their understanding and their
11 acceptance to give the Regional Corporation and
12 all of our subsidiaries the time to invest our
13 monies and to become profitable so that at some
14 point in time we would be able to pass along
15 dividend payments to our beneficiaries.

16 However, we did explain to them
17 that, although it didn't mean that we were putting
18 money in their pockets immediately -- in other
19 words, divvying up the \$170 million that we
20 received as part of our claim settlement, dividing
21 it by 5,000 and you get X amount of dollars -- we
22 could create business, employment, education and
23 training opportunities as the result of all of the
24 different corporations and all of the different
25 agencies that were created pursuant to our claim.

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1 Our beneficiaries supported that
2 initiative. I am pleased to say that, as of today
3 and tomorrow, a press release is going to be
4 issued back home that 2,500 of our beneficiaries
5 18 years of age and over are each going to be
6 receiving a dividend payment of \$500. That
7 amounts to \$1.245 million. That is going to be a
8 dividend payment because our corporations have
9 been successful in fiscal years 1992 and 1993.

10 The other thing that we
11 acknowledged was that we wanted to provide
12 services that would provide high employment, high
13 training and high business opportunities for the
14 immediate region. They would provide high figures
15 in those three categories -- employment, education
16 and business expenditures -- although on the
17 bottom line they would not create a profit. These
18 are more what you might call the social type of
19 business agencies.

20 We recognized that we had to get
21 into those particular types of businesses because
22 there was a crying need for some type of economic
23 development. There still is a crying need for
24 continued economic development activities in our
25 own area.

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1 For profit-making ventures we had
2 to learn that we had to move outside our
3 Settlement area into southern Canada and into the
4 global marketplace to get the returns that are
5 needed to become successful. Again, as a matter
6 of fact, we had to even expand outside the
7 country. Even this year, if you invested your
8 money in a bank, you would be lucky if you got 5.5
9 to 6 per cent. We recognized that a year ago, so
10 we invested a substantial portion of our funds in
11 the fastest-growing economy in the world today,
12 which is the Asian Pacific area. Last year we had
13 a rate of return of 33 per cent in that particular
14 area.

15 As a matter of fact, in our
16 offshore funds we had a rate of return, on
17 average, of 25 per cent. In Canada we had returns
18 of 12 per cent.

19 In certain areas we have had to
20 come to grips with the fact that our claim could
21 only present us with so many opportunities.

22 There is one particular aspect of
23 our claim that I would say is missing to complete
24 the framework for self-sufficiency. We have
25 gotten to the point now where we have gotten a

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1 toe-hold on providing economic opportunities for
2 our people, from a corporate and a business
3 standpoint. However, we are unable to influence
4 government decisions in the areas of housing, in
5 the areas of education, in the areas of training,
6 in the areas of capital expenditures.

7 That is why we are putting forward
8 the need for negotiation of a self-government
9 agreement. We feel that, with a self-government
10 agreement on the one hand and a claims agreement
11 on the other, they would very nicely complement
12 one another so that a group can now have all the
13 decision-making capability on site to be able to
14 make decisions for the benefit of the people that
15 it represents.

16 RUSSEL NEWMARK: One of the things
17 I was going to add was that we have taken maybe an
18 omnivorous approach in many different areas.
19 While we have concentrated on a number of
20 opportunities in our own regions, through clean-up
21 projects or oil exploration related projects or
22 construction projects, we have also spent a lot of
23 effort developing businesses that are successful
24 in southern Canada. Once we have developed those
25 businesses into very successful corporations, we

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1 have used those corporations to bring benefits to
2 our own people and into our own region.

3 Maybe, to make that a little
4 clearer, I can give you the example of our
5 Petroleum Corporation. We established it in 1984-
6 85, and over about a five or six-year period let
7 it grow and develop. We didn't have very high
8 levels of Inuvialuit employment; there were not
9 really large volumes of dollars in terms of
10 benefits that our Petroleum Corporation was
11 providing as it grew.

12 In around 1989, 1990, 1991 it
13 started to become very profitable. As it became
14 more profitable, we used the funds and the profits
15 we were generating to then start to really provide
16 a lot of meaningful benefits.

17 Three or four years ago we had
18 maybe two employees. Our headquarters in Calgary.
19 Today we have 20 Inuvialuit employees, and we have
20 done that through a whole series of things, right
21 from hiring people as labourers on drilling rigs
22 to training positions as geologists and
23 geophysicists to operators to accountants, and so
24 on.

25 We have also been able to use

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1 funds from our Petroleum Corporation to fund some
2 education initiatives. We have established an
3 education foundation. A number of students at the
4 college and university level are now being funded.
5 There is a tutoring program for younger students.

6 We have been investing heavily in
7 our carvers.

8 That is not particular only to our
9 Petroleum Corporation, but as all of our
10 corporations have been successful. I know some of
11 the other corporations, like the Regional
12 Corporation, have put a lot of funds into projects
13 where we have almost gotten our professional
14 drummers and dancers who end up travelling almost
15 wherever the corporations go.

16 So there has been a whole series
17 of spin-offs that we have been able to do to
18 promote education, employment, training and
19 opportunities for our people through the success
20 of the other corporations, even when those
21 corporations have been successful in the south.

22 ROGER GRUBEN: Vince wants to add
23 a comment more from the community angle.

24 VINCE TEDDY: Thank you, Roger.

25 Just as an example at the

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1 community level, as to how benefits are derived
2 and benefits are utilized at the community level,
3 through our various community corporations, of
4 which we have six, one in each community, each one
5 has formed a Development Corporation. To give you
6 an example of how, through our claims agreement,
7 those Development Corporations have the ability to
8 go into business, in Tuk, with the assistance and
9 support of the Inuvialuit Regional Corporation,
10 the Tuk Development Corporation was able to get a
11 sole-source construction agreement with the
12 Government of the Northwest Territories last
13 summer to build four housing units. That not only
14 provided jobs, but it provided a bit of profit and
15 also some aspects of training in terms of
16 construction jobs.

17 In terms of Aklavik, their
18 Development Corporation has gone into business by
19 going into a bakery. They have opened up a bakery
20 there.

21 In Inuvik in the Northwest
22 Territories they have gone into a business with
23 the Gwich'in, the other claimant group within our
24 region, in the construction of a Tourist
25 Information Centre.

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1 As the parent group, we also went
2 into business in Sachs Harbour. We formed a
3 renewable resource corporation called Umayut (ph).
4 Its primary source of business is muskox -- meat
5 products and also looking at research and
6 development of kivyut (ph) and the use of leather
7 products in the future. That is something that is
8 still in the R&D stage at this time.

9 Those are examples of growth for
10 the community level.

11 ROGER GRUBEN: Thank you, Vince.

12 To close off here, Mary, the
13 Inuvialuit have been extremely fortunate in being
14 able to negotiate a land claim settlement that has
15 a number of features in it that give us complete
16 autonomy in certain areas

17 For instance, whenever there is a
18 major project going on in the Settlement Area --
19 for instance, the Department of National Defence
20 upgrading of the old DEW Line sites, or if Esso
21 wanted to carry out an exploration or any kind of
22 program in our region, and the same with Shell, or
23 if the territorial government wanted to carry out
24 a gravel haul from one of our quarry pits -- on
25 the strength of our claim we have been able to

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1 negotiate our fair share of those particular
2 projects. The government had to come to us to get
3 permission before those projects could go ahead.

4 I am not saying, of course, that
5 our claim has always been successful. We have had
6 our share of mistakes. We can count easily on one
7 hand these mistakes, Mary. The problem is not in
8 making the mistakes. Anybody will make mistakes.
9 The benefit should be that you learn from those
10 mistakes so that you don't continue to make them
11 over and over again.

12 Another benefit of our claim is
13 that we have had access to resources. If we
14 disagreed with government, as we now currently do,
15 on a particular issue, we have the resources --
16 cash and, as well, the lobbying ability to go to
17 government and say, "You're wrong." If that means
18 we have to go to court or to arbitration, we will
19 do that because we have to do what we think is
20 right.

21 The big difference between other
22 Aboriginal groups across the country is that they
23 may have the same aspirations as we do; they may
24 have the same beliefs as we do and the same ideas
25 that we do, but they don't have the access to

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1 resources. That is a big difference.

2 COMMISSIONER MARY SILLETT: Thank
3 you very much.

4 CO-CHAIR RENÉ DUSSAULT: At page 5
5 of your brief you refer to the greatest difficulty
6 you have had with governments on having the
7 commitments honoured, and so on. You point to the
8 fact that government compliance is inconsistent
9 between and within departments.

10 My question is: Is the problem a
11 question of interpretation as to what has been
12 agreed upon, or is it a problem of the message not
13 going through the various departments within one
14 government or the civil servants having their own
15 interpretation of what has been decided?

16 What is the real problem? I think
17 you are putting your finger on something important
18 here.

19 ROGER GRUBEN: Actually, it is a
20 combination of all that you have mentioned. We
21 start off with a difference in interpretation.

22 Government, no matter what you do,
23 in many cases will interpret things the way they
24 want to. Over the years the major job that we
25 have had within the Inuvialuit system has been in

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1 educating government, educating government in
2 terms of their obligations with regard to a
3 constitutionally-protected document, the intent of
4 certain provisions of our land claim settlement
5 and the obligations that governments have entered
6 into. That's the first step.

7 Additional steps include the lack
8 of a directive going out from a central agency to
9 other government departments, informing these
10 other government departments of their obligations
11 as part of the Government of Canada with regard to
12 this particular land claim settlement.

13 In other words, we might go to the
14 Department of National Defence -- and, by the way,
15 sir, I want to say for the record that in many
16 cases the Department of National Defence has been
17 a very, very good partner for the Inuvialuit. Of
18 course, we have some problems with certain sectors
19 of the department but, on the whole, the
20 Department of National Defence has been a pleasure
21 to work with. They understand their commitments
22 to the Inuvialuit with regard to our claim.
23 Whereas, if you run over to the Department of
24 Supply and Services or if you run over to
25 Employment and Immigration or, God forbid, go to

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1 DIAND, those obligations and commitments are
2 unknown within some departments.

3 So the message of government
4 obligations and commitments in relation to our
5 claim has not flowed throughout the various
6 government departments.

7 Another problem that we run into
8 is that every so often government will make a
9 commitment through a negotiated agreement. For
10 instance, if you take a look at page 5 of our
11 brief, we say that government repeatedly told us
12 that they would be responsible for the clean-up of
13 an abandoned DEW Line site within our Settlement
14 Area. We signed the agreement with them in 1989.
15 The words in the agreement said that government
16 would do the clean-up expeditiously. Here we are
17 in 1993, and the clean-up has not even begun.
18 There have not been any standards that have been
19 set. That is one of the issues that we are going
20 to arbitration with the government on, to settle
21 that issue.

22 We also note that, because the
23 government in many ways controls the purse strings
24 to implementation mechanisms on various features
25 of our claim -- and I speak now specifically to

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1 the implementation of our wildlife management
2 bodies. These include the Environment Impact
3 Screening Committee, the Environment Review Board,
4 the Fisheries Joint Management Board, and other
5 bodies, where we have shared representation with
6 the government to manage the wildlife and the
7 environment.

8 Because the government controls
9 the purse strings, they do not see the agreed-upon
10 dollars for implementation as being
11 constitutionally protected, like the obligation.
12 They say, "We have an obligation here," but then
13 they divorce the dollars of implementation from
14 that obligation and say, "When there is going to
15 be an overall cut within government, we have to
16 make the cuts to your implementation dollars
17 accordingly."

18 I don't think that is what was
19 intended when the negotiators of our claim input
20 the obligations by both parties into the Final
21 Agreement. I don't think the government has the
22 right to begin cutting dollars that have been
23 allocated for implementation unilaterally.

24 At the very least, there has to be
25 the consultation and, hopefully, the consent from

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1 the other party that dollars will be reallocated
2 or dollars will be carried over or for dollars to
3 be discontinued. I doubt that anybody would say
4 that the dollars should be turned back into
5 government. There is always a severe need for
6 continued dollars for implementation.

7 Sir, I know that we have taken a
8 bit of time to answer your question in relation to
9 where we see the lackings within government in
10 relation to a claim. We have experienced all of
11 these. We are continuing to experience these
12 difficulties. We know they will continue.
13 Hopefully, at some point -- and your process is
14 going to be a start -- government will live up to
15 its obligations.

16 CO-CHAIR RENÉ DUSSAULT: I think
17 the time you took was well spent. It was very
18 useful. Thank you very much for your answer. I
19 think you have given us some good information as
20 to why the problems are there and also what could
21 be done to avoid them in the future -- such as
22 this whole question of setting up obligations
23 without the dollars.

24 We appreciate your presentation
25 and your being with us this afternoon. You came a

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1 long way, and I know you have a flight to catch.
2 We have another presentation, and at this point, I
3 would like, on behalf of the Commission, to thank
4 you very much for coming forward and sharing your
5 thoughts and this brief with us.

6 If you have additional
7 information, such as this model of governance that
8 you have described, the way you see the Western
9 Arctic, we would be very happy to receive it.

10 Thank you.

11 COMMISSIONER MARY SILLETT: Thank
12 you very much.

CO-CHAIR RENÉ DUSSAULT: We'll take a break for two or
three minutes. We'll begin again with the final presentation of
the day, Fernand Ouellet and José Lopez Arellano, lecturer at the
University of Sherbrooke.

--- Short break at 4:40 pm.

--- Upon resuming at 4:50 pm.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on
Aboriginal Peoples is resuming its public hearing with a
presentation by two professors from the University of Sherbrooke,
José Lopez Arellano and Fernand

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Ouellet.

Without further ado, I would ask that you proceed with your presentation.

Thank you.

FERNAND OUELLET, professor, University of Sherbrooke:

Thank you.

I am delighted to have the last word, although I'm not sure that's always an advantage. I usually like to have the last word.

Since you've been given a text that I feel is intelligible, I don't plan to read it. Instead, I will make a few comments here and there to evoke some of the ideas put forward in the written brief and especially to leave time for a discussion and any questions you may have.

I will cover some of the points, and my colleague, José Lopez Arellano, who is more of an expert in Aboriginal issues than I am, will answer your questions.

Our presentation to you today centres on two of the themes that have been identified in the course of the Commission's work,

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the theme of the relationship between Aboriginal people and other members of Canadian society, and the self-sufficiency of Aboriginal people.

The first part of our brief deals with the introduction of a cross-cultural training program.

With regard to the cross-cultural training project, the cross-cultural program offered by the University of Sherbrooke goes back quite a long way.

In the 1970s, in the rather unusual context of a faculty of theology that hired me in the early seventies with training in religious philosophy and religion humanities and early training in religious humanities -- training I have not yet completed -- since 1970, I have been studying in the field of religious humanities, which has taken me much farther than I thought possible at that time.

In those days, I was drawn to a cross-cultural training experiment that was not referred to by that name then because

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the expression did not exist. I spent almost ten years working in cross-cultural education in the same way as Molière's Mr Jourdain spoke prose: that is, without knowing it, working with teachers who were trying to introduce in the last year of high school a religious education curriculum the objective of which was not to nurture or teach faith, but to develop an understanding of human religious experience.

I worked with these teachers trying to define the orientation of the program, which was sort of a middle road between denominational religious education and moral teaching, a third option that we thought in those days was promising and had the potential to improve the quality of children's education in this field of human endeavour known as religious experience.

For ten years or so, I worked with teachers developing this approach to religion in school and defining the orientation that would truly make it an educational approach and not

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a denominational approach to religious education, with an open attitude toward the diversity of religious tradition. Even back then, we felt a need to have a component on the Aboriginal religious experience as one of the fields to be explored in a curriculum for the final year of high school.

Since the experiment was blocked in the Quebec context by a whole set of circumstances, foremost among them the constitutional guarantees of denominational and school religious education and the fear among bishops and church leaders at the time that they would lose their monopoly on religious dialogue.

I was forced to broaden my horizons because in the meantime I had developed a training program for teachers that included the three components I mention in the brief, or an exploration of theory to define the orientation of non-denominational religious education. I applied that in an effort to understand the new challenges created by multi-ethnicity in our society. I came to

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realize this in the early eighties, in connection with the issue of pluralism.

With the changes in the makeup of the student body in Quebec schools, with Bill 101, when we began to get a lot more students from ethnic minorities, we faced new challenges for the orientation of education throughout the school system. So I set out to learn what had been written in other countries about the subject of pluri-ethnicity and discovered a tremendously rich and complex field that pushed me to study humanities by going and listening to other colleagues more knowledgeable than I in an effort to understand the complexity of these new challenges created by the rapid changes in our society.

I ended up defining the orientation of a training program for teachers, and in so doing, I had to try to understand what it is we are capable of knowing. It's important to know so that we can talk and intervene in these areas in such a way that we do not do more harm than if we did nothing.

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I realized that this was a field where, especially if the emphasis is on ethnocultural identities, when we take action in the area of education, we often produce adverse effects that are fairly damaging and may actually make things worse instead of better.

Among the main areas of research in which there is a great deal of literature in different countries, here in Canada there are three main themes: the issue of ethnicity in the context of a modern society, how to reconcile modernness and ethnicity. There's a whole complex field to be explored in which there is no end to the works that shed light on these issues.

A second very important, very rich and also very complex field is the issue of racism, the problems in relations between groups and the factors that create situations where even if everyone agrees that they have to love one another and get along with one another, they realize that in most societies, it is more common for people to get under each another's skin.

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The third field of knowledge in which there is a great deal of literature here is equal opportunity in education.

In the training program presented in our brief, these three fields play a central role in the first block of training, which is training aimed at defining the theoretical orientation in terms of what the challenges of pluri-ethnicity are and how to define cross-cultural education that is education that does not produce the harmful effects that many authors have criticized.

The second component of the training program is a component that deals with the exploration of a foreign cultural tradition. For all sorts of personal reasons that I will not go into here, I came to be interested not in Canadian Indians, but the Indians of India, between 800 and 900 million Indians in India, where incidentally there is an Aboriginal population of between 30 and 50 million that I tried to learn more about because for reasons I will explain to you in

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a moment I developed an interest in this Aboriginal issue, an issue about which I knew nothing and about which there are still a lot of things I don't know, but I am learning every day, and I realize I have a lot more to learn.

In this component of exploring a foreign cross-cultural tradition, there was the possibility of exploring the Aboriginal issue, but there was not much emphasis on it when the program was first being developed. From the outset, I told myself that it was great to be interested in the Indians of India, but I had to look at the Indians in Canada, too. I therefore pushed to get work started on the development of a cross-cultural training component focusing on the Aboriginal issue in this exploration of foreign cultural traditions.

Since the 1980s, I have organized trips to reserves, contact with Aboriginal people, but have not really found a formula I'm happy with, because we always run the risk of looking at each other instead of trying to do things together. This is the direction I am currently

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working in more with the second part of our brief on which there is more of a focus, that is, how to find a way of doing things together that help us learn more about one another, but without getting into a situation where we look at each other and define each other in terms of our separate identities and our differences.

So that's the second block, exploring a foreign cultural tradition.

The third block of the training program and the main part of the program deals with the definition of intervention plans, because doing things is how we learn and how we can determine whether our theoretical orientations and our experiences in mutual understanding that we had in the second block are producing tangible results.

In that block, on page of 11 of my brief, I listed a number of themes that set the initial orientation for our teachers and now we are opening up to other players, nurses, people who work in Aboriginal communities and others who work in regular schools but are concerned with trying

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to develop awareness of the Aboriginal issue among students and their peers.

As you know, for quite some time, as Sylvie Vincent wrote in one of her books, they were erased from our history books. Aboriginal people did not exist. Only since 1990, with the events that took place, have we had no choice but to acknowledge that they do exist. There is still a long way to go between an existence, a question mark and a knowledge of the complexity of Aboriginal affairs here in Quebec and Canada. In that sense, we have a whole component in our program under which courses have been developed on that issue.

With regard to intervention plans, we have identified five types of area in which plans can be undertaken: on the issue of education for Aboriginal students, the issue of the drop-out rate among Aboriginal and non-Aboriginal students, health and social services and police services in Aboriginal communities, co-operative education, and awareness among all

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students of ethnocultural pluralism and Aboriginal affairs.

I don't want to go on too long because it will take some time. We can perhaps clarify the points a little later on.

As part of these intervention plans, a couple of years ago I became very interested in the co-operative approach, first in the context of co-operative learning, in the context of the challenges of pluri-ethnicity in a modern, pluri-ethnic society where teachers are faced with series of problems in the classroom, especially in elementary school but also in high school, with growing heterogeneousness in the classroom and a lack of ability, a feeling of powerlessness to really help each student with the traditional approaches to teaching and direct supervision where everything centres around the teacher.

In California, Elizabeth Cohen, who wrote a book in 1986 called "Designing Groundwork Strategies for the Heterogeneous Classroom", a

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new edition of which will be out this winter, was a key figure in the development of a new version enriched by a host of studies and theoretical papers that are very enlightening.

She describes in her book how a teacher can go from direct supervision to co-operative learning in small groups in the classroom through tasks that are very carefully prepared to be intrinsically interesting for the students.

Two main features that attracted me to her approach in the context of the challenges of pluri-ethnicity were the emphasis on high-level conceptual learning and her comprehensive demonstration that co-operative learning promotes high-level conceptual learning for all students, whereas with standard learning, it's not clear that it's more effective, the co-operative approach, but for complex high-level conceptual learning, it's been shown that it is much more effective for these types of learning to be fully integrated by the students.

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The main point also is that it focuses on students of lower academic and social standing. If we look at the United States, where blacks, for example, often have low academic standing even though they may have high social standing, in the sense that they are very good at sports, but in the classroom, when they are placed in small groups, if the standing problems are not addressed, the students with low standing will not participate and interact because they will leave that to those who are considered the cream of the crop, those who are the best.

Co-operating instead of improving things or making them worse, because that will reinforce in those who think they're not as good the feeling that they're no good, they won't want to participate and therefore won't learn because research has shown that what makes co-operation effective is interaction, participation in interaction.

Regardless of what language it's done in, it has been proven, for example, in bilingual classrooms in California that the students

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who spoke the most Spanish during the year, at the end of the year on standard tests were those who made the most progress in English, which is kind of interesting, by working on tasks in science and mathematics that were intrinsically interesting and required high-level skills where some students could act as interpreters to explain what the exercises entailed and help them understand the instructions.

In that sense, it's a series of interesting effects that can be used with that approach, not to mention the social learning aspects, working with others with whom there is not necessarily an affinity, but learning to work as part of a team has become an asset in society today that people need.

What I'm saying in this brief is that this approach has potential, and I'm not alone. Jim Harden (PH) had more experience with it than I. Although he only recently came to work with the approach developed by the Johnson brothers, who put less

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emphasis on issues of standing. What makes Ms Cohen's approach unique is the emphasis on using work to correct the spontaneous effects of standing that will preserve the inequalities.

She clearly states that if participation in group work is to be effective, there must be equal participation, and if you let things run their course, it won't happen spontaneously. It takes specific methods that she has developed, measures for evening out the standing.

I think Jim recently discovered this, but he already conducted experiments in mostly Inuit settings, where he showed and discovered that what seems fairly plausible to us at first glance, that the co-operative approach with students who are from those cultures, where learning often occurs between peers [and] is more effective than the approach based on adult supervision, especially if that adult comes from another culture where the students are often led to be considered . . . they are withdrawn, they don't speak and they're not active.

The challenge, in my view, of co-operation is working together with

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Aboriginal and non-Aboriginal teachers, and that is where I think there is for some time [--] to attain self-sufficiency, there has to be co-operation between non-Aboriginal co-operants who go to work in communities. That's how things are done at present, and I think it's going to stay that way for a long time to come.

It could strengthen the quality of educational teams and create a much more interesting environment for white co-operants who go off to work in Aboriginal communities to have to work together to build learning activities based on the principles of co-operation that are rich, conceptually demanding and intrinsically interesting for the students. But it's more easily said than done.

It really takes support, time and continuity, which are not usually found in these communities, where the turnover of staff is very high. It's not clear that it would change the turnover, but it could encourage some teachers to take on the challenge of

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education in these communities and spend more than two or three or four years working in these communities then turning their attention to providing orientation for new teachers.

That's more or less the thrust of what I wanted to say to you today.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Do you have anything to add, Mr Lopez? Okay?

So, that completes the presentation. Before going on to the questions . . . I have a number of questions I would like to ask to help me fully understand the scope of the project.

This is a project you refer to as a cross-cultural training project. At present, it's a master's level project. Is the course being given now, and how long has it been?

FERNAND OUELLET: It's been offered for several years now. It's given "under the table", so to speak, as part of the master of religious humanities program. Cross-cultural training was introduced around

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1984. Testing was carried out and material was developed.

Since 1991, there has been an official concentration in cross-cultural training as part of the program, and a 30-credit diploma has been added that can lead to a master's degree.

CO-CHAIR RENÉ DUSSAULT: How many students do you have, and what are their backgrounds?

FERNAND OUELLET: Most of the students in the program in general are from communities where they are faced with the challenges of pluri-ethnicity here in the Montreal area, and others from other regions who are aware of the issue and find our master's formula attractive for part-time continuing education.

Since last summer, we have had a block of students, a specific project described a bit in there on the Aboriginal issue. Last summer, there were more than fifty or so students enrolled in that program.

CO-CHAIR RENÉ DUSSAULT: Do

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people have to sign up for the whole master's program, or can they do that block without necessarily doing the entire master's program?

FERNAND OUELLET: Students can enrol independently in some activities.

CO-CHAIR RENÉ DUSSAULT: Basically, my question is this: I understand about Montreal, but that's the pluri-ethnic component, but I think, and you make this very clear, there's a big difference between cultural communities and Aboriginal people, the first inhabitants of this country.

What I'm trying to determine is the extent to which your program currently reaches people who are teaching in Aboriginal communities or school boards or educational institutions like CÉGEPS that have significant numbers of Aboriginal students.

JOSÉ LOPEZ ARELLANO, lecturer, University of Sherbrooke: One thing that could probably clarify this

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situation is that the program is aimed at people who are in the labour market. A significant proportion of our clientele are teachers who are currently working with groups.

There's also the fact that we [use] distance teaching techniques. That means a person can do his or her master's degree all alone, independently, or using Ms Cohen's methodology of setting up study groups using the co-operation method to enhance some of these aspects.

We strongly advocate forming study groups because it makes for somewhat more comprehensive discussion.

CO-CHAIR RENÉ DUSSAULT: I repeat my question about the program's clientele.

What proportion of those enrolled in the program work with Aboriginal people?

FERNAND OUELLET: It's still very new, but the fact that it's a master's program . . .

CO-CHAIR RENÉ DUSSAULT: It's

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an obstacle. It's restrictive.

FERNAND OUELLET: Yes, it's an obstacle. And we realize that. We think that once we've worked out the bugs we will have to introduce a bachelor program. It's especially an obstacle for Aboriginal participation.

We'd like to have a lot more Aboriginal people working with us. There are some, but there aren't enough.

Even among non-Aboriginal teachers, while on the whole there is an equivalent to a university bachelor program when they . . . but before getting them interested in this formula and in co-operation per se, it will take a fair bit of time because there is some resistance. Even though in principle it seems attractive to be able to break free of the isolation, it forces us to change the way we teach, those who have already been teachers, and those who have not taught, they can't get into it all alone.

There has to be support because it's hard when the first step is to establish co-operation that is not

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a co-operative approach because it's fashionable or because it's the philosophy. In order for this educational technique to be effective, there are many conditions that Ms Cohen puts a great deal of emphasis on. It can't be done on good will alone.

CO-CHAIR RENÉ DUSSAULT: So, that's why this is the underlying question. You'll be able to reach so many people who work actively in the communities and are in contact with the communities.

Once again, it's a part-time program that can also be done by correspondence, but it still takes a lot of motivation to enrol in a master's program and also a context to go through the co-operation process on site.

Basically, it's an informative question. I understand you stopped working "under the table", as you put it, in 1991.

Are there any people at present who are enrolled in the program and actively work with Aboriginal people?

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FERNAND OUELLET: Yes, there are. There's a school principal from La Romaine who asked me to come and try to convince his teachers last spring. That's when I realized it was hard to get started. It was going to take time and convincing.

It's hard to set the wheel of the law into motion, as Buddha said in the Garden of Gazelles, that is . . . once it has been proven in one place, then it will encourage others to try it. Getting started is the hard part.

What encourages me, in any event, is that I managed, with no experience in the field, simply using the theoretical attractiveness of the idea, to convince a few colleagues, a few teachers in a Montreal school to try the approach -- I touched on this in my brief -- and the impact it had on their place and their school is very surprising on the success they had, success with some weaker students who were

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written off by the system.

That was what was particularly gratifying for them, feeling that with these techniques they can do things for students who otherwise would have no chance.

CO-CHAIR RENÉ DUSSAULT: I understand the pluri-ethnic approach has something of a universal scope, if you will, but in the end the question I would like to ask you is to what extent has the reality of Aboriginal people been taken into consideration in the actual design of the program?

In other words, what Aboriginal people have in mind, knowing they were the first inhabitants of North America, etc. There's a reality that is different from that of people who immigrated.

Was this distinction made, and if it was, how did you do it with . . . how did you consult with Aboriginal people?

FERNAND OUELLET: I worked with Léonard Paul in Betsiamit (PH) on specific projects.

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First there are two components. Perhaps I wasn't sufficiently clear. We have two goals. The first goal is to make all teachers aware. We are thinking about training a number of trainers.

To begin, I'm sure it's something that's hard to understand. You've been going around the question for quite some time. The complexity of the issue in legal, political, historical terms requires a process of knowledge that José will be able to explain to you.

We have developed courses that very clearly distinguish the Aboriginal situation where there is a national plan on the issue of immigrants who are expected to be integrated in a pluricultural society. We can't use the same approach with immigrants as with Aboriginal people because we're dealing with a national plan, whereas the other is a plan that should be a plan for pluralist integration in a democratic society, democratic pluralism.

As for the Aboriginal issue, it requires that we establish a set of

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prerequisites that does not exist and that is aimed at all our teachers. We decided that cross-cultural training that does not prepare people to have informed opinions on the Aboriginal issue is inadequate.

Very short training that does not prepare people to tackle the specific challenges created by the issue of pluralism in today's societies is also inadequate.

In that sense, that's why our program is a specific program in the sense that it's a program aimed directly at cross-cultural training. Other universities, and I think they're right, stress the need to permeate all teacher training with awareness of these new challenges that we are not prepared for because it's a new phenomenon for societies.

The tension experienced by many cultural communities that co-exist in the same social environment creates challenges that require a minimum of social sciences training in order

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to be able to take on those challenges without doing more harm than good, because we are caught in a series of contradictory, conflicting ideologies, some of which lead to very liberal ideologies of cultural pluralism, full respect for cultures and stalemates, and which the theoreticists have clearly stated.

Perhaps José could go on.

JOSÉ LOPEZ ARELLANO: I would like to pinpoint the notion of professional skills in order to clarify and demonstrate the enormous potential of our program.

Normally, when a teacher begins teaching, he or she already has certain skills but regularly uses common sense to organize or manage the class. Common sense will win out in almost all our decisions and our immediate relations.

We have to go beyond common sense. We have to learn professional skills just as a technician cannot fly

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a plane without learning skills, except that in social relations, we assume the skills are innate, that we already have them because we are human beings and we don't have to go beyond that.

Michel Pagé notes an interesting difference between the skills needed to become a man and the skills needed to become a citizen. It is essential to understand how a citizen is created in our society because that's where the key issues lie, the most important issues facing our society, that is, what type of citizens we want to create. To do that, we have to have professional resources because we can't do it on good will and common sense alone.

I don't know if that helps you understand the potential we have developed in our master's program.

CO-CHAIR RENÉ DUSSAULT: It's certainly helpful.

Another question I would like to ask is whether, since the emphasis is on co-operation, getting people at all social levels to work together as equals, is it a

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requirement for admission to this specific master's program to have field experience with people, or can students enrol in the program coming out of a bachelor program as young students about to finish their education?

Do both streams have access to the master's program sort of like a master's in administration, where students are required to have experience before they begin a master's degree because it seems to call for some experience because otherwise it can be fairly theoretical when the student has never had to deal with a real co-operative learning situation like the one you describe?

JOSÉ LOPEZ ARELLANO: Most of our clientele are already in the labour market and feel a need to go after these qualifications. So that's where we focus our efforts.

Obviously, there are some people who would be interested because Aboriginal nations evoke a certain romanticism and are attractive to many people. But we concentrate on people who feel a

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need for somewhat more advanced training.

FERNAND OUELLET: It's not just the issue of co-operation. It's the challenges of ethnocultural pluralism.

Generally, it's perceived better by people who have reached a certain maturity, who have experience with the complexity of taking action in institutions.

Our program doesn't promise overnight results, but tackles something bigger, that is, how to get institutions to change, which as you know are things that don't change easily, to better adapt them to the new conditions in our society, which has changed a little too fast for the way institutions change.

Our program provides a framework that doesn't say how to change, but helps us understand the process, take a step back, [and] provides the tools to analyse what is happening. And that's what will interest the people who oversee the program because they learn a great deal. That's the complexity. We need a multidisciplinary approach where every

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discipline sheds light on these issues.

What do people do with this? We don't make any recommendations. We don't say how to do it, because everyone has to develop a specific approach for their own intervention. In their institutions, in the places they occupy, they're told, "If you're in a classroom, there's something you have control over, and that something is what's happening in your classroom. And that's where you have expertise other people don't. How do you embody those principles?"

You saw that our program has a fairly extensive theory component. This is important because it is of interest to . . . There are many people, even though they did not learn it in institutions, there is a discussion of these issues that is becoming somewhat . . . We run into them all of a sudden, with a minimum of interest in understanding what is going on in our society. It takes a certain number of conceptual tools in order to understand them.

CO-CHAIR RENÉ DUSSAULT: I understand there's a major concern as you mentioned earlier, Mr

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Arellano. It applies to people who want to go a little farther in scientific terms, but all I can do is ask you the question, and I think that a discussion group or forum on an issue as important as this in an academic context, but in a context that also has broader implications for society, in this regard, do you have any thoughts on public education in a broader sense?

Obviously, we're dealing with reality. I think people have had the benefit, and certainly the non-Aboriginal members of the Commission have had the benefit of getting a crash course in cross-cultural communication, cross-cultural realities, and people often say we're privileged, the public. It's a question of access.

In other words, can we expect a product that might be more public oriented, accessible, in terms of ideas because this is a social problem that we all have to deal with immediately?

In connection with the examination taking place in the context which you described and which

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is very clear in my mind, is there any interest among the people who work with master's programs in a broader and perhaps more immediate notion of improving social understanding in both pluri-ethnic and cross-cultural terms with Aboriginal people in particular, in Quebec, in the specific context of Quebec?

FERNAND OUELLET: The interest is definitely there, but we can't claim we can do everything at once. We're a small team. We have to be realistic about our abilities.

What we are trying to do, and we have publications, on the Aboriginal issue our interests are still new and we have few publications. My hope is that we will be able to find a laboratory to test these approaches.

Part of our training program is to organize contact between the students taking our courses and members of Aboriginal communities who have interests in similar fields. Next summer we're going to [issue] a call for co-operation.

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Included in our forty participants are people who already have contacts in the communities, who come from the communities, who are going to help us strengthen the dialogue and contacts and do things that would help create a natural setting so that these exchanges can take place on an equal footing. We consider this a very important aspect, that we end up with co-operation in exchanges where people aren't going to study the Aboriginal people, because there's a natural resistance to that, but work together.

I think we're going to have to find ways to work together that will benefit both Aboriginal people and those who get the opportunity to be in contact with them in these contexts where it's always very nice when it's well presented.

As to the more specific side of your question, as university educators, we play an important role, I think, in trying to advance knowledge of these issues, and in that sense we're just getting started.

One of my dreams -- and José shares this dream and is prepared to help me try to

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realize it -- currently there are three Francophone communities on the North Shore where I have contacts with school officials who would be interested in principle in testing the co-operative approach even without enrolling in the program.

We hope to be able to set up a trial with those teachers, and we think they will get something worthwhile out of it. After Ms Cohen's book is published in January, the translation will be a valuable tool. It's a rather nice book. It shows us what to do.

CO-CHAIR RENÉ DUSSAULT: I think we could talk about this issue forever. We could on for a long time.

All I can do is encourage you to consider the idea of promoting the theme to a wider audience. The broader public has to keep track, which will enable you go farther in scientific terms.

The need is very great, and you

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know it. Essentially, we have talked a great deal over the past two weeks in Montreal about closer relations between Aboriginal and non-Aboriginal people, but there's also understanding.

Wherever you see a glimmer of light there's an opportunity to contribute, and I think that's a plus for all of society.

FERNAND OUELLET: Perhaps as an avenue that will take us in the direction you say, we should try to make a special effort to get people from the media and public education to participate in our program and use their charisma to educate the public, but we could have this training which would enable them to do it around this issue, the complexity of which must not be understated.

We can't become a public promoter of Aboriginal issues in a few weeks or a few months. We have to take the time to look at all aspects of the issue. José has put together files in which the courses are described. It's a pile of literature this thick and it's very selective.

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JOSÉ LOPEZ ARELLANO: Probably, but one example that would perhaps show us that there are in fact people where some disclosure . . . the students currently doing their master's, most are working as teachers.

One of the students did a small project. All she did was try to gauge the perception of Aboriginal issues among the students and look for alternatives to show them a somewhat different perception.

She used the Oka crisis as an example in a bid to see what impact it had on the students' perceptions. It's interesting because it led her to develop in most of her actions, in other words constantly, a way of making students think, and these are ten-year-old children, about their perception, to seek out information, but especially to teach them to change . . .

I think that's the way to seek out the public; I mean we're not going to reach out to the public through the media

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alone, but through institutional contacts, and there are lots of institutional contacts in schools.

I see one alternative and I don't know if . . . obviously in the long term if we expanded our clientele we could have a bit more impact, but for now the program is young and we still have to go out and find more recruits.

CO-CHAIR RENÉ DUSSAULT: Thank you.

In closing, I would like to say that you have certainly made us want to read Ms Cohen's book, in English or in French.

I would like to thank you for sharing your approach with us. I wish you every success. If you have anything more in the next year, feel free to contact us in writing or any other way. Thank you. Good luck.

The Commission is ending its public hearings for the day. We will resume tomorrow at 9:00 am with the presentation from the Fédération québécoise de la faune.

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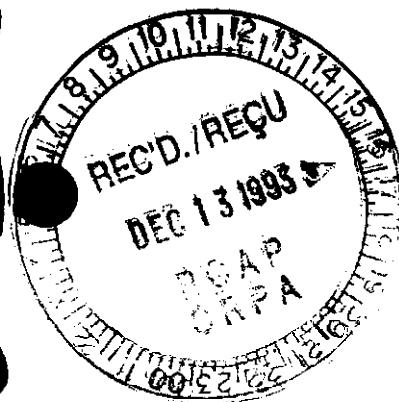
This will be followed by a brief from the Union des municipalités du Québec.

There will also be a presentation by Mr Justice Jean-Charles Coutu of the Quebec Court, who has been a circuit judge in the north for almost twenty years and is chairman of the committee on Aboriginal justice in northern Quebec.

In the afternoon, we will have presentations from the Fédération québécoise du saumon de l'Atlantique, the Fédération des pourvoyeurs du Québec, the Barreau du Québec and the Groupe des 22, a group of young people associated with the standing committee on youth, who will be here to make a presentation to end the session.

Thank you. We'll be back tomorrow morning at 9:00.

--- The hearing adjourned at 6:15 pm, to resume at 9:00 am, Tuesday, November 30, 1993.



**COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES**

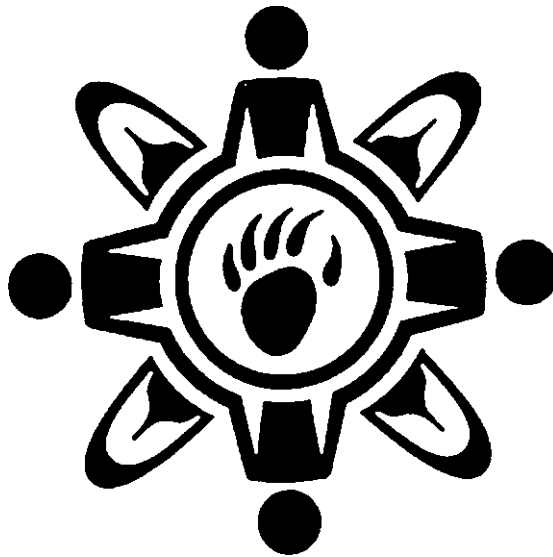
**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

ENDROIT/LOCATION: LE NOUVEL HÔTEL
1740, BOUL. RENÉ-LÉVESQUE OUEST
MONTRÉAL (QUÉBEC)

DATE: LUNDI LE 29 NOVEMBRE 1993

VOLUME: 1

"for the record..."
STENOTRAN
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1 Montréal (Québec)

2 --- L'audience débute à 9 h 21 le lundi

3 29 novembre 1993

4 **COPRÉSIDENT RENÉ DUSSAULT:** Je
5 voudrais souhaiter la bienvenue à tous ceux qui se
6 sont déplacés pour cette première journée d'une
7 dernière semaine d'audiences publiques de la
8 Commission royale sur les peuples autochtones au
9 Canada.

10 La Commission a été créée en
11 septembre 1991, a débuté ses audiences publiques
12 en avril 1992. Nous avons visité près de 120 à
13 125 communautés. Cette semaine à Montréal
14 constitue en fait la dernière semaine du processus
15 de consultations publiques de la Commission
16 royale.

17 Je voudrais à ce moment-ci dire
18 quelques mots sur les travaux de la Commission et
19 également sur le déroulement de la prochaine
20 année, qui nous conduira au rapport final.

21 La Commission a décidé dès le
22 départ d'établir le dialogue le plus suivi
23 possible avec les divers peuples autochtones au
24 Canada. C'est la raison pour laquelle nous avons
25 mis sur pied un processus d'audiences publiques

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1 considérable, qui nous a amenés dans toutes les
2 provinces, les deux territoires, à plusieurs
3 reprises.

4 Nous avons eu quatre séries
5 d'audiences publiques. Au terme de chacune des
6 séries d'audiences nous avons publié un compte-
7 rendu de ce que nous avons entendu ainsi qu'un
8 document qui regroupait sous un certain nombre de
9 thèmes le vécu qui nous avait été transmis et les
10 idées de solutions qui nous avaient été transmises
11 par les divers présentateurs.

12 Nous avons entendu au-delà de
13 2 200 organismes et individus qui ont fait valoir
14 les points de vue les plus divers sur la réalité
15 vécue par les peuples autochtones au Canada, et
16 également sur le rapport souhaité beaucoup plus
17 mature, beaucoup plus respectueux, empreint de
18 réciprocité, rapport entre les peuples autochtones
19 du Canada et le grand public par les gouvernements
20 canadiens.

21 Nous avons bien sûr entendu parler
22 des problèmes mais nous avons aussi vu beaucoup
23 d'espoir dans les communautés autochtones. On
24 nous a fait part d'un bon nombre de solutions et
25 également de pièges à éviter pour que, dans le

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1 fond, l'histoire ne se répète pas.

2 Il y a eu des politiques qui
3 notoirement étaient de mauvaises politiques, des
4 politiques canadiennes à l'égard des peuples
5 autochtones. Les deux plus évidentes sont
6 certainement celles des pensionnats et des écoles
7 résidentielles, où volontairement dans une
8 décision très claire, documentée, on a voulu, dans
9 le fond, assimiler les peuples autochtones à
10 l'ensemble canadien en essentiellement faisant
11 apprendre comme langue seconde l'anglais ou le
12 français, largement l'anglais, mais avec le
13 résultat où on a fait perdre les cultures, les
14 langues, où on a séparé les enfants des familles.

15 Il y a également d'autres
16 politiques difficiles. Il y a eu plusieurs
17 réinstallations de groupements d'Autochtones au
18 Canada. Sans aucun doute que la plus importante
19 et la plus médiatisée a été celle qui a pris place
20 dans le nord du Québec en 1955, où on a déplacé
21 les Inuits d'Inujuak (PH), Québec, de Port
22 Harrison à l'époque, où on les a déplacés au
23 niveau de Resolute Bay, de Grise Fiord dans
24 l'extrême Arctique.

25 Le dossier autochtone est un

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1 dossier extrêmement important. Il ne s'agit pas
2 uniquement d'un dossier propre aux Autochtones
3 mais d'un dossier canadien. Il y a un problème
4 humain, il y a un problème de justice, que le
5 Canada n'a pas réussi à aborder de façon durable,
6 avec des solutions qui sont acceptables de part et
7 d'autre.

8 Lorsque nous considérons le
9 dossier autochtone je pense qu'il est important de
10 se rendre compte que c'est un dossier qui touche
11 non seulement les questions autochtones, mais la
12 fabrique même du Canada. Donc ce qui est en cause
13 c'est une vision future du pays canadien.

14 Je voudrais avant d'aller plus
15 loin dire que le rapport entre Autochtones et non-
16 Autochtones au Canada est une préoccupation
17 importante. Il y a eu, pour des raisons
18 historiques, de création de mises en place sur les
19 réserves, de création de situations où les
20 Autochtones n'ont pas eu voix de chapitre au
21 développement économique, au développement social,
22 n'ont pas pu contrôler leur vie quotidienne dans
23 les communautés.

24 Il y a beaucoup de ressentiment,
25 de désespoir, une certaine rancœur, et il faut

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1 qu'on traverse ce mur de ressentiment pour avoir
2 un dialogue fructueux.

3 Nous espérons que les travaux de
4 la Commission auront aidé à amorcer ce dialogue.
5 On ne refait pas plusieurs décennies et plusieurs
6 siècles même d'évolution sociale et historique en
7 trois ans. Mais je pense qu'on peut en trois ans
8 peut-être créer les germes d'une réflexion
9 beaucoup plus importante et en arriver à une
10 vision d'avenir qui en soit une non pas de rejet
11 mais de respect, qui en soit une non pas de
12 paternaliste mais de partenariat, qui en soit une
13 qui n'est pas uniquement de revendications mais de
14 solutions de co-existence entre Autochtones et
15 non-Autochtones au Canada.

16 Étant Montréal c'est
17 particulièrement important. Nous savons que les
18 relations depuis l'été 1990 entre Autochtones et
19 non-Autochtones ont été difficiles. Nous savons
20 que le dossier demeure entier du côté des
21 communautés mohawks et de leurs voisins.

22 De part et d'autre on nous a
23 exprimé un désir très important de normaliser les
24 relations et de vivre de façon moins crispée, de
25 pouvoir respirer davantage et dans le fond de part

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1 et d'autre on aspire à trouver une façon de
2 rétablir les ponts et de créer des mécanismes qui
3 vont pouvoir permettre de travailler ensemble.

4 C'est dans cet esprit que la
5 Commission ce matin va recevoir le premier mémoire
6 de la semaine de la part du Forum paritaire
7 autochtone québécois, ou québécois autochtone. Il
8 s'agit d'un signe encourageant de ce qui se passe
9 dans notre société. Il y a beaucoup de bonne
10 volonté au-delà des sautes d'humeur, des
11 frustrations de part et d'autre. Il y a beaucoup
12 de gens qui veulent travailler activement à
13 rétablir les ponts et à trouver un rapport qui
14 soit un rapport efficace et respectueux d'égal à
15 égal entre les peuples autochtones et le peuple
16 québécois et le peuple canadien, dans le fond,
17 entre tous les Canadiens et les Autochtones.

18 Je voudrais sans plus tarder à ce
19 moment-ci demander à John Curotte, qui est avec
20 nous, qui est de Kahnawake, du peuple Mohawk, de
21 faire la prière pour aider à ce que nous ayons les
22 esprits les plus clairs possible cette semaine.

23 Par la suite je voudrais demander
24 à Mary Sillett, qui est une Innuks du Labrador, qui
25 est avec moi ce matin, de dire quelques mots, et

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1 nous pourrons par la suite entendre la
2 présentation du mémoire du Forum paritaire.

3 John Curotte.

4 (Prière d'ouverture)

5 CO-CHAIR RENÉ DUSSAULT: Thank
6 you.

7 I would like to ask Mary Sillett
8 to say a few words.

9 COMMISSIONER MARY SILLETT: Thank
10 you very much, Mr. Dussault. I'd like to say
11 first of all I'm very, very pleased to be here.

12 Mr. Dussault's opening comments
13 were very, very comprehensive, but I would like to
14 take this opportunity to introduce other members
15 of our seven-person Commission.

16 There are seven commissioners. We
17 were appointed by Order-in-Council in August of
18 1991. Mr. Dussault and I are here today. This is
19 our final round of public hearings.

20 We have Mr. Georges Erasmus, who
21 is also a Co-Chair of the Commission. He is a
22 Dene from the Northwest Territories, and he has
23 also been the former National Chief of the
24 Assembly of First Nations.

25 We have Mrs. Bertha Wilson, who

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1 was the first woman in Canada ever appointed to
2 the Supreme Court of Canada.

3 We have Mrs. Viola Robinson.
4 She'll be coming here on Thursday to conclude the
5 rest of the hearings. She's a Micmac from Nova
6 Scotia and she's a former President of the Native
7 Council of Canada.

8 We have Mr. Peter Meekison, who is
9 a University of Political Science professor at the
10 University of Alberta.

11 And we have Paul Chartrand, who is
12 a Métis. He is also a university professor. He
13 used to be at the University of Manitoba.

14 I would also like to introduce
15 some of the Commission staff, because people
16 sometimes fail to recognize that the work of the
17 Commission wouldn't be done without these people.
18 These are the people who get up long before we
19 ever get up. They work long after we've gone to
20 our meetings. I'd like to take this opportunity
21 to give them some recognition. As I introduce
22 you, would you please stand up.

23 We have Luc Lainé, he's on
24 contract with the Commission. He's our Team
25 Leader.

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1 We have Michèle Noël, Danièle
2 Labonté, who are team assistants.

3 We have John Crump. He works in
4 the research section of the Royal Commission. He
5 works in the North.

6 We have Allan Gabriel. He works
7 in Communications with the Royal Commission.

8 We have also Konrad Sioui. He's a
9 Senior Policy Analyst with the Commission.

10 We have Jo Ann Gagnon, who is also
11 a Senior Policy Analyst.

12 And we have Michael Cassidy, who
13 is working with the Royal Commission on contract.
14 He's done many of the publications that you'll see
15 outside of this Commission.

16 I'd like to say that today is a
17 very good day for me because it's the final public
18 hearing that I'm going to be -- it has been very,
19 very difficult for me. Since August 1991 we have
20 travelled to over 120 communities, one-third of
21 those. We've heard from well over 2,000 people.

22 In the next year we'll be
23 concentrating on the really hard work. I can see
24 in December of next year hopefully we'll have
25 concluded this work. But just to remind people

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1 too today that we'll be hearing from people who
2 have received funds through the Intervenor
3 Participation Program. Some of those people
4 either expressed an interest or their
5 presentations were considered extremely
6 interesting for the Commission, and we're hearing
7 from those groups today.

8 Thank you very much. I look
9 forward to hearing the presentations this week.

10 CO-CHAIR RENÉ DUSSAULT: Thank
11 you, Mary.

12 J'aimerais maintenant demander aux
13 représentants du Forum paritaire, M. Gérald Larose
14 et Roméo Saganash, de venir nous rencontrer à la
15 table adjacente pour faire la présentation.

16 Nous voulons vous souhaiter la
17 bienvenue, monsieur Larose ainsi qu'à vos
18 collègues. Quand vous êtes prêts à faire la
19 présentation vous pouvez peut-être indiquer les
20 représentants du Forum paritaire, et nous vous
21 écoutons.

22 BERNARD CLEARY, Personne-
23 ressource, Forum paritaire: Monsieur le
24 Coprésident, madame la Commissaire, avant de
25 commencer la présentation, tel que vous le

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1 soulignez, j'aimerais vous présenter ceux qui font
2 partie de la table ici, mais aussi l'ensemble des
3 signataires du manifeste.

4 De l'Assemblée des Évêques du
5 Québec, Monseigneur Gérard Drainville.

6 De l'Association des femmes
7 autochtones du Québec, M^{me} Jackie Kistabish. Elle
8 est représentée aujourd'hui ici par M^{me} Beverly
9 Sabourin.

10 De la Centrale de l'enseignement
11 du Québec, M^{me} Lorraine Pagé, Présidente, MM
12 Daniel Lachance et Henri Laberge.

13 Du Centre justice et foi, le Père
14 Julien Harvey.

15 De la Confédération des caisses
16 Desjardins, M. Michel Doray et Claude Têtu. M.
17 Têtu est ici aujourd'hui. D'ailleurs M. Laberge
18 et M. Harvey sont aussi ici.

19 De la Confédération des syndicats
20 nationaux, M. Gérald Larose.

21 Du Conseil des Atikamekw et des
22 Montagnais, MM René Simon et Arthur Robertson.

23 Du Grand conseil de la nation
24 Waban-aki, M. Denis Landry.

25 Du Grand conseil des Cris, M.

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1 Saganash.

2 De la Ligue des droits et
3 libertés, M. Gérard Mckenzie et M^{me} Sylvie
4 Paquerot.

5 Du Regroupement des centres
6 d'amitié autochtones du Québec, M^{me} Édith
7 Cloutier.

8 Les personnes-ressource: Moi-même
9 et Pierre Bonnet et René Boudreault.

10 Avant de donner la parole aux deux
11 coprésidents je voudrais simplement vous souligner
12 ceci. C'est que le présent manifeste du Forum
13 paritaire québécois-autochtone a fait un consensus
14 auprès des signataires qui y représentent leur
15 organisation respective.

16 Le processus d'appropriation du
17 manifeste par les instances de ces organisations
18 poursuit actuellement son cours.

19 Enfin, à la table ici vous avez M.
20 Gérard Mckenzie, qui représente, comme je vous
21 disais tantôt, la Ligue, qui est à l'extrême
22 gauche.

23 M. Gérard Larose, Coprésident de
24 la CSN, et M. Roméo Saganash. M. Saganash va
25 commencer la lecture du mémoire.

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1 ROMÉO SAGANASH, Coprésident, Forum
2 paritaire: (Langue autochtone - aucune
3 traduction.)

4 GÉRALD LAROSE, Coprésident, Forum
5 paritaire: Cinq objectifs complémentaires
6 orientent notre effort dans la perspective plus
7 globale de convenir d'une véritable alliance entre
8 la nation québécoise et les nations autochtones.

9 D'abord, se connaître, s'informer
10 mutuellement et identifier les enjeux de la vie en
11 société entre Autochtones et Québécois.

12 Deuxièmement, clarifier et
13 articuler les concepts qui doivent nous permettre
14 de nous rejoindre autour d'une même perspective
15 d'action.

16 Troisièmement, nous entendre sur
17 une ou des propositions d'éléments d'une nouvelle
18 alliance.

19 Quatrièmement, se donner, au sein
20 de chaque groupe représenté au Forum, les moyens
21 pour faire un travail d'information, de
22 sensibilisation et de prise de position sur les
23 questions envisagées.

24 Cinquièmement, devenir un groupe-
25 acteur dans le débat public afin de bien informer

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1 et d'influencer objectivement et positivement le
2 débat et les décisions qui peuvent être prises
3 quand à l'avenir entre Québécois et Autochtones.

4 ROMÉO SAGANASH: Quant à la
5 démarche, certaines personnes ont fait valoir que
6 l'expérience du Forum paritaire de tenter de
7 construire des ponts entre la nation québécoise et
8 les nations autochtones est une démarche qui
9 mérite d'être connue et étendue afin de
10 sensibiliser d'autres personnes ou organisations à
11 cette question.

12 Nous avons voulu que ce manifeste
13 soit déposé entre autres à la Commission royale
14 sur les peuples autochtones et que cette démarche
15 engage le plus possible les organismes membres du
16 Forum.

17 La présentation du manifeste du
18 Forum à la Commission royale nous a semblé
19 pertinente. Il s'agit là d'une tribune
20 privilégiée pour nous adresser aux autorités
21 politiques des divers niveaux de gouvernement
22 ainsi qu'aux populations qui ne participent pas au
23 Forum pour propager une réflexion sur les moyens
24 de jeter des ponts entre nos nations et de bâtir
25 un projet de société commun valable.

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1 Nous abordons devant la Commission
2 un certain nombre de questions qui concernent les
3 relations entre Autochtones et Québécois et nous
4 en soumettons d'autres à des réflexions et des
5 prises de position ultérieures.

6 Nos réflexions sont élaborées de
7 telle sorte qu'elles trouvent leur pleine valeur
8 dans un contexte de souveraineté du Québec tout
9 autant que dans un contexte fédéral.

10 Dans la mesure où les réalités
11 vécues ne sont jamais complètement positives ou
12 négatives, plusieurs des questions abordées
13 comportent des aspects de divergence et de
14 convergence d'opinions et d'intérêts et peuvent
15 évoluer dans un sens comme dans l'autre. Nous
16 avons tenté d'identifier ces aspects sans
17 complaisance ni naïveté, mais en désirant
18 renforcer nos convergences.

19 Le Forum considère important de
20 rappeler les distinctions qui existent concernant
21 les réalités démographiques, géographiques,
22 sociologiques, culturelles, etc., des nations
23 autochtones de même que sur les points de vue de
24 chacune de ces nations.

25 Nous convenons qu'il faudrait

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1 idéalement signaler les nuances sur la position de
2 chacun des groupes autochtones et des groupes
3 sociaux du Québec, celle des conseils nationaux et
4 des associations représentatives québécoises et
5 autochtones, l'opinion de certains regroupements
6 de femmes ou de certains groupes de pression au
7 Québec et à l'intérieur de certaines nations.

8 Cela est impossible et irréaliste
9 en raison de l'ampleur de ce travail et des moyens
10 dont nous disposons. Nous retenons cependant que
11 l'analyse que nous présentons correspond à un
12 consensus au sein du Forum paritaire.

13 Nous rappelons par ailleurs la
14 difficulté que constituent la définition d'un
15 projet de société, la compréhension et la
16 communication entre des gens de cultures
17 différentes, la diversité des opinions et des
18 intérêts en milieux québécois et autochtones, et
19 la diversité elle-même des nations autochtones.

20 GÉRALD LAROSE: Dès le début de sa
21 présentation le Forum paritaire tient à affirmer
22 certains principes qui ont fait consensus et qui
23 guident sa réflexion et ses prises de position.

24 Premier principe: Le Forum
25 paritaire reconnaît le droit à l'autodétermination

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1 des peuples vivant au Québec, soit les onze
2 peuples autochtones et le peuple québécois. Il
3 reconnaît aussi que l'exercice démocratique de ce
4 droit pourrait se traduire par leur accession à la
5 souveraineté politique. Il affirme que, dans ce
6 cas, des impératifs géographiques et la sagesse
7 politique impliquent une nécessaire association.
8 Il s'engage à défendre ce droit à
9 l'autodétermination ainsi que l'exercice de ce
10 droit et à promouvoir, le cas échéant, cette
11 association.

12 Deuxième principe: Le Forum
13 considère qu'il serait insuffisant de s'en tenir à
14 la simple protection juridique des peuples
15 autochtones sur le territoire du Québec, même
16 s'ils sont minoritaires, que ce soit au nom de la
17 personne ou des droits collectifs. Il reconnaît
18 que les droits ancestraux de chaque peuple
19 autochtone incluent des droits territoriaux à
20 définir et un droit inhérent à l'autonomie
21 politique.

22 Troisième principe: Par le fait
23 que pendant plus de trois siècles les Québécois
24 ont occupé et développé une partie du territoire,
25 le Forum reconnaît les droits du peuple québécois.

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1 Pour devenir compatibles, ces
2 droits territoriaux et politiques des peuples
3 autochtones et du peuple québécois doivent être
4 négociés dans un climat de droit et non de rapport
5 de force. La négociation de ces questions doit
6 tenir compte des revendications historiques de
7 chaque peuple autochtone, des droits du peuple
8 québécois, du droit international et de la
9 jurisprudence ainsi que de l'espace vital
10 nécessaire à chacun des peuples autochtones et
11 québécois.

12 Le Forum considère que plusieurs
13 types de possession et de gestion du territoire
14 par les peuples autochtones et québécois peuvent
15 être envisagés et négociés, en particulier,
16 l'établissement de territoires autonomes dont la
17 population serait très majoritairement autochtone
18 et pourrait en avoir la pleine possession,
19 territoires constituant l'assise territoriale de
20 leur autonomie; la gestion partagée de territoires
21 dont l'exploitation des ressources assurera un
22 développement économique et social suffisant pour
23 les besoins des peuples autochtones.

24 Le Forum signale que cette gestion
25 partagée concerne tout particulièrement les

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1 territoires du Moyen Nord et du Grand Nord,
2 favorisant le développement d'une économie
3 nordique et même circumpolaire.

4 Les deux types de territoires ne
5 seront pas nécessairement contigus.

6 Les ententes négociées devront
7 couvrir la protection des ressources naturelles en
8 général, des habitats fauniques et de
9 l'environnement ainsi que reconnaître que les
10 Autochtones du Québec ont un lien particulier avec
11 la terre.

12 L'étendue des compétences de
13 chaque gouvernement pourra varier de l'un à
14 l'autre et leur exercice sera déterminé par la
15 voie de la négociation.

16 Le Forum reconnaît que des accords
17 particuliers doivent être envisagés avec les
18 parties concernées en ce qui a trait aux
19 communautés autochtones vivant en milieu urbain.

20 Le processus d'accès à l'autonomie
21 politique supposera la mise en place de
22 gouvernements fondés non pas sur le caractère
23 racial ou ethnique des personnes qui en sont
24 sujets, mais sur une assise territoriale.

25 Cependant, ces gouvernements pourront prendre des

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1 mesures particulières, inspirées du droit
2 international et des déclarations de
3 l'Organisation des Nations unies, pour protéger
4 les caractéristiques ethniques de leurs
5 composantes.

6 De plus, ces gouvernements devront
7 détenir les moyens de protéger leur langue et leur
8 culture nationale spécifiques, ainsi qu'une base
9 économique autonome.

10 Les non-Autochtones qui vivront et
11 oeuvreront dans les assises territoriales de ces
12 gouvernements auront les droits et les devoirs des
13 citoyens de ces territoires.

14 Quatrième principe: Le Forum
15 reconnaît que dans l'éventualité d'une
16 modification du statut politique du Québec les
17 droits existant à ce moment-là des peuples
18 autochtones et des personnes qui en font partie
19 seront maintenus intégralement et toutes les
20 obligations précédemment assumées par le Canada à
21 leur égard le seront alors par le Québec, jusqu'à
22 ce que ces droits et obligations soient, le cas
23 échéant, modifiés par des ententes.

24 Cinquième principe: Le Forum ne
25 prétend pas résoudre toutes les questions

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1 litigieuses dans les relations entre les nations
2 autochtones et le Québec. Il recommande cependant
3 la création, dès aujourd'hui, par la nation
4 québécoise et les nations autochtones, d'un
5 mécanisme paritaire québécois-autochtone possédant
6 l'autorité requise pour exercer la vigilance à
7 l'égard des négociations et à l'égard de
8 l'application juste et éventuellement progressive
9 des ententes entre toutes les parties concernées.

10 Ce mécanisme paritaire
11 accompagnerait les parties dans les négociations
12 pour régler leurs litiges. Il devrait, à la
13 demande d'une partie, avoir des pouvoirs de
14 médiation, de recommandation et d'arbitrage.

15 Dans le cadre d'un Québec qui
16 choisirait la voie de la souveraineté, ce
17 mécanisme devrait présider le processus de
18 négociation de la redéfinition des rapports entre
19 le Québec souverain et les nations autochtones.

20 Une fois ces rapports redéfinis,
21 le mécanisme permanent de résolution des litiges
22 prévu au chapitre 9 du présent document devrait
23 s'appliquer.

24 Sixième principe: Le Forum
25 reconnaît les relations existantes entre les

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1 nations autochtones vivant au Québec et les
2 membres des nations autochtones vivant à
3 l'extérieur du Québec.

4 Le Forum favorise le maintien et
5 le développement de rapports de coopération entre
6 les Autochtones qui vivent à l'extérieur du
7 Québec.

8 Septième principe: Le Forum
9 rappelle que le nombre de personnes impliquées
10 n'influence en aucune façon le droit. Il
11 reconnaît cependant que ce nombre peut en moduler
12 les applications concrètes.

13 Huitième principe: Le Forum
14 recommande que toutes les parties impliquées
15 reconnaissent la Charte des droits humains de
16 l'ONU, incluant la Déclaration universelle des
17 droits et les deux Pactes internationaux relatifs
18 aux droits civils, économiques, sociaux et
19 culturels, ainsi que la Convention sur
20 l'élimination de toutes les formes de
21 discrimination à l'égard des femmes.

22 ROMÉO SAGANASH: In regards to the
23 political framework, eleven Aboriginal nations
24 have been recognized by the National Assembly
25 since 1985. These eleven nations have aboriginal

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1 rights that include, we think, territorial rights.

2 The Equality Forum considers that
3 these nations are also peoples and should as such
4 have the right to self-government on their
5 territory as well as the right to accede to the
6 means that would enable them to control, according
7 to their needs, their own collective development
8 at the political, economic, social and cultural
9 levels.

10 If Quebec were to choose the
11 sovereignty option this would imply that each of
12 these eleven aboriginal peoples should be
13 represented at the Constituant Assembly of this
14 geopolitical entity. This Assembly would have to
15 define the main components of the political
16 framework to be established between the Aboriginal
17 peoples and the Quebec people, as well as the
18 appropriate mechanisms such as a charter of
19 individual, collective and national rights and a
20 common political forum or institution.

21 GÉRALD LAROSE: De nombreux liens
22 économiques et sociaux existent déjà entre les
23 peuples autochtones et le peuple québécois, entre
24 leurs organisations et l'administration publique
25 du Québec.

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1 Dans les dernières décennies le
2 peuple québécois a atteint un certain niveau de
3 développement économique et social, malgré les
4 problèmes qui subsistent encore, tandis que les
5 peuples autochtones sont à l'aube d'un
6 développement qui doit satisfaire de grands
7 besoins et combler un large rattrapage.

8 Quelles que soient les voies
9 originales que chacun choisira, l'harmonisation
10 des économies sera nécessaire par la voie de la
11 négociation et de la réglementation.

12 La recherche d'une plus grande
13 autonomie pour le peuple québécois et pour les
14 peuples autochtones ne constitue pas un recul dans
15 l'histoire mais un pas vers l'avenir. Cette
16 autonomie se fonde d'abord et avant tout sur un
17 effort d'autodéveloppement, sur le sens de
18 l'initiative et sur le dynamisme interne de chacun
19 des peuples.

20 Ce développement devra viser
21 l'autosuffisance économique par le biais, entre
22 autres, de la fiscalité, du commerce, de la
23 taxation et des revenus provenant de l'utilisation
24 des ressources naturelles.

25 Un développement qui se veut

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1 viable et durable, dans le contexte de la
2 mondialisation et de la formation de grands
3 ensembles, exige une restructuration de l'économie
4 qui se fonde d'abord sur la capacité porteuse des
5 dynamismes locaux et qui exige une plus grande
6 décentralisation et une plus grande
7 déconcentration des décisions.

8 Le Forum paritaire reconnaît par
9 conséquent que plusieurs objectifs sociaux et
10 économiques sont communs à tous les partenaires
11 concernés: mécanismes de répartition de la
12 richesse, meilleur usage des ressources
13 naturelles, meilleurs services de santé et
14 d'éducation et meilleures relations
15 internationales.

16 Il recommande que les mécanismes
17 existants dans ces domaines soient renforcés et
18 que de nouveaux soient créés, de façon paritaire,
19 favorisant l'harmonisation et l'autodéveloppement,
20 en particulier dans le domaine de l'économie des
21 Autochtones.

22 ROMÉO SAGANASH: En regard du
23 développement culturel, tout autant que le peuple
24 québécois, chaque peuple autochtone a une
25 spécificité culturelle qui doit être considérée

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1 comme une richesse patrimoniale à mettre en
2 valeur.

3 Dans le cadre du développement
4 durable, la culture doit être comprise dans son
5 sens large, incluant la langue, le mode de vie,
6 l'éducation, l'économie. Il va de soi que chaque
7 nation autochtone doit être considérée comme
8 responsable de son propre développement culturel
9 et doit donc disposer non seulement des pouvoirs
10 mais aussi des moyens nécessaires à cet effet.

11 Des moyens doivent être mis en
12 place pour harmoniser les relations
13 interculturelles pour mieux s'expliquer et se
14 comprendre mutuellement et pour lutter contre le
15 racisme et les préjugés. L'un des moyens à
16 privilégier serait une meilleure connaissance de
17 nos cultures réciproques.

18 Le Forum ne croit pas que le
19 Québec doive imposer une langue seconde aux
20 peuples autochtones. Cependant, le Forum
21 recommande de favoriser le français comme langue
22 d'échange et de prendre tous les moyens
23 nécessaires pour que se développe l'usage des
24 langues autochtones et pour que les cultures des
25 nations autochtones s'épanouissent et soient

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1 diffusées dans la société québécoise.

2 Le Forum fait appel à l'ouverture
3 de chacun à la réalité de l'autre et à de
4 meilleures communications mutuelles.

5 GÉRALD LAROSE: Relativement aux
6 droits individuels, aux droits collectifs et aux
7 droits nationaux, à l'heure actuelle les
8 instruments légaux dont on dispose ne sont pas
9 adaptés à la réalité des droits collectifs et
10 nationaux du peuple québécois et des peuples
11 autochtones.

12 Le Forum considère la nécessité
13 d'une charte commune, fondée sur la Déclaration
14 universelle des droits humains, qui permettra de
15 protéger les droits individuels fondamentaux des
16 personnes, l'égalité des sexes, les droits
17 collectifs et les droits nationaux.

18 Le Forum inclut dans les droits
19 collectifs, entre autres, les droits au travail, à
20 l'association, à la santé, au logement, à la
21 qualité de l'environnement et à l'éducation et,
22 dans les droits nationaux, l'autonomie
23 gouvernementale, la protection et la promotion de
24 la langue et de la culture.

25 ROMÉO SAGANASH: With respect to

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1 conflict resolution, as mentioned in subsection
2 4.5, the Forum suggests a permanent mechanism for
3 conflict resolution which would replace the
4 temporary mechanism provided for therein.

5 The permanent mechanism would be
6 modelled on practices developed elsewhere. For
7 example, the Waitangi Tribunal of New Zealand, the
8 Indian Commission and the Ontario statement on
9 political relationships with First Nations, and
10 the Draft Universal Declaration of the UN on the
11 rights of indigenous peoples.

12 Further to the drafting of a
13 coexistence treaty agreed to by Aboriginal peoples
14 and non-Aboriginal peoples in Canada and Quebec,
15 an arbitration tribunal based on principles of
16 equality and multiculturalism, legal pluralism,
17 and as a multiple value system should be
18 established.

19 This tribunal would see to the
20 application of the Coexistence Treaty. Such a
21 treaty would take precedence over the loss of
22 general application of the country and would
23 preside over relations between the First Nations
24 and the people living in this country.

25 Decisions rendered by this

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1 tribunal within its field of jurisdiction would be
2 final and enforceable. In addition to its
3 arbitration function the tribunal would also have
4 the powers of mediation, recommendation, and
5 conciliation.

6 GÉRALD LAROSE: Pour conclure, la
7 démarche du Forum paritaire s'inscrit dans le
8 processus d'élaboration d'un projet de société qui
9 se veut en même temps une formule concrète de
10 convivialité. Le Forum envisage l'avenir, sans
11 pour autant oublier le passé.

12 Les tensions sont actuellement
13 importantes aux plans politique et juridique entre
14 la population autochtone et la population
15 québécoise et il est devenu impérieux, en plus
16 d'améliorer la communication sur ces deux aspects,
17 de l'établir sur d'autres plans, particulièrement
18 social et économique.

19 L'initiative du Forum ne constitue
20 qu'une amorce de rencontre et le cercle de travail
21 commun devra s'agrandir à d'autres facteurs de la
22 vie sociale des milieux autochtones et québécois.

23 Il y aura toujours des différences
24 qui subsisteront sur les plans de la culture, de
25 la langue, du mode de vie et de certaines

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1 priorités de développement et nous devons
2 apprendre à vivre avec elles et à les respecter.

3 Nous avons cependant, dès
4 maintenant, la responsabilité commune de tout
5 tenter pour renforcer nos convergences. Nous
6 sommes conviés par l'histoire et la géographie à
7 relever le défi de vivre ensemble et à identifier
8 rapidement les assises de nos relations mutuelles.

9 La rencontre historique qui a eu
10 lieu en 1534 a été compromise parce qu'établie sur
11 un rapport de force; elle doit se concrétiser
12 maintenant dans un contexte de justice, d'équité
13 et de respect mutuel. Nos solitudes sont devenues
14 intolérables et les Québécois et les Autochtones
15 doivent jeter les bases d'un équilibre social sur
16 lequel bâtir une véritable alliance.

17 Les membres du Forum s'engagent
18 donc à poursuivre leur travail dans leur
19 organisation respective et invitent d'autres
20 organismes et d'autres personnes qui veulent être
21 des agents positifs de changement à s'appropriier
22 leur réflexion.

23 Merci bien, monsieur le Président.

24 COPRÉSIDENT RENÉ DUSSAULT: Je
25 voudrais d'abord remercier, au nom de la

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1 Commission, les membres du Forum paritaire d'avoir
2 fait cette réflexion conjointe, et je pense que ça
3 mérite d'être souligné, sur les rapports entre
4 Autochtones et non-Autochtones au sein du Québec
5 ou au sein du Canada, comme vous le dites,
6 dépendant de l'évolution future.

7 Je voudrais souligner que c'est
8 certainement la première fois, dans l'ensemble des
9 audiences publiques, que nous avons eu l'occasion
10 de tenir au Canada qu'une position conjointe,
11 autochtone et non-autochtone, représentant des
12 forces vives des deux côtés, nous est faite.

13 Je pense que ça mérite d'être
14 souligné. Il s'agit là sans aucun doute d'une
15 initiative d'avenir porteuse d'espoir et porteuse
16 aussi, sans aucun doute, de résultats.

17 Nous voulons vous remercier
18 d'avoir pris l'initiative, d'avoir senti,
19 effectivement, la nécessité d'une telle démarche.
20 Certainement que la Commission bénéficiera
21 grandement de cette réflexion qui est amorcée de
22 part et d'autre, Autochtones et non-Autochtones au
23 Québec. Je pense qu'on pourra aussi en faire
24 bénéficier plus largement l'ensemble canadien.

25 Je voudrais peut-être commencer en

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1 clarifiant certaines petites questions techniques
2 et peut-être en abordant une question centrale,
3 qui est l'application de votre manifeste dans le
4 cadre du fédéralisme canadien ou de la
5 souveraineté et d'une pleine accession du Québec à
6 la souveraineté. Par la suite on pourra peut-être
7 prendre une pause-santé, après quoi ma collègue et
8 moi aimerions vous poser un certain nombre de
9 questions spécifiques sur les divers éléments de
10 votre manifeste.

11 D'abord sur le plan de
12 clarification vous dites dans votre document que
13 les personnes suivantes présentent le présent
14 manifeste, et dans la note que le processus
15 d'appropriation de celui-ci est en cours dans les
16 diverses instances.

17 J'essaie d'être bien clair sur le
18 statut actuellement du document. Si je comprends
19 bien, bien sûr, il représente les vues de ses
20 signataires.

21 Des instances comme les Caisses
22 populaires Desjardins ou comme des instances
23 syndicales ou comme les instances du côté
24 autochtone, est-ce que le manifeste a fait
25 l'approbation par les instances suprêmes de chacun

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1 des organismes qui est présent, ou si c'est un
2 processus qui en cours? Quand vous parlez
3 d'appropriation, est-ce que c'est une
4 acclimatation, une meilleure connaissance du fond
5 des questions qui sont dans le manifeste ou si
6 techniquement est-ce qu'il y a une approbation de
7 chacun des organismes à ce moment-ci, ou si c'est
8 en voie de développement?

9 GÉRALD LAROSE: D'abord il faut
10 vous informer que les membres signataires du Forum
11 ont été participants à ce Forum sous mandat de
12 leurs propres organisations, c'est-à-dire que ce
13 sont des gens qui ont des responsabilités dans
14 leur organisation et qui ont eu mandat de
15 participer à l'élaboration d'une plate-forme
16 commune.

17 Autrement dit, ces personnes ne
18 sont pas là à titre purement personnel. Elles
19 font ce travail en étant dûment autorisées par
20 leur organisation.

21 Deuxièmement, pour les travaux
22 mêmes du Forum nous avons tenu à faire en sorte
23 que ce travail se fasse avec une certaine liberté
24 et une certaine distance par rapport aux
25 organisations, précisément pour enclencher une

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1 dynamique, un mouvement qui ferait en sorte qu'on
2 pourrait, dans un aller et retour constant,
3 permettre aux organisations de s'appropriier les
4 contenus et de faire cheminer les différentes
5 composantes.

6 À ce stade-ci cet avancement n'est
7 pas le même dans chacune des organisations. On
8 peut dire que certaines organisations ont des
9 mandats formels qui endossent intégralement les
10 contenus, d'autres ont des mandats formels de
11 niveau supérieur et qui vont tranquillement pas
12 vite descendre.

13 Je voudrais aussi souligner que le
14 Forum se donne la possibilité de revenir sur ces
15 contenus suite à l'immense démarche
16 d'appropriation par les organisations pour voir si
17 on ne peut pas creuser davantage tel aspect ou tel
18 autre.

19 Bref, si je me résume, on a voulu
20 piloter une démarche qui ferait en sorte que bon
21 nombre de groupes dans la société pourraient
22 prendre, je dirais, le mouvement et s'inscrire
23 dans une dynamique qui ferait en sorte que
24 collectivement on pourrait construire les ponts et
25 les propositions qu'on croit être les plus viables

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1 et les plus durables pour nos rapports mutuels
2 autochtones et québécois.

3 COPRÉSIDENT RENÉ DUSSAULT: Merci,
4 monsieur Larose. Je pense que ça clarifie le
5 statut actuel du document. Ça le clarifie très
6 bien.

7 Si je comprends bien dans la
8 foulée de ce que vous venez de dire, il est
9 possible et vous souhaitez que d'autres organismes
10 se joignent au Forum paritaire et participent à la
11 démarche.

12 GÉRALD LAROSE: En fait, le
13 manifeste est rendu public devant vous
14 aujourd'hui. Les membres du Forum souhaite que
15 d'autres groupes dans la société québécoise
16 s'emparent de cette réflexion et vraisemblablement
17 nous mettrons en place un dispositif pour
18 permettre à ces autres groupes d'entrer en
19 dynamique avec le Forum pour poursuivre la
20 réflexion.

21 COPRÉSIDENT RENÉ DUSSAULT: Merci.

22 Comme il s'agit là d'une démarche
23 d'éducation publique et du public importante pour
24 enclencher un mouvement de réflexion, et vous le
25 dites au point trois de la démarche, que vous

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1 souhaitez faire en sorte que ça s'adresse aux
2 populations pour faire en sorte qu'elles
3 participent au Forum, peut-être un point de
4 curiosité.

5 Quel est le mécanisme de
6 circulation, de diffusion de votre document? Quel
7 mécanisme avez-vous envisagé pour permettre la
8 plus large circulation possible du manifeste du
9 Forum paritaire?

10 **GÉRALD LAROSE:** Nous avons imprimé
11 le manifeste, je crois que c'est 3 000 exemplaires
12 à ce stade-ci, pour permettre une première
13 diffusion, étant entendu que dans les
14 organisations bon nombre veulent eux mêmes le
15 reproduire. Il y a aucune limite à la
16 reproduction de ce document.

17 Nous sommes à mettre au point la
18 version anglaise de ce document que nous
19 souhaitons voir être débattue aussi dans les
20 groupes qui possèdent davantage la langue
21 anglaise.

22 Alors au plan de la diffusion,
23 c'est aujourd'hui qu'il est rendu publique, mais
24 des efforts sont faits pour qu'il soit le plus
25 largement répandu dans l'ensemble des groupes.

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1 COPRÉSIDENT RENÉ DUSSAULT: Je
2 vous remercie. Je pense qu'effectivement la
3 version anglaise du document sur le plan de
4 l'ensemble canadien, comme je disais d'entrée de
5 jeu, il y a là des idées utiles plus largement.
6 Je pense que ce sera extrêmement utile également.

7 Je voudrais maintenant en venir,
8 toujours au point trois de votre démarche, à la
9 question de l'applicabilité des propositions que
10 vous faites.

11 Vous dites que "nos réflexions
12 sont élaborées de telle sorte qu'elles trouvent
13 leur pleine valeur dans le contexte de la
14 souveraineté du Québec tout autant que dans un
15 contexte fédéral". Plus loin vous parlez de
16 mécanismes et constituantes, vous parlez d'un
17 genre de souveraineté association à l'intérieur du
18 Québec entre le peuple québécois et les onze
19 nations autochtones.

20 Est-ce que sur le plan fédéral
21 canadien, sur le plan de l'ensemble de la société
22 canadienne, je comprends que vous dites que c'est
23 utile, dans une situation ou dans l'autre est-ce
24 que vous avez poursuivi votre réflexion, parce que
25 l'essentiel du document est quand même dans le

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1 contexte québécois. Pourriez-vous élaborer là-
2 dessus. Est-ce que vous êtes en mesure d'élaborer
3 là-dessus?

4 Si je comprends bien, la
5 proposition voudrait, par exemple, qu'il y ait le
6 même genre de traité général, d'entente entre les
7 peuples autochtones canadiens et le gouvernement
8 canadien si ça se produit dans le contexte
9 canadien. Est-ce que vous pourriez sur la portée
10 de votre proposition, de votre manifeste, dans
11 l'optique où ça se déroule dans le cadre canadien.

12 ROMÉO SAGANASH: Monsieur le
13 Président, je répondais récemment à un journaliste
14 anglophone qui était surpris de me voir à la même
15 table qu'un souverainiste québécois. J'ai dit que
16 moi aussi je suis souverainiste, d'une perspective
17 autochtone évidemment.

18 Si on écoute un peu le discours
19 autochtone, que ce soit au Québec ou ailleurs, ça
20 a toujours été dans cette perspective-là d'avoir
21 un meilleur contrôle sur leur propre destin. Dans
22 ce sens-là la perspective autochtone du manifeste
23 reflète, je pense, amplement ce fait-là. Et c'est
24 tout à fait conforme, je pense, du moins ce que
25 j'ai entendu des discours autochtones à travers le

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1 Canada.

2 J'ai lu avec grand intérêt
3 l'entrevue que vous avez donnée au journal Le
4 Soleil en fin de semaine, quand vous disiez en
5 particulier que les leaders autochtones étaient
6 très loin du discours de leurs membres au niveau
7 local. Il y a une part de vérité là-dedans, je le
8 sais.

9 Connaissant moi-même le peuple Cri
10 qui vit sur le territoire de la Baie James je sais
11 pertinemment que le chasseur qui se trouve dans la
12 forêt pendant huit à dix mois par année se fout un
13 peu que son territoire s'appelle pour les autres
14 Baie James, Québec ou Canada. Lui, il l'appelle
15 Inushti (PH), et tant et aussi longtemps qu'il
16 pourra être ce qu'il est dans son territoire
17 lorsqu'il le voudra, je pense que c'est ça
18 l'essentiel pour lui.

19 Je pense que la seule différence
20 dans ce que vous dites et la réalité c'est que les
21 leaders autochtones ont cette tendance, je pense,
22 de traduire en termes politiques et juridiques ce
23 que leurs représentants leur disent souvent.
24 C'est peut-être leur seul petit défaut, parce que
25 lorsqu'on traduit certains propos de nos membres

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1 on a souvent tendance à les traduire d'une façon
2 incorrecte.

3 C'est dans ce sens-là que nous
4 avons voulu aborder la question en regard de notre
5 perspective autochtone, de sorte que je pense
6 qu'on peut appliquer le processus ou les principes
7 qu'on a élaborés à l'ensemble du pays.

8 Je pense que si on écoutait bien,
9 et même si on réfléchit par rapport à ce qui a été
10 convenu de la part des Autochtones dans l'Accord
11 de Charlottetown entre autres, il était toujours
12 dit que par rapport à leur autonomie
13 gouvernementale les Autochtones voulaient que
14 cette autonomie s'applique au sein du Canada. Je
15 pense que c'est quelque chose qui est aussi
16 reflété dans le manifeste que nous avons déposé.

17 COPRÉSIDENT RENÉ DUSSAULT: Je
18 vous remercie. Simplement une petite addition.

19 Essentiellement la Commission a
20 fait des audiences dans près de 120, 125
21 communautés maintenant, consultations spéciales de
22 toutes sortes, et il nous apparaissait essentiel
23 comme commissaires d'aller dans les communautés.
24 Le juge en chef Brian Dickson, qui avait conçu le
25 mandat de la Commission, en avait fait une

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1 recommandation très ferme.

2 Nous sommes conscients de la
3 difficulté pour les leaders autochtones de faire
4 valoir à la fois l'essentiel de la démarche à long
5 terme et en même temps de s'assurer que du côté
6 des communautés les débats puissent prendre place.

7 Nous avons été frappé, par
8 exemple, par ce que nous ont dit les femmes
9 autochtones au sein des communautés dans le cadre
10 de la vie quotidienne. C'est dans ce sens-là que
11 nous avons fait ces remarques-là au niveau de la
12 Commission.

13 Ceci étant dit, je prends ce que
14 vous nous dites essentiellement comme étant le
15 fait que les propositions que vous faites sont
16 interchangeables sur le plan canadien comme sur le
17 plan québécois. Ce qui est cherché c'est une
18 véritable autodétermination majoritairement au
19 sein du Canada, dans un contexte de souveraineté
20 partagée au sein du Canada avec les autres
21 gouvernements canadiens, mais décidée par les
22 peuples autochtones.

23 Nous savons que certains peuples
24 autochtones souhaitent aussi une souveraineté
25 internationale. Tout à l'heure on pourra discuter

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1 un peu de cette question-là, mais largement la
2 proposition qui est faite, et je pense que c'est
3 ce qui est frappant, est un modèle applicable sur
4 le plan canadien comme sur le plan québécois.
5 Évidemment c'est plus complexe, il y a plus de
6 nations, il y a plus de situations et de
7 diversité.

8 Je voudrais à ce moment-ci, avant
9 que nous puissions commencer la discussion un peu
10 plus technique, peut-être un ou deux crans en-
11 dessous sur la spécificité de votre document, on
12 pourrait peut-être prendre une pause de 15 minutes
13 et revenir à 10 h 45 pour reprendre la période de
14 dialogue.

15 Merci.

16 --- L'audience est suspendue à 10 h 30

17 --- Reprise de l'audience à 10 h 49

18 **COPRÉSIDENT RENÉ DUSSAULT:** La
19 Commission royale sur les peuples autochtones
20 reprend l'audition du mémoire des représentants du
21 Forum paritaire québécois.

22 My colleague Mary Sillett will ask
23 the first questions

24 **COMMISSIONER MARY SILLETT:** Thank
25 you very much.

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1 Before I begin I will confess that
2 when Mr. Dusssault asked me to spend a second week
3 in Montreal I said oh please don't do that to me,
4 because I have a really hard time with this French
5 language, but I will try. If my questions aren't,
6 for example, really consistent with what you've
7 said, please understand why.

8 My first question is this. One of
9 the things that I've noticed, particularly in our
10 hearings in Quebec, is that the Aboriginal peoples
11 in some cases are trilingual. For example, when
12 you look at some parts of Nunavik you see
13 children, for example, who can speak Inuktitut,
14 who can speak French and in adult life are
15 trilingual.

16 One of the things we've heard from
17 many, many Aboriginal people across this country
18 is that this is a situation which they envy. I'm
19 wondering, in the context of your meetings, in the
20 context of your discussions, have you ever
21 discussed any models that would allow Aboriginal
22 people to learn not only their Aboriginal language
23 but other languages as well. Is that something
24 that your organization has ever talked about,
25 going beyond principles?

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1 ROMÉO SAGANASH: In the terms of
2 the language, we haven't really discussed in
3 detail what types of models that we can
4 specifically propose for Aboriginal peoples and
5 Quebeckers in tomorrow's society.

6 One can say that the fact that
7 some Aboriginal peoples in this province are
8 trilingual is a result more of a situation than
9 some particular model that existed in the past.
10 My situation is quite particular from other
11 situations as well. It's because when Jean
12 Chrétien decided that I would go a French school
13 rather than an English school and the residential
14 school. That was in 1968. He was MP for the St-
15 Maurice riding. So it's a result of a political
16 promise that he made in the Mauricie region here
17 in Quebec.

18 One of the things that I've heard
19 over the years, especially when I acted as Deputy
20 Grand Chief for the Grand Council of the Crees,
21 the things that I've heard from my people is this.
22 They say that if we are going to solve our
23 relations with our neighbours, then I think we
24 have to start teaching our children to learn
25 French as a second language rather than English,

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1 because our first neighbours are Quebeckers, who
2 are French-speaking individuals.

3 In that sense since the Grand
4 Council of Crees or the Cree people have taken
5 over their own education system following the
6 signing of the James Bay-Northern Quebec
7 Agreement, after the fourth year of education the
8 parents can choose for their children either
9 English or French as a second language. If you
10 compare it from the early 1980s and late 1970s,
11 where the majority of Cree people spoke English as
12 a second language, today the trend is completely
13 reversed in the sense that a large majority of the
14 kids now learn French as a second language, which
15 is a good sign I think for our future relations
16 with our neighbours, who are Quebeckers, in this
17 province.

18 **COMMISSIONER MARY SILLETT:** Thank
19 you very much.

20 My second question is this. When
21 you've discussed, for example, self-government,
22 and I think you've discussed that a lot according
23 to the amount of time that was given, have you
24 addressed how self-government might address the
25 concerns of Aboriginal women with respect to

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1 equality or protection of individual rights and
2 the need for accountability?

3 ROMÉO SAGANASH: The fact that
4 the Native Women's Association of Quebec
5 participated in our debates, I guess there was a
6 necessity to talk about the issue. We in fact did
7 talk about the issue. I think there's a mention
8 in our brief about that specific issue.

9 Should the Aboriginal peoples
10 decide to exercise their inherent right to self-
11 government, we think that at least the Charter of
12 Rights and Freedoms of Canada should apply to
13 their governments, specifically the provisions
14 respecting the equality of individuals.

15 One our point of references in our
16 debates was the draft declaration of rights of
17 indigenous peoples in this world. There are
18 provisions to that effect as well in that draft
19 declaration that inspired our debates in that
20 sense. We think it's important to recognize the
21 rights of half of our populations. I don't think
22 any society can survive in the future by refusing
23 to recognize the rights of half of their
24 societies.

25 I think it's an absolute necessity

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1 in our minds that the rights of women be
2 recognized and respected, even within our own
3 aboriginal governments.

4 GÉRALD LAROSE: Si on en revient
5 au projet social et politique porté par le Forum
6 paritaire on imagine facilement que dans ce projet
7 d'associations il va y avoir une mobilité,
8 transfert des rapports très réguliers et soutenus.
9 Nous croyons que d'entrée de jeu il nous faut
10 poser la question de la reconnaissance et de
11 l'établissement des droits tant individuels que
12 collectifs que nationaux, et qu'il y ait entre
13 nous un pacte commun.

14 Autrement dit, que les droits, les
15 obligations, les opportunités, soient les mêmes
16 pour tous et toutes. On s'inspire en cela de
17 l'ensemble du dispositif qui nous est proposé par
18 les instances internationales. Ça a été un débat
19 soutenu à l'intérieur du forum, et il nous est
20 apparu que dans un projet d'associations tel qu'on
21 le propose il était de loin préférable qu'on
22 s'entende d'entrée de jeu sur un pacte commun en
23 termes de reconnaissance de droits et
24 d'obligations.

25 COMMISSIONER MARY SILLETT: Thank

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1 you very much.

2 I just want a further
3 clarification on the point that you made, Roméo.
4 You were saying, for example, that if Aboriginal
5 groups do decide to practice their inherent right
6 to self-determination the position that you
7 advocate is that the Charter of Rights and Freedom
8 should apply. Should that apply all the time or
9 should that apply -- for example, we've heard in
10 some cases that that would apply until the
11 Aboriginal organizations were in a position to
12 develop their own Charter.

13 ROMÉO SAGANASH: Of course when we
14 discuss the right of self-determination of
15 peoples, the peoples do have the right to choose
16 what form of government they will give themselves
17 and what kind of instruments they will adopt
18 respecting their members.

19 We feel that with respect to women
20 at least that provision from the Charter of Rights
21 and Freedom should apply towards governments, or
22 any other provision that would recognize the
23 rights of women in any society.

24 In that sense I think that's a
25 question that no society can avoid, that's a

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1 question that no society can push aside. You have
2 to deal with that question.

3 We advocate that the rights of
4 women be specifically recognized in the charter
5 that these governments will give themselves.

6 BERNARD CLEARY: Si vous
7 permettez, j'ajouterais juste une petite
8 explication. C'est sur la complexité ou la
9 complémentarité de notre dossier.

10 Il est bien évident qu'on ne peut
11 pas à ce stade-ci, après quand seulement une
12 quinzaine ou une vingtaine de rencontres, en
13 arriver à tous les éléments pointus de ce que
14 pourrait être le futur contrat social ou encore la
15 future définition de notre autonomie à l'un et à
16 l'autre.

17 Cependant, ce que le Forum a cru
18 bon de présenter à ce stade-ci à la Commission,
19 puisque ça continue à vivre, le Forum, ça a été de
20 donner les grands principes, ce sur quoi on
21 s'entend pour travailler, de faire en sorte aussi
22 qu'il y ait des mécanismes qui pourraient se
23 mettre en place, peut-être hors du Forum aussi
24 parce que dans le fond le Forum c'est pas une job
25 qui s'est donné pour l'éternité que de régler ou

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1 de discuter des questions autochtones.

2 Il faut donc bien voir les limites
3 de notre dossier dans le sens des détails. Quand
4 on ne répond pas aux détails dans toute la
5 grandeur qu'on devrait y répondre c'est bel et
6 bien parce que l'urgence a fait -- la Commission,
7 ça va finir un jour -- et à ce moment-ci il
8 fallait en arriver à une position. Et un autre
9 élément. Il ne faudrait pas penser que ça s'est
10 fait si facilement que ça, parce qu'il y a eu des
11 discussions civilisées, mais il y a eu des
12 discussions pareil, et des discussions qui ont été
13 en profondeur. Tu t'entends pas sur le droit à
14 l'autodétermination comme ça. Je pense qu'il faut
15 que vous le preniez en compte.

16 Ce qu'on demande et ce que le
17 Forum s'est donné aussi comme objectif c'est de
18 continuer à travailler et d'élargir le cercle,
19 mais de continuer à travailler en allant plus
20 précisément dans un certain nombre d'éléments que
21 véhiculent les grands principes. Je pense que
22 vous avoir ça en tête.

23 COMMISSIONER MARY SILLETT: Thank
24 you.

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1 COPRÉSIDENT RENÉ DUSSAULT:

2 J'aimerais, à l'occasion du point 4.4 de votre
3 mémoire, poser une première question. Le point
4 4.4 dit ceci:

5 "Le forum reconnaît que dans
6 l'éventualité d'une
7 modification du statut
8 politique du Québec les
9 droits existant à ce moment-
10 là des peuples autochtones et
11 des personnes qui en font
12 partie seront maintenus
13 intégralement..."

14 Je pense que la position est
15 claire.

16 La question que j'aimerais vous
17 poser est est-ce que vous avez envisagé la
18 situation qui a été exprimée par plusieurs leaders
19 autochtones au Québec, leur préoccupation par
20 rapport à la souveraineté du Québec et le choix
21 qu'ils pourraient vouloir faire advenant
22 l'accession pleine et entière du Québec à sa
23 propre souveraineté de rester dans le Canada.

24 C'est une question évidemment
25 extrêmement difficile mais qui a été soulevée à

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1 plusieurs reprises, cette possibilité de faire un
2 choix lucide. On nous a dit souvent en faisant
3 état du passé où on s'est aperçu qu'on était dans
4 le Canada alors que c'était fait depuis longtemps,
5 on ne nous a jamais consultés, qui des Innu du
6 Labrador, qui des Inuits du Nord canadien, du côté
7 du nord du Québec aussi.

8 Est-ce que c'est une question que
9 vous avez envisagée, débattue au sein du Forum
10 paritaire ou est-ce que le manifeste est conçu
11 dans l'optique où des peuples autochtones...quelle
12 va être la relation d'un Québec à ce moment-là
13 avec les peuples autochtones, prenant pour acquis
14 que c'est une relation qui découle du territoire,
15 que les gens habitent sur des territoires du
16 Québec et donc nécessairement avec le Québec.

17 Est-ce que vous avez regardé
18 comment l'idée que certains peuples autochtones
19 pourraient vouloir maintenir leurs liens avec le
20 Canada, comment ça se réconciliait avec les
21 principes d'autodétermination que vous acceptez
22 d'emblée dans votre manifeste?

23 GÉRALD LAROSE: Si nous étions des
24 politiciens, monsieur Dussault, on dirait voilà
25 une question hypothétique.

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1 COPRÉSIDENT RENÉ DUSSAULT: Elle
2 nous est soulevée régulièrement, pas plus loin que
3 deux semaines à Montréal entre autres.

4 GÉRALD LAROSE; Je voudrais
5 insister sur la perspective qu'on a développée
6 comme forum.

7 Il est clair que si on avait
8 seulement à disposer de la question sous un angle
9 constitutionnel ou sous un angle du droit
10 international il y a là matière à plusieurs débats
11 et comme je le dit familièrement, il y a bien des
12 constitutionnalistes qui ont élevé leur famille et
13 vont continuer à élever leur famille avec ce genre
14 de question-là.

15 Ça n'a pas été la préoccupation
16 majeure du Forum. Nous, ce qu'on a voulu faire
17 c'est mettre les bases d'un projet social et
18 politique de tous les peuples dont la géographie
19 et l'histoire amènent précisément à se côtoyer et
20 à vivre ensemble.

21 La proposition vise à faire en
22 sorte que tout en respectant et en reconnaissant
23 les droits nationaux des uns et des autres,
24 comment pouvons-nous proposer un modus vivendi qui
25 pourrait nous amener dans un développement viable

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1 et durable qui représenterait à terme un plus pour
2 tout le monde.

3 C'est sûr que dans ce processus-là
4 les gens ou les peuples peuvent choisir leur voix.
5 On peut même croire qu'il y en a qui vont
6 certainement s'intéresser à ce processus-là pour
7 favoriser leur propre voix. Je suis sûr que le
8 Canada ne sera pas étranger et observateur neutre
9 de tout ça et pourra vraisemblablement vouloir
10 intervenir.

11 Nous n'avons pas comme forum fait
12 ce genre de scénario. Nous estimons pour tous les
13 débats que nous avons faits que dans le cas d'une
14 accession à la souveraineté par le peuple
15 québécois il est intéressant, il est porteur pour
16 le peuple québécois comme pour les peuples
17 autochtones d'établir une association avec les
18 principes que nous avons énumérés ici. Pour nous
19 ça représente un avenir porteur.

20 Pour revenir à votre question très
21 directement, nous n'avons pas voulu faire le
22 scénario que vous avez évoqué, quoi que ça fait
23 partie du possible.

24 COPRÉSIDENT RENÉ DUSSAULT: Peut-
25 être à ce moment-là une sous-question.

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1 Dans le cadre du scénario au
2 Québec comme vous avez expliqué qui a été le
3 vôtre, comment la démarche du Forum paritaire, qui
4 en est une très clairement où on fait
5 l'autodétermination au sein du Canada et dans ce
6 contexte-là au sein du Québec, comment cette
7 démarche-là peut s'harmoniser avec, par exemple,
8 ce qui est véhiculé officiellement par les
9 Mohawks, y compris sur le plan canadien, d'une
10 souveraineté internationale.

11 Dans le fond ça m'amène peut-être
12 à la sous-question, la question que je vous
13 demandais tantôt sur la participation au Forum
14 paritaire, l'élargissement souhaitable des forces
15 vives c'est vrai des deux côtés. Du côté des
16 nations autochtones il y a une liste de
17 participants. Il y en a qui ne sont pas encore là.

18 Au fond c'est à double volet un
19 peu. Est-ce qu'il y a de l'espoir d'élargir le
20 cercle du côté des nations autochtones du Québec
21 pour participer au Forum, et évidemment à ce
22 moment-là cette question-là de la souveraineté
23 internationale peut se poser telle que véhiculée
24 par certainement une des nations autochtones au
25 Québec.

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1 ROMÉO SAGANASH: Évidemment
2 lorsqu'on discute de ces principes comme le droit
3 à l'autodétermination, on ne peut pas appliquer un
4 processus de deux poids, deux mesures à l'égard
5 même de ces questions-là. Dans ce sens-là je
6 pense que si les Mohawks constituent un peuple,
7 ils ont le droit à l'autodétermination autant que
8 le Québec, si le Québec constitue un peuple, a le
9 droit à l'autodétermination.

10 En ce sens ils ont le droit
11 conséquemment de choisir leur propre statut
12 politique éventuel.

13 Le seul point que nous avons voulu
14 aborder dans ce sens-là est la promotion d'une
15 alliance, qu'il devrait y avoir une alliance entre
16 Autochtones et Québécois ici dans cette province.
17 Évidemment on ne peut pas forcer qui que ce soit
18 dans cette alliance mais on s'engageait, nous, à
19 promouvoir cette alliance dans tous ses aspects.

20 Pour revenir à la question
21 précédente parce qu'il y a une sorte de lien entre
22 les deux, à ce titre-là on ne peut pas non plus
23 forcer qui que ce soit, lorsque les Québécois
24 auront décidé de se séparer du Canada, on ne peut
25 pas forcer ni les Mohawks ni les Cris ni les

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1 autres soit d'aller avec le Québec ou soit de
2 rester avec le Canada. C'est un choix qui leur
3 appartient et je pense que tout le monde se doit
4 de le respecter.

5 Nous avons voulu, comme nous
6 l'avons mentionné au départ, plus à partir de
7 maintenant élargir le groupe de discussion. Moi-
8 même j'ai eu des contacts avec les communautés
9 mohawks pour essayer de les intéresser d'une part
10 à nos discussions et peut-être qu'elles puissent,
11 elles, amener leur propre perspective des choses.

12 On était un peu tannés, nous, les
13 Autochtones au sein du Forum paritaire, de
14 défendre les Mohawks. Je pense qu'ils peuvent le
15 faire facilement eux autres mêmes.

16 Dans ce sens-là je pense qu'il y a
17 un intérêt qui a été manifesté de leur part. Les
18 trois communautés ont manifesté un certain intérêt
19 à participer, et nous espérons une fois que la
20 traduction sera terminée du document d'une part,
21 et une fois que le processus du dépôt de notre
22 manifeste devant vous sera terminé, nous espérons
23 par la suite pouvoir embarquer le plus de monde
24 possible.

25 COPRÉSIDENT RENÉ DUSSAULT: Merci.

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1 Je voudrais passer à la question
2 du territoire.

3 Dans votre mémoire, au point 4.2,
4 le Forum reconnaît les droits ancestraux de chaque
5 peuple autochtone, qui inclut des droits
6 territoriaux à définir et un droit inhérent à
7 l'autonomie politique.

8 Comment vous voyez l'arrimage dans
9 le contexte que vous proposez de cette définition
10 des territoires, de l'exercice de droits inhérents
11 à l'autonomie gouvernementale qui donc relèvent
12 d'une initiative des communautés autochtones et es
13 nations autochtones mais qui doivent bien sûr
14 s'harmoniser avec d'autres gouvernements sur le
15 territoire, le gouvernement du Québec ou les
16 gouvernements municipaux.

17 Est-ce que vous pouvez élaborer un
18 peu plus sur la façon dont vous voyez cette
19 détermination des territoires. Vous dites "les
20 nations autochtones devront avoir le territoire
21 suffisant pour supporter leur développement
22 économique et culturel..." pour leur permettre de
23 prendre en charge en avenir. Je comprends que
24 vous avez 15 à 20 réunions, mais c'est une
25 question centrale.

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1 Si vous pouviez à la fois sur
2 cette question de définition des territoires,
3 comment, à votre point de vue ça se ferait et
4 également la démarche des droits inhérents à
5 l'autonomie gouvernementale, qui implique plus que
6 de l'administration mais des pouvoirs de faire des
7 lois dans certains domaines.

8 Est-ce que vous pouvez élaborer
9 là-dessus?

10 GÉRALD LAROSE: Je vous réfère
11 d'abord au 4.2 et au 4.3, dans lequel nous
12 reconnaissons les droits nationaux des peuples
13 autochtones et du peuple québécois. Pour nous la
14 question des territoires est aussi une question
15 centrale. Il n'y a pas de souveraineté sans
16 assises territoriales.

17 Nous avons voulu, toujours dans la
18 perspective de tracer un projet social et
19 politique, convenir qu'indépendamment du sort qui
20 pourrait être réservé à la question du territoire
21 par différents tribunaux ou par le processus
22 juridique, il nous apparaît tout à fait essentiel
23 qu'il y ait de déterminer des territoires qui
24 seront l'assise de la souveraineté de chacun des
25 peuples autochtones, territoire suffisamment vaste

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1 pour garantir la viabilité et la réunion de toutes
2 les conditions pour l'épanouissement et le
3 développement de chacun des peuples.

4 Deuxièmement, on a voulu aussi
5 convenir qu'il devrait y avoir des territoires sur
6 lesquels il y aurait des souverainetés partagées,
7 au sens où on s'entendrait sur la finalité de ces
8 territoires et sur une méthode de gestion partagée
9 de ces territoires.

10 Comment tout ça peut advenir? On
11 sait qu'il peut y avoir plusieurs éléments dans le
12 débat. J'invoquais tantôt les droits ancestraux,
13 la question du débat juridique. Nous, nous
14 proposons la mise en place dès aujourd'hui d'un
15 mécanisme paritaire qui, avant même que le Québec
16 décide de son propre sort, pourrait fonctionner,
17 d'un mécanisme paritaire avec des pouvoirs de
18 médiation, d'arbitrage, d'adjudication, permettant
19 la mise en place des conditions de la souveraineté
20 des peuples qui auraient décidé de l'exercer.

21 Ce mécanisme devrait aussi
22 présider l'élaboration des nouveaux rapports entre
23 les peuples autochtones et le peuple québécois.
24 Pour nous il n'y aura pas vraisemblablement un
25 modèle. Dépendant de la géographie et dépendant

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1 aussi vraisemblablement du nombre il se peut qu'il
2 y ait un partage plus large ou moins large
3 dépendant de ces critères-là d'un peuple à
4 l'autre, mais le plus important demeurant que le
5 choix soit fait par chacune des nations.

6 C'est un peu le modèle qu'on a
7 tracé. Pour nous il n'y a pas été question dans
8 nos débats à venir jusqu'à maintenant de disposer
9 des questions précises de chacun des peuples.
10 C'est plus un modèle opérationnel, et s'il y a une
11 volonté politique de part et d'autre de procéder
12 on pense que le mécanisme proposé pourrait
13 fonctionner dès aujourd'hui, de telle sorte que y
14 compris dans le cadre d'une décision du peuple
15 québécois ce mécanisme-là pourrait fonctionner
16 doublement.

17 COPRÉSIDENT RENÉ DUSSAULT: Donc
18 au fond ce que vous nous dites c'est que, y
19 compris dans le contexte actuel, on pourrait dès
20 maintenant tendre à établir des rapports sur une
21 base d'un mécanisme paritaire d'égal à égal avec
22 les peuples autochtones du Québec, avec le Québec
23 et avec le gouvernement canadien.

24 GÉRALD LAROSE: Avec le Québec et
25 effectivement, compte tenu que l'ensemble de la

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1 juridiction relève du gouvernement fédéral, il y a
2 vraisemblablement des rapports à établir avec le
3 fédéral mais pour nous, indépendamment de la
4 résolution de la question constitutionnelle au
5 Canada, il y aurait moyen de mettre ça en place.

6 **ROMÉO SAGANASH:** Mais ça prend
7 d'abord une réponse royale à cette question.

8 **COPRÉSIDENT RENÉ DUSSAULT:** Il ne
9 faut pas attendre la Commission. J'espère que
10 c'est pas ça que j'entends pour bouger.

11 **ROMÉO SAGANASH:** Un des problèmes,
12 je crois...évidemment toute société doit aborder
13 ces questions-là, et c'est ce que nous avons voulu
14 faire, ne serait-ce que pour mesurer notre
15 créativité politique. Mais il faut aborder ces
16 questions-là.

17 Le problème dans le passé était
18 que, que ce soit les Québécois vis-à-vis les
19 Autochtones, que ce soit les Canadiens vis-à-vis
20 les Autochtones, on n'a jamais été forcés à
21 traiter de la question et de la régler une fois
22 pour toute. C'est arrivé une fois dans l'histoire
23 du Québec. C'est lors du projet de développement
24 hydroélectrique de la Baie James. Les gens
25 étaient en quelque sorte forcés à chercher des

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1 solutions.

2 Vous avez les questions qui nous
3 confrontaient à l'époque, incluant le territoire.
4 Nous avons trouvé des moyens à la négociation à
5 l'époque. C'est pour ça que je disais qu'il
6 fallait une réponse royale à cette question-là
7 pour forcer tout le monde, finalement à trouver
8 des solutions à ces questions.

9 BERNARD CLEARY: Si vous
10 permettez, j'ajouterais quelque chose.

11 Moi, je pense que se dégage de ce
12 dossier-là la formule qu'on préconise, la formule
13 de négociation. Je le dit clairement.

14 On apporte à la formule de
15 négociation des appuis. Le premier appui, c'est
16 la considération d'égal à égal que l'on voit
17 autour de ça, et l'appui majeur, c'est le pouvoir
18 de négociation que donne, qu'on le veuille ou non,
19 la possibilité d'autodétermination. Il faut bien
20 voir que la possibilité d'autodétermination
21 accorde un pouvoir de négociation qui est
22 inexistant à ce stade-ci.

23 Donc le dossier favorise une
24 discussion en ayant bien en tête que si on ne
25 réussit pas à s'entendre il y aura certainement un

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1 certain nombre de problèmes. Donc je pense qu'il
2 faut voir derrière ce dossier-là ça aussi.

3 Comme le soulignait tantôt Gerald,
4 il y a tout ce fameux mécanisme de surveillance,
5 entre guillemets, qui accorde un véritable poids
6 au processus de négociation qui, à mon avis
7 personnel, est inexistant à ce stade-ci.

8 **COPRÉSIDENT RENÉ DUSSAULT:**

9 Parlant de mécanisme paritaire, une des choses qui
10 m'a frappé dans votre mémoire, vous parlez d'une
11 charte des droits conjointe.

12 On en a discuté avec la Commission
13 des droits de la personne il y a deux semaines à
14 Montréal et également avec la Ligue des droits et
15 libertés. La charte québécoise des droits de la
16 personne et libertés de la personne ne comporte
17 rien en ce qui a trait aux droits autochtones
18 collectifs certainement.

19 Dans ce sens-là la déclaration qui
20 a été faite de 15 principes à l'Assemblée
21 nationale également en 1983 et reprise en 1985 à
22 l'Assemblée est un peu un geste unilatéral malgré
23 tout du Québec dans le sens de bonne volonté, mais
24 que ça n'a pas été négocié comme tel.

25 J'aimerais vous reposer la

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1 question. Donc vous voyez la possibilité d'une
2 charte des droits et libertés de la personne au
3 Québec, qui comprendrait bien sûr les droits
4 autochtones, élaborés conjointement. Ça rejoint
5 un peu la question que Mary Sillett posait tout à
6 l'heure de la préoccupation des valeurs
7 autochtones, parce qu'il y a un débat au Canada
8 sur est-ce qu'on devrait avoir une charte des
9 droits en parallèle avec certaines valeurs
10 propres. On a fait la discussion sur la clause
11 d'égalité.

12 Si je comprends bien, c'est ce que
13 vous préconisez. Vous voyez ça comme réalisable
14 d'avoir une charte des droits qui serait élaborée
15 conjointement avec les Autochtones donc consentie
16 de part et d'autre et non pas uniquement un geste
17 de l'Assemblée nationale du Québec.

18 GÉRALD LAROSE: Très exactement.
19 Et ça réfère au paragraphe 5, qui est à la page 12
20 de notre document.

21 Nous, ce qu'on prévoit pour cet
22 ensemble géopolitique c'est la mise en place d'une
23 constituante qui générerait effectivement la loi
24 fondamentale qui va régir l'ensemble de nos
25 rapports et qui va établir les bases du lieu

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1 politique commun.

2 Dans ce sens-là ça doit être le
3 fruit d'une négociation à l'intérieur d'une
4 constituante et non pas un geste unilatéral fait
5 par un groupe par rapport aux autres.

6 Bref, pour fonder ce nouveau
7 contrat social, pour élaborer cette nouvelle
8 entente de cohabitation par le biais d'une
9 constituante visant à établir les paramètres de la
10 loi fondamentale et du fonctionnement du lieu
11 politique commun. On pense que c'est la manière
12 la plus respectueuse de faire en sorte que chaque
13 nation, chaque peuple, soit respecté dans le
14 processus. C'est ce qu'on propose.

15 Ensuite, il y a le mécanisme pour
16 régler ou plutôt présider la négociation qui
17 va se faire, je dirais, de façon continue pour
18 l'application de l'ensemble qu'on aura établi.

19 **COPRÉSIDENT RENÉ DUSSAULT:**

20 Seulement pour être bien clair, donc la question
21 du territoire ne serait pas nécessairement
22 déterminée par la constituante dans votre projet
23 mais par le mécanisme paritaire qui concrètement
24 donnerait chaire au principe de la constituante ou
25 est-ce que...

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1 GÉRALD LAROSE: Sur cet aspect-là
2 on n'a pas peut-être pas débattu au fond mais si
3 vous me demandez mon idée, j'aurais plutôt
4 l'impression que ce serait le mécanisme paritaire
5 qui devrait opérationnaliser. J'ai l'impression
6 que peut-être ce serait un peu complexe que ce
7 soit la constituante comme telle. Mais là-dessus
8 j'avoue qu'on n'a peut-être pas débattu jusqu'au
9 fond sur cette question-là.

10 COPRÉSIDENT RENÉ DUSSAULT: La
11 question urbaine, vous l'abordez très
12 succinctement dans votre mémoire. Je pense que
13 c'est au point 4.3.

14 Vous dites:

15 "Le Forum reconnaît que des
16 accords particuliers doivent
17 être envisagés avec les
18 parties concernées en ce qui
19 a trait aux communautés
20 autochtones vivant en milieu
21 urbain."

22 Cependant, dans le paragraphe qui
23 suit vous dites qu'il doit y avoir une assise
24 territoriale pour l'autonomie autochtone
25 gouvernementale.

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1 On sait que la tendance lourde,
2 même si le Québec est un peu moins touché que
3 d'autres parties, l'ouest du Canada en
4 particulier, il y a une tendance importante de
5 migration vers la ville, donc c'est une
6 préoccupation majeure que l'avènement d'un
7 gouvernement autochtone en milieu urbain,
8 l'harmonisation avec les municipalités et les
9 villes. On aura l'occasion d'en discuter cette
10 semaine avec l'Union des municipalités du Québec,
11 la Fédération canadienne des municipalités.

12 Essentiellement est-ce que vous
13 avez amorcé une réflexion par rapport à la réalité
14 urbaine à Montréal, par exemple, ou si c'est
15 quelque chose qui est en devenir plutôt. Et-ce
16 que vous pouvez élaborer là-dessus?

17 GÉRALD LAROSE: L'approche a
18 essentiellement consisté dans des rapports de
19 réciprocité. À notre avis le peuple québécois,
20 avec chacune des nations autochtones, pourrait
21 convenir d'ententes pour rendre disponibles des
22 services ou des facilités spécifiques pour les
23 nations autochtones en milieu urbain ou en
24 territoire québécois sur la base d'ententes de
25 réciprocité, donc à être négociées de nation à

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1 nation, de peuple à peuple, de gouvernement à
2 gouvernement.

3 **COPRÉSIDENT RENÉ DUSSAULT:** En
4 fait dans le secteur urbain on a deux questions
5 devant la Commission, la question de savoir si les
6 institutions par exemple, locales, hôpitaux,
7 écoles, services sociaux, devraient offrir leurs
8 services à tous les Autochtones en milieu urbain
9 indistinctement du fait qu'on est Inuit ou Indien
10 ou Métis.

11 D'autres évidemment nous disent on
12 veut avoir l'identification propre aux Métis,
13 propre aux Indiens, propre aux Inuits. On veut
14 avoir un statut distinct.

15 Est-ce qu'il y a une réflexion au
16 sein du Forum sur si les centres d'amitié
17 autochtones, par exemple, les gens qui sont dans
18 la distribution en première ligne des services
19 nous disent on veut servir les Autochtones en
20 général, et non pas faire ces distinctions-là.

21 Par ailleurs, les gens au niveau
22 politique souvent nous disent on veut que la
23 réserve suive ces gens en ville et donc qu'il y
24 ait des relations avec les gouvernements
25 autochtones qui sont plus au nord.

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1 Est-ce que ce sont des questions
2 qui ont été abordées dans le cadre du Forum
3 paritaire?

4 ROMÉO SAGANASH: Pas de façon
5 très, très spécifique. Je dois mentionner que le
6 Regroupement des centres d'amitié autochtones du
7 Québec s'est joint à notre groupe un peu plus tard
8 dans le processus. Par conséquent nous aurons
9 l'occasion à l'avenir d'en débattre plus
10 spécifiquement de cette question.

11 La compréhension générale que nous
12 avons de cette question repose sur deux points
13 essentiellement.

14 D'une part, et c'est une question
15 qu'il faudrait poser nécessairement aux organismes
16 qui représentent les Autochtones en milieu urbain.
17 D'une part, que veulent ces Autochtones en milieu
18 urbain? Est-ce que c'est seulement l'accès aux
19 services de santé, l'éducation et autres? Dans ce
20 cas-là je pense qu'il y aurait lieu d'avoir des
21 arrangements entre les Autochtones vivant en
22 milieu urbain et les organismes politiques en
23 place, et le gouvernement.

24 D'autre part, il faudrait se poser
25 je pense très sérieusement la question en termes

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1 politiques, "Que veulent-ils?" Je pense que la
2 question mérite très certainement d'être posée.

3 Dans la mesure où il y a aussi une
4 évolution politique non seulement des organismes
5 qui représentent ces Autochtones mais les
6 représentants et les individus eux mêmes, en ce
7 sens qu'aujourd'hui je ne crois pas qu'ils sont
8 nécessairement en milieu urbain uniquement pour
9 avoir des services, mais qu'ils veulent se doter
10 également d'organismes politiques.

11 J'ai déjà entendu un Autochtone
12 vivant en milieu urbain disant que son territoire
13 de chasse c'était Montréal et que la réserve pour
14 lui, il n'a pas de réserve au Canada, la réserve,
15 c'est le Canada. Donc il devrait avoir les mêmes
16 droits qu'il soit en ville ou chez lui à
17 Waswanipi.

18 Ce sont des questions évidemment
19 qui méritent d'être posées et qui méritent d'être
20 débattues, et je pense que nous aurons l'occasion
21 très certainement à l'avenir au sein de notre
22 groupe de débattre ces questions-là de façon plus
23 spécifique.

24 COPRÉSIDENT RENÉ DUSSAULT: En
25 fait c'est une question extrêmement importante.

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1 Est-ce que la préoccupation des Autochtones en
2 milieu urbain va se manifester au niveau de la
3 distribution des services ou également au niveau
4 politique?

5 Dans le fond une des questions que
6 je pose au Forum, il serait certainement très
7 utile que la réflexion se poursuive sur le niveau
8 politique au niveau urbain, parce que c'est là
9 qu'évidemment c'est plus complexe. Est-ce que ça
10 veut dire un arrimage avec les municipalités? Et
11 ça soulève toute une autre série de questions.

12 Si je comprends bien à ce moment-
13 ci on n'est pas encore rendu à ce niveau-là mais
14 c'est aussi une question qui est extrêmement
15 importante.

16 Monsieur Larose?

17 GÉRALD LAROSE: Je ne sais pas si
18 ça va éclairer le débat mais pour nous à partir du
19 moment où on souhaite l'organisation de
20 l'autonomie gouvernementale sur chacun des
21 territoires on n'a pas l'impression qu'il nous
22 faille développer dans chacun des territoires des
23 dispositifs qui feraient en sorte que...on ne
24 voudrait pas qu'il y ait une approche
25 essentiellement ethnique des réalités.

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1 S'il y a des services spécialisés,
2 ça doit être spécialisé en fonction des besoins à
3 rencontrer indépendamment des origines ethniques.
4 Dans ce sens-là je pense que sinon on peut
5 s'engager, comme c'est trop souvent le cas dans
6 nos sociétés modernes, à multiplier les ghettos
7 plutôt que d'en favoriser un va-et-vient qui fait
8 en sorte que les gens se sentent respectés comme
9 citoyens au même titre que tout le monde.

10 C'est pour ça que dans le mémoire
11 on précise aussi que même les territoires, pour
12 nous c'est évident qu'ils vont correspondre,
13 disons, à la réalité des peuples autochtones, mais
14 le fonctionnement lui-même ne devrait pas être sur
15 une base ethnique. C'est-à-dire que les gens qui
16 s'identifient à ce territoire et qui veulent
17 devenir membres de ce peuple majoritaire qui
18 habite ce territoire devraient avoir les mêmes
19 droits et les mêmes obligations que tous les
20 habitants.

21 Dans ce sens-là, je sais que c'est
22 un débat qui est un peu chaud dans notre société,
23 l'approche ethnique versus une approche de type de
24 droits exclusivement, mais je pense que la
25 tendance majoritaire va plutôt pour une approche

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1 strictement en termes de droits.

2 **COPRÉSIDENT RENÉ DUSSAULT:** Je
3 pense que les gens reconnaissent de plus en plus
4 que dans la mesure où les territoires vont être
5 accrus pour offrir une base économique aux
6 gouvernements autochtones, qu'il va y avoir
7 davantage de non-Autochtones sur le territoire, et
8 donc que ça pose la question des droits
9 démocratiques, de pouvoir participer au
10 gouvernement autochtone, de pouvoir élire, de
11 pouvoir voter, surtout s'il y a des pouvoirs de
12 taxation.

13 Des gouvernements autochtones sur
14 le territoire à ce moment-là c'est un principe qui
15 a été soulevé. Il y a des endroits où il y a des
16 problèmes actuellement sur le plan canadien, où
17 des non-Autochtones font partie d'un territoire,
18 font l'objet de taxation par des ententes où on a
19 le pouvoir municipal de taxer et où on n'a pas le
20 droit de vote. Il y a des groupes qui nous ont
21 soulevé ce problème-là et les Autochtones sont
22 conscients aussi de cette réalité-là.

23 Essentiellement votre mémoire dit
24 que les gouvernements autochtones devraient être
25 sur une base territoriale.

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1 J'aimerais revenir sur une
2 question. Mary Sillett et moi étions à Montréal au
3 mois et mai et on a eu la présentation de
4 l'Association des Métis du Québec. On va avoir
5 cette semaine aussi l'Alliance autochtone du
6 Québec, qui représente des Métis.

7 À l'époque on nous a dit, écoutez,
8 le Secrétariat des Affaires autochtones au Québec
9 dans sa brochure, parlant de 11 nations, ne
10 reconnaît pas la nation métisse comme une nation.
11 On nous a dit qu'on devrait ajouter une 12^e
12 nation. Je vois que le manifeste du Forum
13 paritaire parle des 11 nations autochtones qui
14 sont reconnues.

15 Est-ce que vous avez amorcé une
16 réflexion sur le phénomène métis? Là encore c'est
17 une question complexe. Il y a les gens de l'Ouest
18 qui se définissent d'une façon, il y a les Métis
19 au Québec, au Labrador.

20 Dans votre manifeste les Métis ne
21 semblent pas être présents à ce moment-ci. Vous
22 m'avez dit que c'était un document en voie de
23 développement et en amélioration. Est-ce que
24 c'est une question sur laquelle vous vous êtes
25 arrêtés à ce moment-ci?

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1 ROMÉO SAGANASH: Pas
2 particulièrement. Seulement dans la mesure où
3 notre compréhension du terme Autochtone inclut les
4 Métis. C'est seulement sur ce point-là.

5 COPRÉSIDENT RENÉ DUSSAULT: Ma
6 question est peut-être un peu plus pointue.

7 Comme vous parlez de 11 nations,
8 dans le fond c'est une question qui interpelle un
9 peu tout le monde au Québec. Est-ce que les Métis
10 forment une nation ou s'ils sont tout simplement
11 partie des diverses nations autochtones sans avoir
12 techniquement le statut d'Indien, et je ne veux
13 pas entrer dans un débat technique.

14 Il reste qu'ils se sentent
15 oubliés, ils sentent qu'ils passent toujours à
16 travers les trous de la passoire d'une certaine
17 façon, et ça fait au-delà de 125 ans. Alors ils
18 manifestement leur préoccupation à cet égard-là,
19 et je ne voulais certainement pas manquer de vous
20 en faire part.

21 ROMÉO SAGANASH: Nous avons
22 considéré dès le départ que les gens qui se
23 qualifient comme Autochtones ou Québécois ou Métis
24 relèvent d'un processus essentiellement auto-
25 qualificatif dans le sens que nous, Autochtones,

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1 ne pouvons pas dire nécessairement qui est
2 Québécois. C'est le Québécois lui-même qui décide
3 qui il est. Et je pense que le même raisonnement
4 s'applique dans le cas des Métis.

5 Sans connaître nécessairement
6 leurs revendications politiques vous avez parlé
7 entre autres de cette résolution de l'Assemblée
8 nationale adoptée en 1985. À notre avis, en plus
9 d'être une résolution adoptée unilatéralement
10 c'est une résolution qui est hautement symbolique,
11 et rien de plus. Et je peux vous donner un
12 exemple récent et très concret de ça.

13 Lorsque M. Mulroney avait annoncé
14 un referendum sur l'Accord de Charlottetown le
15 Québec tout de suite a rétorqué que oui, d'accord,
16 mais le processus de consultation populaire serait
17 fait en vertu des lois du Québec. Les Cris
18 rétorquent par la suite d'accord, mais le
19 processus de consultation populaire sera fait, en
20 ce qui concerne les Cris, selon les lois crie.
21 Vous nous avez reconnu comme nation dans votre
22 résolution de l'assemblée générale. Nous disons
23 que nous sommes un peuple avec le droit à l'auto-
24 détermination. Il faut être conséquent avec ces
25 choses-là.

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1 C'est ce qu'on a voulu défendre
2 mais le directeur général des élections du Québec
3 nous a répondu que ce n'était pas possible, qu'il
4 fallait demander la permission d'abord au
5 gouvernement du Québec.

6 Tout ça pour dire que je pense que
7 toutes ces choses-là relèvent d'un processus
8 d'auto-qualification où les gens peuvent
9 déterminer par eux mêmes qui ils sont. De là
10 découlent évidemment les droits qu'ils possèdent.

11 GÉRALD LAROSE: Comme le disait
12 Roméo, sur la question des Métis on n'a pas
13 réfléchi. Je vous dirai que personnellement la
14 société québécoise, comme toutes les sociétés,
15 sont le fruit d'un immense métissage.

16 Je pense que la non-reconnaissance
17 des droits des Autochtones peut générer des
18 volontés de voir les Métis...leur être reconnu des
19 droits, mais dans l'approche du Forum où on
20 réglerait la question des territoires, la question
21 de l'autonomie gouvernementale, je pense que les
22 gens auraient en fait le choix de choisir, si je
23 peux dire, leur appartenance.

24 À un moment donné je ne pense pas
25 qu'on puisse transmettre dans les autres sociétés

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1 constamment l'héritage qu'on tire derrière soi.
2 Je prends mes propres enfants. Je suis marié à
3 une Haïtienne. Ils sont certainement Métis. Mais
4 je ne leur reconnaitrai jamais le droit d'invoquer
5 la constitution d'Haïti pour avoir quelque service
6 que ce soit. Ils sont des Québécois et Métis ou
7 pas ils font partie de cette société-là.

8 Dans ce sens-là je pense qu'il ne
9 faut pas réduire la question autochtone à une
10 question ethnique et ne pas faire en sorte qu'on
11 puisse semer une ambiguïté qui ferait en sorte
12 qu'à cause du sang ou à cause de la race il y a
13 des choses qui vont nous traîner toute notre vie.

14 COPRÉSIDENT RENÉ DUSSAULT: Un des
15 grands débats qui est devant la Commission est
16 relatif à ceci. On dit, écoutez, la Loi sur les
17 Indiens au premier chef nous a définis, nous a
18 catégorisés, a décidé qui on était, quand est-ce
19 qu'on était nous-mêmes, quand est-ce qu'on ne
20 l'était pas, et caetera. Donc il faudrait plutôt
21 laisser aux Autochtones le choix de se définir,
22 exactement comme vous le dites.

23 La difficulté survient cependant
24 lorsque ces définitions-là sont dans le cadre de
25 programmes gouvernementaux auxquels des bénéficiaires

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1 sont attachés. Ce que l'on dit souvent, il est
2 évident que pour les fins de la notion de
3 gouvernement c'est une définition qui va de soi.
4 C'est la façon dont ça doit s'accomplir.

5 Ce à quoi la Commission est
6 confronté à ce moment-ci cependant c'est lorsqu'il
7 y a des bénéfices additionnels ou spécifiques,
8 particuliers, attachés à un statut, à ce moment-là
9 la définition totalement ouverte du statut pose
10 une question de coûts. C'est une question
11 extrêmement difficile. On nous l'amène souvent au
12 niveau du principe mais comment résoudre cette
13 question-là lorsque c'est pour les fins d'un
14 programme.

15 Je souhaiterais que le Forum
16 réfléchisse à ça parce que ça va se poser à partir
17 du moment où chacun décide, et c'est parfaitement
18 légitime qu'il en soit ainsi. Sur le plan
19 démocratique on s'identifie à telle communauté ou
20 à telle autre.

21 Dans un contexte où on a un régime
22 législatif et où on a des programmes qui donnent
23 des avantages spécifiques, c'est là que se soulève
24 la question. C'est plus d'une certaine façon une
25 incitation à prolonger votre réflexion sur ce

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1 plan-là parce que c'est là que la difficulté
2 arrive.

3 On a fait cette discussion-là sur
4 le plan canadien mais on a un peu de difficulté à
5 la faire véritablement, de réconcilier les
6 principes avec la réalité pratique des programmes.

7 Je ne sais pas si vous avez des
8 commentaires additionnels, mais je souhaite que
9 vous poursuiviez la réflexion.

10 **GÉRALD MCKENZIE, Président, Ligue**
11 **des droits et des libertés:** Sur cette question
12 évidemment au Forum on a eu un débat très poussé
13 sur la question de l'ethnicité, le territoire. On
14 a choisi le territoire, mais sans oublier de dire
15 que étant donné la situation de retard ou de
16 correction à faire sur la situation des
17 Autochtones il y a évidemment à ce moment-là,
18 comme vous dites, des bénéfices spéciaux, des
19 programmes spéciaux qui devront être mis en place
20 pour faire en sorte que les retards s'amenuisent,
21 si on veut.

22 À ce moment-là ça va prendre
23 évidemment des identifications où la question de
24 l'identité va jouer. C'est à mesure que les
25 choses vont évoluer qu'on va essayer de se

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1 détacher, si on veut, de l'ethnisation. Mais on
2 ne peut pas dire qu'on va devenir tous pareils et
3 qu'on va se métisser complètement et que vont
4 disparaître les nations et les groupes et des
5 bénéfices spéciaux pour un certain temps en tout
6 cas, jusqu'à temps qu'on puisse dire on est tous
7 des humains. Mais c'est pas fini, ça. Il y a du
8 chemin à faire.

9 Donc il faut que la question de
10 l'identité soit discutée, mais tout le temps en
11 pensant qu'elle doit se fonder sur un territoire,
12 cette notion de citoyenneté. Je veux dire que le
13 débat au Forum a été un débat qui n'est pas
14 terminé et qui est difficile à mener.

15 Évidemment on est en présence de
16 nations toutes égales mais en situation
17 d'inégalité aussi. C'est peut-être ça qu'il faut
18 prendre en considération et c'est ce chemin-là qui
19 est à faire par, entre autres, le peuple
20 majoritaire, de dire on est égaux mais en même
21 temps cette égalité-là, de principe, souffre d'une
22 certaine manière à l'heure actuelle d'inégalité
23 profonde, qui sont dûs à une exploitation ou à une
24 colonisation et tout ça.

25 COPRÉSIDENT RENÉ DUSSAULT: Merci.

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1 Évidemment c'est un débat qu'il va
2 falloir poursuivre. Chacun sait que le statut
3 d'Indien inscrit, par exemple, amène une réalité
4 au niveau des programmes qui est propre, donc
5 c'est ce qui a amené un peu cette définition qui
6 lorsqu'on parle de gouvernement autochtone ont
7 plus de bon sens, et les Autochtones nous le
8 disent.

9 C'est la transition qui est
10 complexe d'une situation où on a des
11 particularistes de programmes. Je pense que votre
12 mémoire est très clair sur le respect des
13 différences et des nations propres au Québec.

14 Également je pense que vous avez
15 été très clairs sur la question de l'égalité au
16 niveau des sexes. C'est une préoccupation majeure
17 sur le plan canadien qu'il y ait une protection
18 fondamentale pour les femmes comme pour les hommes
19 dans tout projet de société, qu'il soit canadien
20 ou québécois.

21 Je voudrais à ce moment-ci aller
22 au point 4.6 de votre mémoire. Il y a une
23 question intéressante que vous soulevez quand vous
24 dites que le Forum reconnaît les relations
25 existantes entre les nations autochtones vivant au

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1 Québec et les membres des nations autochtones
2 vivant à l'extérieur du Québec.

3 J'aimerais que vous explicitiez
4 davantage ce que signifie la reconnaissance que le
5 Forum fait de liens entre les nations autochtones
6 avec d'autres nations sur le plan canadien et sur
7 le plan américain.

8 Est-ce que vous pouvez préciser un
9 peu davantage votre pensée là-dessus. On pense
10 spontanément à tout le circumpolaire pour les
11 Inuits. Nous aurons plusieurs présentations cet
12 après-midi de ce côté-là.

13 ROMÉO SAGANASH: Je pense que
14 c'est un point absolument essentiel et fondamental
15 dans tout projet de société qui implique les
16 Autochtones de préserver les relations existantes
17 entre des Autochtones à l'intérieur d'une
18 frontière qui nécessairement a été définie par
19 d'autres.

20 Un expert sur ces questions avait
21 dit un jour qu'il n'y a pas de minorités, il y a
22 seulement des stupides frontières coloniales.
23 Alors dans ce sens-là je pense que c'est quelque
24 chose qui s'applique autant au Canada.

25 Il y a des Cris qui sont au

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1 Québec, mais il y a des Cris dans les autres
2 provinces -- l'Ontario, Saskatchewan, Manitoba,
3 Alberta, même une communauté en Colombie-
4 Britannique je crois.

5 Je pense qu'il était évident pour
6 nous qu'il fallait respecter le fait qu'il y ait
7 toujours eu des relations entre ces différentes
8 nations autochtones à travers le Canada, donc
9 reconnaître que ces relations doivent se
10 poursuivre dans la réalité des choses, que ce soit
11 au niveau des échanges interculturels entre ces
12 nations.

13 J'ajouterais à ce moment-ci que
14 c'est une des préoccupations importantes des
15 nations autochtones au travers le Canada lorsqu'on
16 discute de la question de la souveraineté du
17 Québec aussi. J'ai cru remarquer à plusieurs
18 reprises à chaque fois qu'une résolution était
19 adoptée par l'Assemblée des premières nations
20 cette question-là a toujours été soulevée. Nous
21 avons tenté donc d'y répondre de façon assez
22 claire.

23 Je pense que c'est quelque chose
24 qui va de soi qu'il faut respecter absolument et
25 je ne pense pas que c'est une reconnaissance qui

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1 va seulement dans l'axe est-ouest mais aussi dans
2 l'axe nord-sud.

3 COPRÉSIDENT RENÉ DUSSAULT: Peut-
4 être une précision additionnelle.

5 Est-ce que le manifeste envisage
6 la possibilité pour les nations autochtones du
7 Québec d'avoir une certaine compétence
8 internationale, une relation sur le plan
9 international. Comme vous le savez très bien,
10 monsieur Saganash, le dossier autochtone a non
11 seulement des répercussions mais également il y a
12 toute une dynamique au niveau international parce
13 que c'est une réalité à l'échelle de la planète.

14 Est-ce que, par exemple, un peu à
15 la manière où dans le milieu des années '60 au
16 Québec il y a eu beaucoup de discussion sur le
17 prolongement international des compétences
18 provinciales?

19 Est-ce que votre manifeste, votre
20 groupe, le Forum, a fait une certaine réflexion à
21 cet égard-là, sur un prolongement international
22 pour les nations autochtones, un air de respire au
23 niveau international tout en s'étant autodéterminé
24 au sein du Québec ou au sein du Canada. La
25 question est autant valable sur le plan canadien.

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1 Est-ce qu'il y a une réflexion
2 d'amorcée?

3 ROMÉO SAGANASH: Je dirais
4 simplement que lorsqu'on a discuté de ces
5 questions-là, surtout par rapport au principe du
6 droit à l'autodétermination des peuples, nous
7 avons voulu éviter toute distinction entre le
8 genre de droit à l'autodétermination qu'un peuple
9 peut avoir vis-à-vis l'autre.

10 Je pense que le principe de deux
11 poids, deux mesures dans l'application de ce
12 principe est à éviter pour quiconque.

13 Dans ce sens-là il est évident que
14 le droit à l pour quiconque inclut nécessairement
15 son expression cécessioniste??.

16 Ceci étant dit, je pense que vous
17 connaissez suffisamment les Autochtones
18 aujourd'hui, après avoir parcouru le pays, pour
19 réaliser qu'on a un énorme rattrapage à faire à
20 tous les niveaux je pense, à l'intérieur même de
21 nos communautés avant de pouvoir même penser à
22 avoir des relations internationales, ce qui n'est
23 pas impossible parce que dans la mesure où on
24 parle de peuple on doit nécessairement parler de
25 relations entre peuples.

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1 Je pense qu'en ce sens les peuples
2 peuvent avoir des relations avec les autres
3 peuples qui désirent avoir des relations avec eux.

4 Je pense aussi dans une certaine
5 mesure que malgré tout même si du jour au
6 lendemain dans la Constitution canadienne on
7 reconnaissait le droit à l'autodétermination des
8 peuples autochtones, ça ne risquerait pas de
9 chambarder complètement le pays, dans le sens
10 qu'il faut réellement se poser certaines questions
11 fondamentales, surtout pour nous, est-ce qu'on est
12 prêt à assumer toutes les responsabilités que ça
13 implique? Et toutes les questions qui s'ensuivent
14 de ce genre-là.

15 Dans ce sens-là je pense qu'il y a
16 des étapes préliminaires qu'on doit respecter.

17 BERNARD CLEARY: Il faudrait bien
18 voir aussi dans le manifeste que notre objectif
19 n'était pas de délimiter un nouveau carré de
20 sable. C'était pas ça l'objectif du manifeste.

21 C'était beaucoup plus de laisser
22 aller l'intelligence ou d'essayer de trouver des
23 formules qui devraient satisfaire la relation qui
24 pourrait arriver dans le futur.

25 Partant de ce principe-là, on n'a

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1 pas réglé tous les problèmes mais on n'a surtout
2 pas fermé les portes à tout ça. Dans l'esprit que
3 le disait tantôt Roméo, on ne peut pas d'un côté
4 reconnaître le droit à l'autodétermination puis de
5 l'autre côté le limiter. Je pense que l'esprit de
6 l'ensemble du dossier est comme ça.

7 COPRÉSIDENT RENÉ DUSSAULT: Je
8 pense que là-dessus que votre manifeste est très
9 clair. Il n'y a pas deux poids, deux mesures, et
10 les mêmes principes s'appliquent. Mais ma
11 question était moins sur le plan d'un choix
12 d'autodétermination cessionniste??, c'est-à-
13 dire de pleine souveraineté, que...

14 Dans le cadre où les Autochtones
15 font un choix de s'autodéterminer par l'autonomie
16 gouvernementale sur le plan canadien et québécois,
17 est-ce que vous voyez une place dans le cadre
18 canadien, dans le cadre québécois, pour une
19 compétence des gouvernements autochtones au Canada
20 sur le plan international? C'était plus ma
21 questions, comme prolongement du type de pouvoirs
22 qu'ils choisiraient d'exercer après une
23 négociation avec les gouvernements environnants.
24 C'était plutôt dans ce sens-là.

25 GÉRALD LAROSE: On pourrait je

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1 pense faire un débat assez théorique sur toutes
2 ces questions-là mais il apparaît évident, par
3 exemple, que pour l'économie du Grand Nord qu'il y
4 ait, oui, des habilités particulières de
5 reconnues, et il me semble que ça va de soi que
6 les peuples du Grand Nord puissent s'inscrire dans
7 un ensemble circumpolaire, par exemple.

8 Sans être un grand théoricien de
9 toutes ces questions-là, surtout à l'ère où il y a
10 ouverture sans cesse plus grande des marchés et
11 des frontières pour établir ces marchés-là, il me
12 semble que ça va de soi qu'il va y avoir
13 semblables dispositifs.

14 GÉRALD MCKENZIE: La discussion
15 qu'on a justement eue à un moment donné a été sur
16 cette question de la conférence circumpolaire, que
17 vous devez connaître très bien, Inuit
18 Circumpolaire Conference, qui deviennent presque un
19 parlement international, qui se donnent des
20 orientations.

21 On a même vu là-dedans une
22 possibilité pour les autres peuples à l'intérieur
23 du Québec, si on veut, d'avoir des ouvertures sur
24 le monde. Si les Autochtones se lient ensemble et
25 si on a des liens harmonieux ici qui permettent à

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1 chacune des nations de se développer ces forums
2 internationaux là où ces institutions
3 internationales politiques pourraient aussi
4 servir, je pense, peut-être que l'avenir est là,
5 de liens, de débouchés, de moyens de rejoindre le
6 monde aussi pour les autres nations. C'est pas à
7 voie unique, si on veut.

8 COPRÉSIDENT RENÉ DUSSAULT: Sur le
9 plan du travail, on a eu quelques présentations de
10 l'Organisation internationale du travail au sujet
11 de la Convention 169 qui n'est pas ratifiée par le
12 Canada.

13 Vous avez parlé d'un certain
14 nombre de textes internationaux. Vous vous
15 référez entre autres au projet de déclaration des
16 droits des Autochtones qui est devant les Nations
17 Unies, qui est en élaboration.

18 Est-ce que cette question-là de la
19 Convention 169 a fait l'objet de réflexions et de
20 discussions? Le gouvernement canadien ne l'a pas
21 ratifiée, et il y a des dispositions qui touchent
22 les Autochtones de façon significative. Est-ce
23 que c'est une question qui a été débattue au Forum
24 ou qui pourra l'être?

25 On sait que ce n'est pas une

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1 question facile sur le plan canadien et ça met en
2 relation la relation Autochtones, Canadiens et
3 Québécois. Est-ce que vous pouvez élaborer là-
4 dessus?

5 GÉRALD MCKENZIE: Dans tout le
6 mémoire qu'on présente on en vient souvent à citer
7 les textes internationaux, les déclarations, les
8 conventions, et tout ça, parce que tout au long de
9 nos débats on s'est rendu compte que si on se
10 laissait prendre par les lois actuelles au Canada,
11 soit les chartes québécoises ou canadiennes, les
12 débats se mettaient à dériver, si on veut.

13 On s'est dit de plus en plus le
14 droit international devrait être celui qui
15 oriente, finalement, les lois canadiennes ou
16 québécoises. Évidemment cette question-là on ne
17 l'a pas discutée comme telle, mais évidemment on
18 souhaite que nos gouvernements, soit le Québec
19 nouveau ou en tout cas le gouvernement actuel,
20 signe sans réserve les conventions
21 internationales. Je dis bien sans réserve parce
22 que vous savez que toutes ces conventions-là
23 peuvent être signées avec un certain nombre de
24 réserves qui font que finalement c'est presque
25 inapplicable.

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1 C'est un peu l'esprit du Forum, de
2 faire en sorte que le droit international dans son
3 esprit, si on veut, soit applicable et qu'on
4 puisse y référer, ce qui éviterait peut-être des
5 problèmes des lois qui sont toujours
6 conjoncturelles et qui dépendent des rapports de
7 force.

8 COPRÉSIDENT RENÉ DUSSAULT: C'est
9 une clarification qui est utile. Il y a beaucoup
10 d'instruments internationaux et évidemment vous en
11 avez mentionnés quelques-uns. Je comprends le
12 principe.

13 Évidemment on pourrait passer
14 encore de longs moments à discuter de votre
15 mémoire. Je pense que l'essentiel est la démarche
16 qui est entreprise et, comme je l'ai mentionné, il
17 est certainement unique au Canada à ce moment-ci
18 de travailler, Autochtones et non-Autochtones, à
19 l'élaboration d'un contrat social, d'un contrat de
20 société, d'un projet de société commun dans lequel
21 les deux pourraient travailler.

22 On ne peut pas faire autrement que
23 de souhaiter que vous allez pouvoir, dans la
24 prochaine année, élargir le cercle du côté des
25 Autochtones et du côté du public en général, des

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1 organisations non-Autochtones pour que cette
2 réflexion-là, cette démarche, continue à
3 s'accomplir.

4 De notre côté, nous sommes
5 extrêmement intéressés à garder le contact et le
6 suivi de votre pensée. Même si le processus de
7 consultations publiques se termine à la fin de la
8 semaine on est toujours preneurs de suggestions
9 additionnelles, d'éléments additionnels tant qu'on
10 n'aura pas fermé les livres du côté de la
11 Commission.

12 J'ai peut-être eu l'occasion déjà
13 de dire que nous avons l'intention, dans les
14 prochains mois, de produire un certain nombre de
15 documents de politique publique sur les points
16 majeurs de notre mandat, avec des options et des
17 discutés de façon restreinte entre les
18 gouvernements et les Autochtones pour essayer de
19 voir un peu plus où sont les points communs et les
20 points de divergence pour construire nos
21 recommandations sur ces points communs, donc
22 essayer d'avoir des recommandations qui s'appuient
23 sur des principes clairs mais qui sont aussi
24 stratégiques.

25 On nous dit toujours qu'est-ce qui

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1 va faire que votre Commission va changer quelque
2 chose, que ça ne prendra pas la voie de la Nuit
3 des temps d'une certaine façon.

4 Ce qu'on a élaboré après ces
5 quatre séries d'audiences publiques c'est de faire
6 un peu ce qu'on appelle ces séminaires de
7 validation des options, ces testing seminars, où
8 on espère que ça va aussi créer une démarche de
9 rapprochement et d'idées de voir où sont les zones
10 d'ententes et où est-ce qu'on peut construire le
11 futur.

12 Dans ce sens-là la démarche que
13 vous avez entreprise a beaucoup de résonnance pour
14 nous, parce que c'est une démarche qui doit être
15 multipliée à plusieurs niveaux. Peut-être une
16 dernière question.

17 Vous êtes bien conscients de la
18 difficulté d'éducation publique, de connaissances.
19 Souvent c'est la connaissance de l'autre qui fait
20 qu'il y a plus de conflits qu'il ne devrait y en
21 avoir en réalité. Souvent à se connaître on se
22 rend compte qu'il y a beaucoup de convergence.

23 Dans le cadre propre ici à
24 Montréal et de la société du Québec si vous avez
25 des idées, des démarches additionnelles sur le

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1 plan d'un rapprochement par une information, dans
2 le fond, de base et une discussion franche, on
3 vous incite à la faire valoir sur toutes les
4 tribunes possibles parce qu'il y a vraiment un
5 besoin important à ce moment-ci qu'on s'en aille
6 plutôt en convergence qu'en différence.

7 Encore une fois, le rapport de la
8 Commission, on a eu l'occasion de le dire,
9 interpellera un certain nombre d'idées reçues,
10 souvent idées reçues parce que dans le fond c'est
11 le phénomène de l'écho sur plusieurs générations
12 et s'est jamais vraiment arrêté à dire est-ce que
13 les choses peuvent être autrement?

14 Il faut en même temps qu'il y ait
15 un terrain fertile et que la démarche se fasse
16 collectivement et non pas en cherchaude?? par un
17 groupe comme une commission royale ou d'autres
18 groupes dans la société.

19 Dans ce sens-là on accueille votre
20 mémoire et votre manifeste avec beaucoup d'intérêt
21 et on souhaite que le processus d'appropriation à
22 l'intérieur des diverses instances se déroule
23 bien.

24 Nous vous remercions encore une
25 fois de votre contribution qui, je le répète, est

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1 une contribution québécoise mais aussi canadienne
2 dans le sens large du thème parce que c'est une
3 démarche qui n'a pas encore de contrepartie à
4 l'extérieur du Québec.

5 Merci, monsieur Larose, monsieur
6 Saganash.

7 La Commission suspend ses travaux
8 jusqu'à 13 h 30, alors que nous aurons l'occasion
9 d'entendre la présentation de la Société Makivik,
10 par la suite du Nunavut Tunngavik, et l'Inuvialuit
11 Regional Corporation, la Corporation des Inuits de
12 l'Arctique de l'ouest.

13 Merci.

14 --- Suspension de l'audience à 12 h 08

15 --- Upon resuming at 1:39 p.m.

16 COPRÉSIDENT RENÉ DUSSAULT:

17 Bonjour à tous. La Commission royale sur les
18 peuples autochtones reprend son audience publique.

19 This afternoon we are going to
20 have the presentation of the Makivik Corporation,
21 la Société Makivik. Je voudrais sans plus tarder
22 demander au président, Charlie Watt, to make the
23 presentation.

24 CHARLIE WATT, President, Makivik
25 Corporation: Thank you, Mr. Chairman.

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1 On behalf of the Makivik
2 Corporation and the Inuit of Nunavik, we would
3 like to thank the Royal Commission on Aboriginal
4 Peoples for this opportunity appear before you
5 today.

6 Makivik was created under the
7 James Bay and Northern Quebec Agreement and acts
8 both as a development corporation and a
9 representative organization for the Inuit of
10 Nunavik. We also remind Commissioners that
11 Nunavik consists of almost all of the Quebec
12 mainland north of the 55th parallel. This is
13 approximately the top third of the province.
14 Nunavik includes the adjacent offshore area which
15 is under federal jurisdiction. It is important to
16 remember that Inuit constitute the overwhelming
17 majority of the population in this region.

18 We know that the Commission is
19 already familiar with Nunavik as a result of
20 hearings held in our region, the testimony given
21 by the Nunavik Constitutional Committee on our
22 self-government objectives, and your work on the
23 High Arctic Inuit Exiles issue. On this latter
24 point, we thank the Commission for conducting a
25 thorough review of the hardship suffered by these

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1 people. We urge you to make the necessary
2 recommendations to help bring this matter to a
3 just and equitable conclusion.

4 As the Commission is aware, a
5 number of the non-ethnic institutions created for
6 the benefit of Inuit under the James Bay and
7 Northern Quebec Agreement come under provincial
8 jurisdiction. As a result, many of our day-to-day
9 issues are affected more by Quebec policies and
10 legislation than those of the federal government.
11 Rather than survey all of these issues, we will
12 concentrate our presentation on those areas where
13 Nunavik could benefit from changes to federal
14 policies or legislation. We believe this is where
15 the recommendations of the Royal Commission will
16 have their greatest impact.
17 The fleeting nature of federal obligations and
18 fiduciary responsibilities to Inuit:

19 From our vantage point in Nunavik,
20 it is becoming increasingly obvious that Inuit are
21 fast becoming a victim of the federal government's
22 desire to "get out of the native business."

23 For years we witnessed federal-
24 provincial wrangling over the "off-loading" of
25 responsibilities and expenses associated with

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1 Aboriginal peoples. We have seen the Department
2 of Indian Affairs and Northern Development divest
3 itself of almost all programs aimed specifically
4 at Inuit. We have also heard public and private
5 statements by federal ministers and officials that
6 the federal government would no longer be assuming
7 its traditional level of responsibilities and
8 obligations for the Inuit of Nunavik. Some of
9 these statements have been retracted, but the
10 government continues to apply its unwritten policy
11 of distancing itself from its responsibilities for
12 Inuit, especially those of us residing in
13 provinces.

14 Inuit of Nunavik are especially
15 sensitive to this issue. During the negotiations
16 of the James Bay and Northern Quebec Agreement we
17 became the first Aboriginal group to opt to have
18 many of our institutions come under provincial
19 jurisdiction. At the time we had the opportunity
20 to come under federal jurisdiction exclusively,
21 but quickly realized that this option would lead
22 to nothing more than an Indian reserve system
23 modified for Inuit. We rejected it because we saw
24 no advantage in limiting our future to small
25 parcels of land.

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1 As a result, we opted for non-
2 ethnic regional institutions coming under the
3 Quebec jurisdiction. We also believed there would
4 be practical advantages in having our institutions
5 better integrated with the various provincial
6 regimes. However, under no circumstances did we
7 sign off on our relationship with the federal
8 government or on the federal fiduciary
9 responsibility to the Inuit of Nunavik. It must
10 be remembered that the only reason it was possible
11 to bring the Kativik Regional Government and the
12 Kativik School Board into existence through
13 provincial legislation was that they are non-
14 ethnic bodies that are not for the benefit of
15 Inuit exclusively.

16 Unfortunately, in all too many
17 instances, the federal government took the James
18 Bay and Northern Quebec Agreement and our
19 willingness to work with provincial jurisdiction
20 as an opportunity to disavow much of its
21 responsibilities to the Inuit of Nunavik. Except
22 for issues which are clearly matters of federal
23 jurisdiction (the offshore being one example), the
24 federal government has consistently attempted to
25 limit its obligations to the Inuit of Nunavik to

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1 nothing more than the terms of the James Bay and
2 Northern Quebec Agreement.

3 The most recent example of this is
4 the federal government's refusal to consider a
5 process for participating in self-government
6 negotiations for Nunavik. Although we see the
7 primary negotiations taking place with Quebec, we
8 believe the federal government has an obligation
9 to participate at the appropriate time and to help
10 cover the costs of the process.

11 Recent ministers have defended the
12 government's position on this matter by stating
13 that Canada will honour all of its obligations
14 under the James Bay and Northern Quebec Agreement
15 and the associated implementation agreement. The
16 absurdity of this rationale is found in the fact
17 that these two agreements are obviously not self-
18 government agreements.

19 There are also alarming trends at
20 the national level concerning federal government's
21 obligations to Inuit. In general, programs aimed
22 at Aboriginal peoples will fall into one of the
23 following three categories: (1) programs for
24 Indian First Nations; (2) programs for Aboriginal
25 peoples in general; and (3) northern programs.

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1 From this breakdown, we can see
2 that Inuit have no business in the design,
3 devolution, or the possible cancellation of
4 programs falling into the first category. Inuit
5 do have a role to play in the second category.
6 However, we only have limited influence because of
7 our small numbers and because these program are
8 often put in place to meet the needs of large
9 Aboriginal populations in southern Canada. Inuit
10 are often consulted about northern programs but,
11 more often than not, these are designed and
12 administered in conjunction with the territorial
13 governments.

14 The point of all this is that the
15 fulfillment of federal obligations to Inuit is a
16 very tenuous proposition if Inuit do not even have
17 the opportunity to sit down one-on-one with the
18 federal government to discuss programs aimed
19 specifically at Inuit. One solution to this
20 problem is to have the federal government address
21 its obligations and responsibilities to Inuit
22 through Inuit-specific programs, policies and
23 legislation.

24 Our national organization, the
25 Inuit Tapirisat of Canada, has been calling for

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1 such an approach, and Makivik fully supports them
2 on this matter.

3 Even more important than the
4 creation of Inuit-specific programs is the need to
5 have the federal government honour and act on its
6 responsibilities and obligations for all the
7 Aboriginal peoples under its jurisdiction in an
8 equitable manner. The government does not have
9 the luxury of being able to pick and choose where
10 it will act on its responsibilities and
11 obligations based on political convenience. This
12 means the federal government has a duty to honour
13 its obligations and responsibilities to the Inuit
14 of Nunavik that go beyond the terms of the James
15 Bay and Northern Quebec Agreement.

16
17 Some reasons for Inuit-specific programs and
18 policies:

19 Justification for the
20 establishment of Inuit-specific programs and
21 policies can be found in the fact that the
22 situation of Inuit and the other Aboriginal
23 peoples is dramatically different in a number of
24 areas.

25 The Inuit track record with the

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1 land claims process is a good example of this. We
2 were among the first of the Aboriginal peoples to
3 enter into land claims negotiations, and we are
4 the first to conclude agreements for most of our
5 major claims. With the settlement of the Nunavut
6 claim, approximately 90 per cent of the Inuit of
7 Canada are part of one or another land claim
8 agreement. Only the Nunavik offshore area and
9 Labrador claims remain to be settled. These are
10 presently under negotiation.

11 Our record in settling our claims
12 is impressive when one considers that a little
13 less than two decades ago, Inuit had absolutely no
14 land claims agreements or treaties with the crown.

15 The implementation of our self-
16 government rights is another area where Inuit are
17 moving in a direction that differs from that of
18 the other Aboriginal peoples. It now appears that
19 most of the Inuit of Canada have opted to exercise
20 their self-government rights through the creation
21 of non-ethnic regional and territorial
22 governments. This is in sharp contrast with
23 models that foresee a high degree of Aboriginal
24 sovereignty over a fairly limited land base.

25 One factor that clearly sets Inuit

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1 apart from other Aboriginal peoples is that we are
2 the overwhelming majority in the unique part of
3 the country we inhabit. The significance of this
4 only becomes apparent when one examines the
5 situation of the other Aboriginal peoples in
6 Canada.

7 The cultural, social, and
8 political institutions of the Métis and Indian
9 First Nations differ greatly from that of the non-
10 Aboriginal populations of this country. But they
11 do have one thing in common: they share the same
12 landscape; they are all in the same area of the
13 country and live below the tree line. We call it
14 southern Canada. Inevitably, they often end up
15 sharing certain transportation and communication
16 networks and other services.

17 Needless to say, things are
18 different in the Arctic. Aside from transient
19 workers involved in resource development or the
20 military, and the non-Aboriginal professionals who
21 have taken up residency as "part" of the Inuit
22 communities, Inuit are pretty much the only people
23 living on a permanent basis in the vast stretch of
24 this country which lies north of the tree line.

25 Many people fail to grasp the full

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1 implications of this simple reality. As we
2 mentioned earlier, it means that political
3 arrangements based on small parcels of land are
4 simply out of the question. It means Inuit can
5 take a chance with non-ethnic government
6 arrangements that may be inappropriate for most
7 other Aboriginal peoples. It also means Inuktitut
8 remains our daily language and that, with few
9 exceptions, we continue to have unrestricted
10 access to the land that has been home to our
11 people for thousands of years.

12 Unfortunately, our situation also
13 means a high cost of living which is two to three
14 times the Canadian average. Transportation and
15 communication costs are staggering. In Nunavik,
16 it is no more a luxury for an Inuk to take a plane
17 than it is for a Montrealer to board a bus or
18 train. Employment and higher-education
19 opportunities are few and far between. In our
20 communities, the unemployed do not have the option
21 of going down the road to look for temporary work.
22 And yet, the costs of doing business in our region
23 is mind-boggling. The start-up costs alone are
24 enough to discourage the most ardent entrepreneur.

25 The examples given demonstrate

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1 that there are some major differences between
2 Inuit and other Aboriginal peoples in a number of
3 fundamental areas. Under these circumstances, it
4 is easy to understand how government programs
5 designed in the south, administered in the south,
6 and generally targeted at Aboriginal peoples in a
7 southern context, are often ill-suited for the
8 Inuit and the North.

9 As stated earlier, the solution to
10 this problem is for the federal government to
11 create Inuit-specific programs. We believe that
12 business and economic development and housing are
13 some of the many areas where the government should
14 be taking immediate action to establish Inuit-
15 specific programs.

16

17 Self-government policies:

18 In this part of our presentation
19 we will be making three points concerning self-
20 government within the context of the current
21 constitutional framework. We will save our
22 comments on constitutional entrenchment of the
23 inherent right of self-government for a later
24 section of this presentation.

25 Our first point is that the

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1 federal government has an obligation to enter into
2 self-government negotiations with Inuit in all the
3 regions in Canada. The Inuit Tapirisat of Canada
4 also raised this matter in their appearance before
5 the Commission several weeks ago, and we believe
6 that it is especially important for Inuit in the
7 Nunavik, Inuvialuit and Labrador regions.

8 In Nunavik, we know that from a
9 practical standpoint much of our negotiations will
10 have to take place with Quebec if we are to arrive
11 at a truly workable lasting arrangement for a
12 strong, effective government for our region.
13 However, this does not absolve the federal
14 government of its obligations to sit down with us
15 to establish a process by which it will
16 participate in these negotiations and help cover
17 the cost of the negotiating process.

18 The second point we wish to
19 address concerns the fact that most Inuit are
20 opting to implement their self-government rights
21 through non-ethnic institutions. Although the
22 federal government has not stood in the way of
23 such a choice, it has done very little to develop
24 policies recognizing this option or to facilitate
25 the negotiation of non-ethnic self-government

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1 arrangements. At most, the government has
2 acknowledged the non-ethnic options as an after-
3 thought, an adjunct, to whatever approaches it may
4 be developing for the implementation of the self-
5 government rights of the Indian First Nations.

6 We believe that it is high time
7 the federal government develop policies to
8 explicitly accommodate and support the negotiation
9 of non-ethnic self-government agreements with
10 Inuit. Such a policy should establish that non-
11 ethnic governments would be open to the
12 participation of all residents under their
13 jurisdiction, and that they would respect the
14 rights of all people. However, the policy will
15 have to clarify that non-ethnic governments would
16 be established as a result of negotiations with
17 Inuit and that they would be put in place
18 primarily for the benefit of Inuit. It is in this
19 context that the policy should stipulate that
20 agreements for non-ethnic governments should allow
21 for an "ethnic component" to help safeguard and
22 promote the rights, culture and practices of
23 Inuit.

24 Our next point addresses the
25 federal government's policy of excluding self-

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1 government provisions from land claims agreements.
2 We see no logic behind this policy since land
3 claims agreements generally lay the ground work
4 for a new relationship between the Aboriginal
5 party and non-Aboriginal society. Moreover, many
6 land claims agreements already contain self-
7 government provisions of one type or another.

8 Our own James Bay and Northern
9 Quebec Agreement provides for the Kativik School
10 Board and a regional administration in the form of
11 the Kativik Regional Government. More recently,
12 we see that Article 4 of the Nunavut Agreement
13 commits the federal government to creating a whole
14 new territorial government.

15 The federal government should not
16 only abandon its policy of excluding self-
17 government provisions from land claims agreements;
18 it should be prepared to support the request of
19 any Aboriginal people to re-open their land claims
20 agreement to include self-government arrangements.
21 It should be at the sole option of the Aboriginal
22 party whether or not to include all, or part, of
23 their self-government provisions in a land claim
24 agreement, a stand-alone self-government treaty,
25 or in a simple contractual agreement.

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1 In our case in Nunavik, we have
2 plans to include provisions for the establishment
3 of the Nunavik Assembly in the James Bay and
4 Northern Quebec Agreement. We feel this makes
5 sense in that it would be possible to regroup many
6 of the self-government powers already found in the
7 Agreement under this one body.

8 Alternatives to extinguishment:

9 We will be as brief as possible on
10 this issue. We know many other groups have
11 addressed this question and that the Commission
12 has conducted substantial research on the matter.

13 Ultimately, we expect to see an
14 alternative to extinguishment where the parties to
15 an agreement would recognize and affirm each
16 other's rights as described in the land claim
17 agreement. This would enable the parties to
18 strike "the deal" which is essential to all modern
19 day land claims agreements, but would do away with
20 the repugnant notion that one side must surrender
21 their rights for extinguishment.

22 Whatever the mechanism put forth
23 by the Commission, it is important that the
24 alternative to extinguishment be accompanied by a
25 recommendation that it be applied uniformly to all

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1 Aboriginal peoples across Canada. This would mean
2 that Aboriginal people who already have a land
3 claim agreement would have the option of re-
4 opening their agreement for the purpose of
5 substituting the surrender and extinguishment
6 provisions with whatever alternatives may be
7 adopted by the federal government.

8 We do not believe that such
9 actions would undo or change the effect of the
10 existing agreements, but they would do much to
11 help eliminate a blemish on what are otherwise
12 excellent land claims agreements. To do anything
13 less means we would run the risk of characterizing
14 Aboriginal rights in terms of the "post-
15 alternative era" and the "pre-alternative era."
16 The last thing we need is another artificial
17 distinction for defining the rights and status of
18 the Aboriginal peoples in the country. I think we
19 have experienced that with the Indians.

20 Pan-Canadian recognition of Inuit and Inuit
21 rights:

22 It should be obvious that the
23 territorial and provincial boundaries which divide
24 up our homeland in Canada are arbitrary lines
25 which, up to now, have been imposed on us. In

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1 most cases these boundaries have little bearing on
2 how we would go about defining our homeland or
3 organizing the jurisdiction of our political,
4 cultural, social and economic institutions.

5 Nevertheless, Inuit are a
6 pragmatic people and we have chosen to work with
7 the reality of provincial and territorial
8 boundaries which run across our land.
9 Accordingly, Inuit have negotiated, or are seeking
10 to negotiate, land claims agreements and self-
11 government arrangements which respect and
12 accommodate the existence of provincial and
13 territorial boundaries and jurisdictions.

14 Despite the handicap of having to
15 work with these boundaries and jurisdictions, we
16 have managed to negotiate some good agreement
17 which will help secure a future for our peoples
18 for generations to come. In some cases we have
19 had to work around these boundaries by developing
20 innovative overlap agreements and joint management
21 regimes between Inuit claimant areas. The overlap
22 agreement between the Inuit of Nunavik and Nunavut
23 is a good example of this. In other cases, Inuit
24 have actually found ways of putting boundaries to
25 work in our favour. We note with admiration that

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1 the Inuit of Nunavut have made use of territorial
2 boundaries to further their self-government
3 objectives.

4 Although we have accommodated the
5 existence of boundaries and have negotiated
6 agreements independently of one another, we have
7 never stopped viewing ourselves as a single
8 people. To put it mildly, it is an understatement
9 to simply say that Inuit of the different regions
10 of the Arctic have much in common. In reality,
11 the Inuit of Labrador, Nunavik, Nunavut and
12 Inuvialuit regions are all the same people, and we
13 share the same culture, language, history,
14 traditions and relationship to the land.

15 The fact that we are one people
16 may be obvious to us and anyone else who cares to
17 pay attention. However, there is very little
18 recognition of this fact in Canadian law or in
19 federal policies. Now that we have concluded most
20 of our land claim agreements and are on our way to
21 implementing different self-government regimes, we
22 are fearful that there will be a trend among
23 governments and Canadians to view us as different
24 Aboriginal groups who happen to share a common
25 heritage.

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1 We are also fearful that Inuit
2 from one claimant area will legally be treated as
3 non-Inuit if they take up residence in a part of
4 the Arctic covered by a different Inuit land claim
5 agreement. If this problem is allowed to fester,
6 it could lead to a situation where there would be
7 a whole class of what would effectively be "non-
8 status" Inuit living throughout our homeland --
9 very dangerous.

10 Now is the time to act to prevent
11 this. A mechanism is needed at the national level
12 to ensure that we are recognized as one people,
13 that we are able to speak with one voice, and that
14 we are able to enjoy certain basic rights as Inuit
15 regardless of what land claim regime we may happen
16 to be living under in our homeland. Such a
17 mechanism could also be used to ensure that the
18 various self-government institutions operating at
19 the regional and territorial levels will have the
20 power and jurisdiction to conduct business with
21 one another and to enter into inter-governmental
22 agreement on any matter relating directly to Inuit
23 and Inuit concerns -- very important.

24 In the past some Inuit leaders
25 spoke about providing for such a mechanism through

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1 a National Inuit Treaty involving the federal
2 government and all the Inuit regions. This would
3 require the consent of various Inuit organizations
4 and a willingness on the part of the federal
5 government to act on its responsibilities to
6 Inuit. We are sure this approach would have
7 widespread support among Inuit, and we believe it
8 is an idea whose time has come.

9 I just did my field trip last week
10 around the communities, and this is exactly the
11 mandate that I received from our people.
12 Aboriginal peoples and the constitutional reform
13 process:

14 We know that few governments and
15 even fewer Canadians are interested in getting
16 into another constitutional reform process at this
17 point in time. Although there remain many
18 outstanding issues to be resolved, we are not
19 advocating the immediate resumption of
20 constitutional talks. However, we have been
21 around long enough to know that if Canada is not
22 in the midst of a constitutional reform process,
23 it is about to enter one.

24 Our suspicions appear to be borne
25 out by the fact that the Bloc Québécois now forms

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1 the Official Opposition in Parliament, that a
2 Quebec general election will likely take place
3 within the next year, and that section 49 of the
4 Constitution Act, 1982 requires that a
5 constitutional conference on the amending formula
6 be held sometime before 1997. There is some
7 disagreement among experts as to whether or not
8 the obligation to hold such a conference was
9 satisfied by the process leading up to the
10 Charlottetown Accord, but this question will
11 surely be debated.

12 We are raising these matters in
13 order to stress the fact that Inuit and the other
14 Aboriginal peoples must fully participate in the
15 next round of constitutional reform talks. This
16 may seem like a foregone conclusion in light of
17 the developments of a few years ago. But we have
18 seen two constitutional reform processes come and
19 go during the past six years. While we were
20 invited into the Charlottetown process with open
21 arms, Aboriginal peoples were completely shut out
22 of the Meech Lake process. With this in mind, we
23 believe that the Commission would not be wasting
24 time in recommending that there be no exception of
25 the rule that Aboriginal peoples be full and equal

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1 participants in all future constitutional reform
2 processes.

3 Assuming that this will be the
4 case, the inherent right of self-government will
5 certainly be one of the items slated for
6 discussion at the constitutional table. On this
7 we have something to say.

8 Many people will concede that the
9 inherent right is the source of right to self-
10 government and that this right will manifest
11 itself in different ways for different Aboriginal
12 peoples. Models applicable to Aboriginal peoples
13 living in major urban centres may bear little
14 resemblance to the system of government that may
15 be adopted by First Nations residing on reserves.
16 As Commissioners already know, most Inuit will be
17 seeking to exercise their right of self-government
18 through non-ethnic institutions.

19 We are dwelling on this point
20 because many governments, officials, scholars, and
21 even this Commission have been approaching the
22 issue of entrenching the inherent right in terms
23 of only one model. Although perfectly valid, this
24 model foresees a high degree of Aboriginal
25 sovereignty over a pre-determined land base, and

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1 is probably most applicable for First Nations
2 living on reserves. During the Charlottetown
3 process, this model and the inherent right became
4 so closely associated that many people believed
5 that they were one and the same. Unfortunately,
6 this is cause for concern for us since we have
7 resisted models for Aboriginal self-government
8 that are limited to small parcels of land.

9 We understand the need to entrench
10 the inherent right in a manner that will satisfy
11 the Indian First Nations. At the same time, we
12 must insist that future constitutional reform
13 processes avoid proposals that would entrench the
14 inherent right in a manner that would favour one
15 model over another.

16

17 Regional and community concerns:

18 We are aware that the Royal
19 Commission's mandate is not confined to legal and
20 political issues. Inuit share with other
21 Canadians the challenge of increasingly hard
22 times. We know it will be difficult to expand the
23 northern economy in our period of high government
24 deficits. Here in Montreal this very day, Mr.
25 Paul Martin will be announcing new federal debt

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1 figures. Yet, the Nunavik economy must expand.
2 We also have our share of social problems which we
3 are tackling. Today I would like to give you some
4 brief indication of where we are and how we want
5 to proceed.

6 Inuit capability:

7 Nunavik Inuit want to contribute
8 to prosperity and well-being in Canada. And we
9 have shown our ability to achieve this objective.

10 Let me provide a few examples.
11 Makivik Corporation, through Air Inuit, ensures
12 the only regular mode of transportation between
13 our communities in our region where no road
14 network links our villages, where no roads link us
15 with Canadians to the south. Air services are
16 essential to keep us working together.

17 Our corporation also owns First
18 Air, a jet and turbo-prop operation that links the
19 high Arctic to the south. The performance of this
20 Inuit-owned airline has markedly improved.

21 Makivik's fishing subsidiary,
22 Seaku, and Unaq, a joint venture with Baffin
23 Island Inuit, ensures employment of over 100 Inuit
24 and generates income of over \$1 million for
25 northern residents. The Seaku Development Fund is

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1 designed to guarantee strong Nunavik Inuit
2 involvement in the fishery for years to come.

3 These and other examples reflect
4 our ability to cope with the modern world. What
5 Nunavik Inuit need are partners and capital.
6 Moreover, government policies should reflect the
7 fact that Inuit business and corporations are
8 fully able to explore and exploit the natural
9 resources in the North.

10 Economic development:

11 We know that self-government could
12 have a very marginal impact in the absence of an
13 economic base. In Quebec Inuit face some tough
14 problems. They also should benefit from specific
15 opportunities.

16 One such opportunity is in the
17 area of food production. In any economy, people
18 have to build on comparative advantages: one of
19 ours is the Nunavik wildlife product sector.

20 Makivik Corporation, in co-
21 operation with other Nunavik institutions, is
22 developing a five-year business plan to establish
23 a Nunavik intercommunity trade network. The
24 network would integrate hunting, inspection,
25 processing, transportation and marketing

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1 operations. According to our estimates and
2 whereas our arctic foods enterprise would generate
3 profits in a matter of years, the venture would
4 provide over 400 jobs, a gigantic figure for the
5 territory. We want to work with the federal
6 government and the provincial government to
7 sustain this venture. Any federal and provincial
8 funds initially invested would be more than
9 compensated by savings in areas such as social
10 transfers.

11 Many people forget that tourism is
12 the world's first industry. Tourism is another
13 regional asset we want to develop.

14 As of 1993, thousands of sports
15 hunters and fishermen visited Nunavik outfitting
16 camps. These stays are crucial for Nunavik
17 because they contribute to labour-intensive
18 activity. And tourism monies in the form of
19 foreign currency are good for the national and
20 Quebec economies.

21 One area we are looking at very
22 closely is the area of adventure tourism. We are
23 increasing our land and sea expedition capability
24 to reach an international market, primarily
25 located in Britain, France and Germany, and which

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1 is expected to grow at 15 to 20 per cent a year.
2 Like other Canadian operators, we will need
3 federal government support to improve our
4 infrastructure and to implement effective
5 marketing plans abroad.

6 One of the most serious
7 development problems Inuit in Quebec face concerns
8 the field of taxation.

9 Inuit have opted to be taxpayers.
10 But we need a system which is fair and effective
11 if our economic base is to expand. To illustrate,
12 let us briefly review three sectors.

13 Canadian taxpayers support farmers
14 through a series of tax breaks -- for example,
15 GST, subsidies and marketing schemes. Yet Inuit
16 hunters, trappers and fishermen, engaged in
17 essential food production, have no access to
18 special taxation, despite very high costs.

19 Despite rapid progress, Inuit
20 incomes are still low for the most part. A survey
21 conducted in 1993 by Makivik Corporation revealed
22 that only 27 per cent of Inuit households could
23 claim the federal northern deduction of \$5,475,
24 because their incomes were too low. To have
25 deductions, one has to make money. Costs are very

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1 high in our territory. Prices in Salluit or
2 Ivujivik surpass those here in Montreal by 100 per
3 cent. Yet, Nunavik Inuit have to pay a combined
4 GST/Quebec sales tax of 15.56 per cent. This is a
5 nominal figure because, if you take into account
6 high costs and real purchasing power, the real tax
7 rate can exceed 30 per cent. Is this fair? Is
8 this effective?

9 Another issue of concern to us is
10 the increasing tendency of government to replace
11 direct cash transfers by tax credits, for example
12 family allowances. To obtain tax credits, income
13 tax returns have to be filed. Yet, many older
14 Inuit are unilingual in Inuktitut, our Arctic
15 language. This year Makivik Corporation assisted
16 hundreds of Inuit households in filing returns, at
17 great cost I might add. We cannot substitute for
18 government forever.

19 In short, in these areas alone, we
20 need new tax arrangements for Inuit hunters such
21 as GST exemptions, a more generous tax credit
22 system to compensate for high costs and a federal
23 tax office in northern Quebec.

24 Infrastructure:

25 As I noted earlier, infrastructure

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1 is crucial for economic development. Yet, Nunavik
2 communities have no marine infrastructure to speak
3 of -- docks, wharfs, storage and so on; this in a
4 territory of sea-going people where there are as
5 many boats as there are households. The
6 development of a marine infrastructure is
7 absolutely necessary for the economic development
8 with regard to transportation, fishing and hunting
9 initiatives, as well as tourism.

10 Eighteen years after a solemn
11 commitment made under the James Bay and Northern
12 Quebec Agreement in 1975, Canada and Quebec, in
13 co-operation with our corporation and the Kativik
14 Regional Government, finally undertook three
15 marine infrastructure feasibility studies in
16 Nunavik. It is even more essential that studies
17 be followed by infrastructure investments. It has
18 been said that Inuit have been studied to the
19 verge of death. I hope this will not be the case
20 for our ports.

21 Justice:

22 On March 1, 1993 the Nunavik Inuit
23 Justice Task Force tabled its final report
24 entitled: "Blazing a Trail to a Better Future."
25 The task force was created because of the deep

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1 malaise in northern Quebec toward a foreign
2 justice system and southern ways of inducing
3 people to live together or forcing them to live
4 apart.

5 For two years, the task force
6 consulted residents through questionnaires, radio
7 and community meetings. It conducted exhaustive
8 research into Inuit legal customs and alternatives
9 to the existing regime. The six members went on a
10 series of field trips in Quebec and elsewhere in
11 Canada, and I believe also into the international
12 communities.

13 Their conclusions are reflected in
14 the scores of recommendations contained in the
15 final report. These recommendations cover the
16 following eight areas:

- 17 1. Prevention;
- 18 2. Law enforcement;
- 19 3. The court system and
20 alternatives;
- 21 4. Correctional services;
- 22 5. Post-correctional services
23 like probation;
- 24 6. Inuit customary laws;
- 25 7. Special problems of youth; and

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1 8. Specific civil law matters in
2 the region.

3 Task force findings are practical
4 and are based on common sense. For example, one
5 of the best ways of implementing justice is
6 through a recreation network and similar
7 preventive measures. Or it might be more cost-
8 effective for Quebec to establish a detention
9 facility in the region just as the Government of
10 the Northwest Territories did in Iqaluit just
11 north of Nunavik. Or that Inuit customs and
12 traditions developed in the north be reflected in
13 the legal system.

14 Inuit of Quebec put a great deal
15 of effort into the report. We think it deserves
16 more than a glance. It deserves follow-up and
17 action.

18 Conclusions:

19 Members of the Royal Commission on
20 Aboriginal Peoples are coming to the end of their
21 long journey. It has taken you across the country
22 and into hundreds of communities, large and small.
23 It has, perhaps unfortunately, forced you to
24 review thousands of pages, hundreds of documents.
25 We, for our part, the Inuit of Nunavik, would like

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1 to extend our appreciation for your hard work and
2 long hours.

3 We can assure you that Inuit of
4 Nunavik will take a very careful look at your
5 analysis, at your recommendations, when your final
6 report is issued. In the same vein and spirit, we
7 would expect you, during your remaining work, to
8 take into account our views and suggestions.

9 Thank you very much.

10 CO-CHAIR RENÉ DUSSAULT: Thank you
11 very much for providing us with this very
12 informative brief. There are some questions, and
13 I will turn the floor over to Mary Sillett.

14 COMMISSIONER MARY SILLETT: Thank
15 you very much, Mr. Chairperson. Nukmik (ph),
16 Charlie.

17 Before I begin, I would like to
18 recognize the presence of Rosemarie Kuptana. She
19 is the President of Inuit Tapirisat of Canada.
20 Welcome, Rosemary.

21 I am going to ask some questions
22 about your presentation and some questions which
23 aren't included in your presentation. The reason
24 I am doing that is that this is the first
25 opportunity that you personally have sat here, and

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1 I know that you are involved in many, many issues.
2 You have a lot of expertise, and I would like to
3 take advantage of that during this session.

4 The first question I would like to
5 ask is: Of the Inuit groups, the northern Quebec
6 Inuit are one of the first groups that ever had a
7 land claims agreement; in fact, it is 18 years
8 old. I am wondering if you would be able to just
9 give a general comparison of what life is like in
10 northern Quebec, in Nunavik, prior to the James
11 Bay and Northern Quebec Agreement and how the land
12 claims agreement has impacted upon the lives of
13 northern Quebec Inuit.

14 CHARLIE WATT: To begin with, I
15 will say that there is no comparison whatsoever
16 between the life today and what the life was
17 before.

18 I, for one, probably was in the
19 midst of the new realization, if you want to call
20 it that, at the time when the Government of Canada
21 and some instrument, which is part of the
22 instruments of the Government of Canada, first
23 arrived in northern Quebec. At that time I can
24 actually count on my hands how many people there
25 were when they first arrived. I may not look that

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1 old, but I have been around.

2 At the beginning of the arrival of
3 the people, aside from the Hudson's Bay Company
4 and aside from the RCMP, the Department of Indian
5 Affairs arrived in the north, I would say, around
6 the mid-1950s. During the mid-1950s we had no
7 role to play whatsoever in terms of our
8 communities, other than the fact that we were just
9 too busy trying to survive, trying to, as they say
10 in the south, bring bread and butter to the table,
11 but we were bringing our bread and butter in a
12 different way -- that is, we had to get it
13 ourselves, which has been the normal practice of
14 our people for many, many years -- thousands and
15 thousands of years.

16 I would like to add this because
17 the daughter is here and the mother was speaking
18 on the news not long ago. I was watching when I
19 was in Kuujjuaq Mary Simon's mother who was
20 basically raised in Barboa (ph), during the hard
21 times. You would never believe today that same
22 person had gone through that. It seems like a lot
23 of us have flipped. When you are cooking bannock,
24 sometimes you have to shake it and then flip the
25 bannock. That's what happened to us in a very

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1 short while.

2 Whether that is a good thing or a
3 bad thing I don't think anybody can really answer,
4 but it was inevitable. It was coming. The white
5 man was coming whether we liked it or not. So we
6 had to deal with that.

7 At that time we didn't know how to
8 deal with it. We were just a "yes" people until
9 the mid-1960s, I would say, and then we began to
10 start raising our eyelashes when we were being
11 spoken to. Before that we just smiled and said
12 "yes." I think, Mary, you are pretty familiar
13 with that; you don't need to be educated in that
14 field. That was the reality.

15 Today it is very different. I
16 always say, Mary, that what you make of it and how
17 you handle it and how you take it and how you
18 proceed with it is what makes the difference.
19 It's not really what is written down in black and
20 white. Those are only guidelines, and if you try
21 to follow them print by print, life doesn't work
22 that way. Sometimes you have to put that aside
23 and take your own course and move with it, as long
24 as you have a reference to go back to. Especially
25 today, we have to operate under the terms of

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1 legalities; we have to take those into
2 consideration now.

3 Are we still having hardship? Not
4 the same kind of hardship as we had before. We
5 are probably having hardship today in being
6 influenced by the new things that are coming, like
7 alcohol, drugs and things of that nature, and
8 trying to cope with administering the municipal
9 services and housing and things of that nature.
10 We never had to worry about that before. If we
11 needed housing, we built a snow house or made a
12 tent. That still exists to a certain extent, but
13 it is not the full occupation of our life.

14 Coming back to whether it's a good
15 thing or a bad thing, I don't know, Mary. I don't
16 think anybody can actually say we have gone in the
17 wrong direction or we have gone in the right
18 direction. I don't think anybody will judge that
19 to come up with the merit on that.

20 That is my own personal opinion.

21 COMMISSIONER MARY SILLETT: As you
22 said in your report, we have gone right across
23 this country and have heard from many, many
24 people. We have heard from communities that are
25 almost destitute, and many say, "If we could only

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1 get a self-government agreement, then we would
2 have a chance of having our life improved."

3 It's sort of interesting to check
4 that out with groups like yours. Of the Inuit
5 groups, you are one of the first to have had a
6 land claims agreement.

7 When we were meeting with various
8 groups in northern Quebec -- and it wasn't only
9 the Inuit groups, but other groups as well -- one
10 thing that we heard much about was the
11 implementation problems of the James Bay and
12 Northern Quebec Agreement. I am sure you are
13 fairly well aware of that.

14 I don't want to spend time
15 identifying the difficulties, but I was wondering
16 if you could just spend a few minutes identifying
17 what you see as being the solutions to those kinds
18 of problems.

19 CHARLIE WATT: Mary, I can only
20 speak on behalf of Makivik and on behalf of people
21 that I do represent, such as the Inuit in Nunavik.
22 If your question is leading toward the Cree --
23 lack of implementation, broken promises --

24 COMMISSIONER MARY SILLETT: No.
25 If, for example, in the land claims agreement you

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1 do have problems with implementation, what should
2 be recommended to avoid those?

3 CHARLIE WATT: I would have to say
4 that there is a problem, I guess, in every life.
5 To try to find the absolute solutions to that
6 problem of implementing the agreement, I think one
7 would have to say that you would need a mechanism
8 in place in order to properly implement the
9 agreement that you have negotiated politically.
10 Even if you do that, you are still constantly
11 under negotiation, even if you have an
12 implementation form.

13 As an example, about three years
14 ago we finally finalized our deal with the
15 Government of Canada, in some part. It doesn't
16 mean that we won everything; we lost quite a lot
17 of important elements, I would say. Nevertheless,
18 life has to go on, so we concluded an agreement.
19 We established a forum. That is to say, we can
20 invite the Deputy Minister level of whatever
21 department, whoever we have to deal with, even
22 right up to the Minister level. I find that is a
23 very useful forum -- we call it a forum. It's a
24 table, to sit down and negotiate, air out the
25 different problems and things of that nature, and

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1 to try to satisfy both sides for the purpose of
2 implementing the spirit and intent of the
3 agreement. I find that is very useful.

4 Right now, when you have two
5 levels of government that you have to deal with
6 under the Convention, one would have to say that
7 we are still inviting the Government of Quebec.
8 We are only at the stage of the implementation
9 negotiations with Quebec, even though we finished
10 the federal side partially. They are not part of
11 that Implementation Committee yet. We only have a
12 table with the Government of Canada at this point,
13 but we have the right to invite them if we choose
14 to.

15 Whether we are going to end up
16 with one form of implementation forum we don't
17 know yet. In some cases, governments have been a
18 little bit reluctant to become a part of that and
19 sometimes they want to be part of it. I don't
20 know what the end result is going to be yet.

21 COMMISSIONER MARY SILLETT: One of
22 the things I have always wondered about is: For
23 example, in Nunavik you have a land claims
24 agreement, and there is always the thought that
25 there are a lot of jobs available. Then people

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1 think about training: Do you have enough trained
2 people in order to take on the responsibilities?

3 In Nunavik what is the situation
4 with training and higher education? Do you more
5 jobs than you have trained people? Do you take an
6 active interest in training and higher education?

7 CHARLIE WATT: Amongst the various
8 departments within the Makivik Corporation maybe
9 that is one area where the Youth Training
10 Department is probably going to skyrocket within
11 the Makivik Corporation for that purpose.

12 At that same time, to partially
13 answer the question, yes we do have all kinds of
14 openings -- an unlimited number of openings that
15 could be acquired by the Inuit, providing you have
16 the education required to carry out that
17 responsibility.

18 It's coming slowly, but it will
19 take time. If somebody asks me, "Have you gone
20 too far too fast in creating those positions?" I
21 would have to say that they are not under my
22 control. I can only operate when the issue
23 becomes an issue. When there is a time to
24 spearhead some of the issues, we have to do them
25 whether we are ready or not. Some of us are

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1 ready, and we are hoping that the influx of the
2 young people will keep on coming.

3 I would say that I am more
4 encouraged than ever before after I have reviewed
5 the status of the students from the north. It's
6 incredible. It's getting there slowly.

7 COMMISSIONER MARY SILLETT: We
8 heard last week from the Canadian Paediatric
9 Society, from some of the people who have worked
10 in medicine for a long time, that in northern
11 Quebec groups have decided what their priorities
12 are for training. There are many teachers in
13 northern Quebec, many people in the health field.
14 The northern Quebec Inuit have decided what their
15 priorities are and have concentrated on those
16 areas for training.

17 Is that consistent with your
18 understanding of how things have developed?

19 CHARLIE WATT: Very much so. Not
20 only Makivik Corporation but, I believe, Kativik
21 School Board in the past, when the Kativik School
22 Board was first put into place, did not waste any
23 time in starting to prepare the Inuit to become
24 teachers. They have managed to succeed. Whether
25 the quality level that is required to become a

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1 teacher is there is still questionable to a
2 certain extent, but, at least today, they are
3 almost at the stage where they can begin to start
4 looking at some of the graduates.

5 They have had to pump a lot of
6 energy and money into upgrading the potential
7 teachers in a short period.

8 COMMISSIONER MARY SILLETT: I am
9 going to limit the rest of my questions to two,
10 mostly because I know Mr. Dussault usually has
11 about 10 or 20.

12 One of the things that you mention
13 in your document is that there is a whole class of
14 what would effectively be non-status Inuit living
15 throughout our homeland. I received some
16 statistics the other day which said that either
17 1,000 or 8,000 of the total national Inuit
18 population are living in cities. That is not a
19 lot compared to other groups.

20 We have heard, for example, from
21 the other Aboriginal groups that probably 60 per
22 cent of Aboriginal people now live in urban areas.
23 There are more and more Inuit moving from the
24 communities to live elsewhere in Canada, but there
25 still aren't a lot.

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1 One of the things we have seen,
2 particularly in Labrador, is that, if you have
3 moved outside the claim area and you live outside
4 the claim area for 10 years, you are no longer
5 entitled to benefits, you are no longer entitled to
6 membership. That has created a big, big problem,
7 especially with many of our Inuit leaders who
8 spend all of their time outside that region
9 representing the interests of that particular
10 group.

11 Is that an issue that has been
12 identified with your particular claims agreement?
13 How do you take care of Inuit who live outside
14 your claim area?

15 CHARLIE WATT: Those problems do
16 exist. If you are away from your designated
17 community for 10 consecutive years, you
18 automatically lose your eligibility -- not only
19 eligibility in terms of enjoying the benefits, but
20 you also lose your ability to take part and be
21 influential in decision-making and also to be
22 elected.

23 I do agree with you that that is a
24 problem. What happened to our people -- our
25 people are here only for that reason. That area

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1 has to be revisited by us, and it is part of our
2 objective to revisit that through the
3 implementation negotiations.

4 What I am talking about more in
5 here is what is happening now. Some of our people
6 from Quebec are really not all that concerned
7 about the land claims up there, and the same thing
8 is happening with people coming into Quebec from
9 Labrador. If they are constantly moving back and
10 forth, sooner or later they are going to lose
11 their status. Then we are going to have a
12 different class of people throughout the Arctic,
13 let alone the people down south. That is what I
14 am referring to.

15 COMMISSIONER MARY SILLETT: I know
16 what you are referring, but I wanted to let you
17 know the other side of the picture we have heard,
18 from people who leave their claim areas not to go
19 to the NWT or another Inuit region, but to go to
20 cities. Essentially they join many of the urban
21 Aboriginal population who say, "Who represents us?
22 We don't have any political representation; we
23 don't have any rights any more."

24 CHARLIE WATT: Are you asking me
25 what we do with people in the south?

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1 COMMISSIONER MARY SILLETT: Yes.

2 CHARLIE WATT: Go home. I have no
3 answer.

4 COMMISSIONER MARY SILLETT: What
5 is the rule in your claims agreement? Is it 10
6 years?

7 CHARLIE WATT: If one given
8 person, let's say me or Mary or anybody -- if that
9 person goes back, he is automatically reinstated.
10 It only applies when you are away. When you get
11 back to the territory -- it's only applied during
12 the time that you are away.

13 The question you raise is a very
14 important one, and that is: What about the ones
15 who are down here representing the people up
16 north? You have to have them.

17 COMMISSIONER MARY SILLETT:
18 Actually, there are other people, too, who have
19 said that they have had to be in urban areas for
20 medical reasons. The reason they are not home is
21 because they are really sick and there is no
22 hospital there.

23 CHARLIE WATT: Those people who
24 are there for medical reasons or educational
25 reasons can be easily dealt with. I am talking

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1 about the ones who on their own will commute to
2 the south.

3 COMMISSIONER MARY SILLETT: I
4 think you have answered that, that it is an issue
5 that still has to be addressed.

6 My final question is: We have
7 heard much about family violence in many of the
8 communities. In fact, it is sort of disturbing
9 for me to hear about family violence. It's
10 awfully disturbing that many of the male-dominated
11 organizations do not address this at public
12 forums; they usually talk about the Constitution
13 or the inherent right to self-government.

14 We have heard from many people
15 that, if family violence is to be addressed and is
16 to be addressed adequately, it requires input from
17 all organizations and all people at all levels.

18 In terms of the issue of family
19 violence, how do you see your organization
20 addressing this issue?

21 CHARLIE WATT: Take the law in our
22 own hands. I think at times that almost becomes
23 necessary.

24 With the absence of a proper
25 justice system in place and with the justice being

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1 administered by somebody else rather than
2 yourself, those are the problems. I do recognize
3 that there is alarming violence in many different
4 ways -- sexual abuse, battered women; maybe it is
5 coming to the battered men pretty soon. That does
6 exist, and it's a big problem. It is creating a
7 very unhealthy community.

8 I guess the only way to turn that
9 around is to put the system in place that could be
10 useful to Inuit and for them to administer it.

11 I might not be able to say the
12 same thing when it comes to the policing. We have
13 some experience in dealing with our people in
14 conjunction with the police where we have not been
15 quite successful in terms of policing our
16 communities. The reason behind that is that the
17 law enforcement officers have a tendency to shy
18 away from carrying out their responsibilities. At
19 times maybe they are scared, and I think we have
20 proven that they are basically scared to take
21 action.

22 It has a lot to do with the fact
23 of some vagueness in the James Bay and Northern
24 Quebec Agreement relating to legalities, if there
25 is a criminal matter that arises. It is our mess,

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1 and that whole mess is being addressed by the
2 Justice Task Force. They even went as far as
3 doing research on family relations, which is not a
4 very healthy one either. We are going to have to
5 do something about it if we want to have
6 credibility in this society. It's a big problem.

7 COMMISSIONER MARY SILLETT: Thank
8 you.

9 CO-CHAIR RENÉ DUSSAULT: As we are
10 running late in our schedule, I will try to
11 concentrate on a few questions only.

12 I understand that the thrust of
13 your brief is to say that the Royal Commission
14 should concentrate on elements that will have an
15 impact on the federal responsibility toward the
16 Inuit people alongside the responsibility of a
17 province like Quebec.

18 I think Makivik Corporation
19 presented a brief before a parliamentary committee
20 in Quebec -- either Bélanger-Campeau or one of the
21 two dealing with Bill 150. You recommended that
22 there would be an amendment brought to the
23 Electoral Act to devise a northern electoral
24 district regardless of the number of people living
25 in the north, in order to give you a say at the

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1 National Assembly level. Of course, that would be
2 parallel to the Nunavik Assembly in progress now.

3 Could you elaborate on that.

4 CHARLIE WATT: As you are aware,
5 our homeland is divided in two: one is Apikipi
6 (ph) and one is Amanawakin (ph).

7 Regardless of the result of the
8 votes in our communities, that is not taken into
9 account because the higher numbers of population
10 in the southern part are the ones where they took
11 those numbers and put them in their back pocket
12 and run south, if you want to put it in those
13 terms.

14 As a result of the last election,
15 every one of the communities turned the whole
16 coast to red, but it is still not red today; it is
17 still blue. There is a tremendous need to put the
18 reality in place.

19 Our recommendation has been since
20 1971 to change the electoral boundary. Instead of
21 splitting it, cut it across using the boundary of
22 the self-government. That is our recommendation,
23 and we are going to do whatever we can and use
24 every means possible to get that in place before
25 four years from now.

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1 CO-CHAIR RENÉ DUSSAULT: So that
2 recommendation stands, and you are still pushing
3 for it.

4 CHARLIE WATT: Yes.

5 CO-CHAIR RENÉ DUSSAULT: I was
6 interested in what you said at page 11 about
7 portability of rights among the various Inuit
8 communities coming under different land claims.
9 You discussed with Mary Sillett the situation of
10 the urban people, people moving south to the
11 cities, but here your point is that there should
12 be the same kind of status when one moves to the
13 Western Arctic, to the Eastern Arctic or from
14 northern Quebec to Baffin and vice-versa or to
15 Labrador.

16 In fact, my question is: Is there
17 something that could be achieved between the
18 various Inuit authorities after the land claims
19 settlement is done? Do we need to have a central
20 approach to something like that, because each land
21 claim has its own history and solutions. Could
22 you expand on that a bit more.

23 CHARLIE WATT: It could begin
24 internally as a discussion and trying to find a
25 solution to that problem before that problem

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1 becomes unmanageable. That certainly can take
2 place internally.

3 But you must remember that the
4 Canadian government at this point, I think
5 deliberately, probably doesn't want to recognize
6 that, that we are one people. There has to be, in
7 the highest level of order, a statement that we
8 are one people. Only then can you begin to start
9 articulating what the rules of the game should be.

10 We are one people. I can even go
11 to the international level. I can understand
12 Greenland and I can understand and communicate --
13 I am the same culture and the same heritage --
14 with Alaska and Greenland. Right now I am only
15 talking within the Canadian framework.

16 **CO-CHAIR RENÉ DUSSAULT:**

17 Governments being public governments, they don't
18 have as much to do with the electoral process. If
19 somebody moves from one territory to the other, he
20 has a right, as an inhabitant of the new
21 territory. But what you have in mind are specific
22 benefits for education, health and things like, to
23 make sure that you don't lose them when you move
24 from one territory to the other.

25 **CHARLIE WATT:** Those are the

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1 things that I say have to be dealt with by
2 government-to-government discussions in terms of
3 people moving to another area, unless that person
4 is sufficiently well off economically. Then you
5 don't have to worry about expenditures that are
6 coming up, because you will be looking at them as
7 an investor coming in.

8 That is not what is really
9 happening at this point in time. Hopefully, they
10 will be starting to come in with money and make
11 investments so that we don't have to look for some
12 way of housing them and providing social services,
13 and things of that nature.

14 CO-CHAIR RENÉ DUSSAULT: I see an
15 analogy with the medicare system in Canada where
16 the federal legislation provides portability when
17 people move from one province to another. There
18 is a three-month period, but then it does apply.

19 Do you have that kind of mechanism
20 in mind?

21 CHARLIE WATT: Would you repeat
22 that.

23 CO-CHAIR RENÉ DUSSAULT: What I am
24 trying to say is that for medicare the federal
25 legislation makes it compulsory, when you move

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1 from one province to another, that you keep your
2 benefits. Because of the requirement of the law,
3 there is a condition for payment from the federal
4 government to the provinces.

5 CHARLIE WATT: Not to get into the
6 technicalities of how it can be answered, I would
7 like to deal with it in a general fashion.

8 I would have to say that the
9 Government of Canada must come up with a uniform
10 system to deal with people in the Arctic and the
11 mobility of those people. Not only that but:
12 What makes us unique; what makes us one people;
13 what makes us behave in the same way; what are the
14 policies that have to apply to Quebec and Labrador
15 and the NWT? I think those are the things you
16 have to look at from the standpoint of: Here is
17 one people. How do we answer their needs?

18 I think it even goes so far as do
19 we have to have three sets of governing
20 institutions or should we have one set that is
21 answerable to everybody, regardless of their
22 boundaries or do away with their boundaries, north
23 and south. Why not?

24 CO-CHAIR RENÉ DUSSAULT: We are
25 aware that self-government could be discussed at

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1 the community level, at the treaty area, at the
2 nation level and at a people level.

3 CHARLIE WATT: It really bothers
4 me when parts of my nation are being kept out as
5 another group, when I know very well that they are
6 the same people. It bothers me.

7 CO-CHAIR RENÉ DUSSAULT: As a
8 matter of principle, it is clear. It is the
9 mechanisms to attain the goal that are more
10 delicate.

11 Getting back to the situation in
12 northern Quebec, what is your assessment of the
13 coming up of the new Nunavik, the Constitution and
14 the Assembly? We had a consultation in May. Do
15 you feel that it is coming along well? Is it
16 going to happen in the time frame?

17 CHARLIE WATT: I would have to say
18 that it is not moving at all at this point. I am
19 not even sure whether it is moveable between now
20 and the provincial election.

21 If you are talking in terms of
22 constitutional protection and the constitutional
23 arena, one might have to say maybe the issue is
24 going to come up again at the next provincial
25 election, whether we like it or not. Maybe at

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1 that time we will have a better chance of
2 achieving what is required by the Inuit of Quebec.

3 If we would like to move ahead
4 between now and whenever the Constitution is
5 opened up again, I think it would be correct to
6 say that we can advance it by way of establishing
7 an Assembly, just merely by Assembly. Then you
8 would have to enter into negotiations later on to
9 get the jurisdiction and powers to go with it.
10 Parts of that power and jurisdiction is already in
11 existence in scattered ways within the James Bay
12 and Northern Quebec Agreement. At the least, at
13 the beginning we could have an opportunity to
14 regroup them into one. That would carving it out
15 in the direction of moving to Nunavik government.

16 Then you also have to think in
17 terms of also dealing with the offshore. Nunavik
18 is not only within the Quebec boundary; it also
19 takes in parts of NWT, which is linked to the NWT
20 claims. Then there is a management responsibility
21 associated with that. That is the wildlife
22 management. The wildlife cannot recognize the
23 boundaries. They can't say, "I can't go over to
24 Quebec because I belong to NWT."

25 We used to be that way, too, until

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1 we were educated in the white man's way that we
2 have to respect the boundaries.

3 CO-CHAIR RENÉ DUSSAULT: It is
4 still one of your goals, then. You see it as a
5 valid step to establish the Nunavik Assembly along
6 the lines of the Constitution that was adopted.

7 CHARLIE WATT: Yes.

8 CO-CHAIR RENÉ DUSSAULT: The last
9 point is the high cost of doing business in the
10 north and living in the north. Many people across
11 the country have talked about that in their
12 presentations. There is the taxation problems
13 which you raised, and all kinds of problems.

14 We are working on the northern
15 economy. We are very much interested in ideas.
16 You have mentioned quite a few ventures that have
17 been successful in the past.

18 Do you feel that the main question
19 is taxation, that there should be exemptions for
20 the north generally from taxes like the GST and
21 others? You also mentioned by analogy the
22 subsidies that are granted to agriculture and
23 others and that that way of thinking has not been
24 directed to concerns of the north.

25 Could you be a bit more specific

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1 on that.

2 CHARLIE WATT: Maybe I can start
3 off by saying that the Taxation Act, in the way it
4 was designed, was designed for the south and the
5 people that live in the south, taking into account
6 what is the reality associated with the south.

7 When you take a look at the
8 taxation questions and the Tax Act, it has to be
9 modified. We would probably require a new Tax
10 Act, probably for northern Quebec, and you might
11 even have to look at the differences also to
12 accommodate others like Labrador and NWT.

13 I see the country not making a
14 substantial improvement economically unless they
15 are prepared to look at the whole taxation
16 question. As you know, every time we deal with
17 the question of taxes and the economy, we always
18 run into the problem of trying to correspond that
19 southern way of taxation and plug into the
20 northern concept. It doesn't work. They are very
21 different.

22 We are always going to remain
23 unprotected unless the Government of Canada comes
24 to realize that there has to be a major overhaul
25 in that area. We believe in contributing to the

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1 bigger society in order for the bigger society to
2 protect us to survive as a group, but there has to
3 be some give and take. Right now there is no give
4 and take.

5 We have to bear a cost which is
6 not created by us. Knowing that we are already in
7 a very high-cost zone, we need tax exemptions in
8 some areas and we need to modify the Tax Act in
9 some areas, and we also have to look at some of
10 the transportation subsidies. We also have to
11 look at some of the production subsidies which
12 might be applied to the farmers. When we are
13 doing our subsistence hunting and things of that
14 nature, I don't see any difference between
15 subsistence hunting and the farmer's subsidy.

16 Some of those issues are already
17 being dealt with through the negotiations. We
18 have a table now with the Government of Quebec to
19 examine the whole question of taxation.
20 Eventually, we will have to get the federal
21 government involved in that, too. We are making
22 some real success, which was not known to the
23 outside before.

24 This is the type of contribution
25 that we can make in order to help Canada to

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1 recover economically -- maybe in small ways, but
2 nevertheless they are positive.

3 COMMISSIONER MARY SILLETT: During
4 our consultations with the national groups we
5 heard from regional Inuit associations, when ITC
6 had its turn at the table and Tony Anderson,
7 particularly, from Labrador was saying very much
8 the same kinds of thing, that there are policies
9 and programs which are designed for the south, by
10 the south, and they have no applicability to
11 Inuit. He mentioned, for example, the UIC scheme
12 where fishermen, for example, are unable to get
13 UIC benefits for certain portions of the year, the
14 North of 60 and South of 60 policies and program,
15 and the northern cod moratorium.

16 What you are saying certainly has
17 been said very clearly, particularly by Inuit in
18 the north.

19 CHARLIE WATT: That is one of the
20 reasons that in our presentations at every
21 opportunity we try to highlight the need for
22 special programs, programs only for the Inuit who
23 are living in the north. That is very important.
24 That does not exist.

25 Since we have had the James Bay

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1 and Northern Quebec Agreement, Ottawa has denied
2 -- maybe "denied is too strong a word.
3 Nevertheless, they have not really looked at
4 northern Quebec as one of their obligations. As a
5 matter of fact, they would like to wash their
6 hands and say goodbye.

7 The same thing is probably going
8 to happen to Labrador, if we allow that to happen.

9 COMMISSIONER MARY SILLETT:

10 Charlie, there is one thing I should ask before I
11 forget.

12 You were saying that there is a
13 mechanism in place whereby the Inuit of Nunavik
14 and the Inuit of Nunavut can resolve overlapping
15 claims or conflicts. I know in Labrador there was
16 an overlapping land claims committee. There has
17 been conflict. I don't want to hear about the
18 conflict, but I am just wondering, in terms of
19 solution, could you describe this mechanism.

20 CHARLIE WATT: We don't have a
21 permanent mechanism to deal with the overlap
22 issue. The only experience we have had dealing
23 with an overlap issue is when the Tunngavik
24 Federations, before they had their settlements,
25 had to sit down and iron out their differences, if

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1 there were any. It turned out that there were no
2 differences. The only thing was who was going to
3 have the ownership of that piece of island.

4 Even though we were being told by
5 the legal people that it could not be done in this
6 country, or even outside this country, that you
7 cannot have ownership of the same island when you
8 are under two different jurisdictions, I said
9 "bullshit." Anyway, we got it. It is part of the
10 TFN Agreement. We don't even have to negotiate it
11 any more. We have just have to complete the
12 extension. It is already in the NWT Agreement.
13 That's a perfect example.

14 COMMISSIONER MARY SILLETT: I
15 assume from reading the National Inuit Treaty that
16 it isn't something that all Inuit have consented
17 to. Have you talked to other Inuit? How much
18 support is there for this National Inuit Treaty
19 from other Inuit?

20 CHARLIE WATT: We have talked
21 about it long enough over the years. I think we
22 actually began with that, before the existence of
23 NQI and ITC. That's the way the Inuit used to
24 talk.

25 When it came to receiving the

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1 report from their representatives, that is when
2 they started questioning it. They said, "How come
3 we are different? How come we are apart? How
4 come we are not one?"

5 I would have to say that, from the
6 people that I associate with, my colleagues and
7 the people I work with, I think we are all very
8 much thinking along the same line, right up to the
9 international level.

10 COMMISSIONER MARY SILLETT: Thank
11 you.

12 CO-CHAIR RENÉ DUSSAULT: I have
13 two very short questions.

14 In May we had a presentation by
15 Falconbridge, a project at the tip of northern
16 Quebec. You have an ongoing relationship with the
17 company?

18 CHARLIE WATT: Yes, I do have an
19 ongoing relationship. We have a negotiation
20 process with Falconbridge, which is a mining
21 company. We are far from being able to agree --
22 the cap is so big. It is always down to dollars
23 and cents. If they want to undertake to do this,
24 what is the market value of what they want to do?
25 We have some differences in that area, and I would

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1 have to say that I might have to have a meeting
2 with the President of Falconbridge very soon in
3 order to try to unblock the blockage. We are not
4 in agreement with each other at the moment.

5 CO-CHAIR RENÉ DUSSAULT:

6 Obviously, to bring economic development into the
7 north -- there is an opportunity there if there
8 were an agreement.

9 CHARLIE WATT: Very much so, and
10 they have no problem highlighting that there is an
11 opportunity there. When it comes down to deciding
12 who is going to have a role, to say yes or no,
13 they wanted to have it all. I said "no." If
14 there is going to be agreement between the two,
15 there is going to have to be give and take on both
16 sides.

17 CO-CHAIR RENÉ DUSSAULT: This
18 morning, Roméo Saganish of the Cree was part of
19 the presentation by the Equity Forum, and he
20 mentioned, in terms of the second language, that
21 the trend had been reversed toward French for
22 young people in northern Quebec. What is the
23 situation as far as the Inuit people are
24 concerned? Is it the same trend, or is there a
25 big difference during those 18 years since the

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1 agreement was signed?

2 CHARLIE WATT: I think there is a
3 great deal of difference between before the
4 agreement was signed and what transpired after the
5 agreement was signed. As you are probably aware,
6 we never used to have that much of a closeness
7 with the French-speaking people in the past. That
8 was not really the fault of the Inuit, I would
9 add. The Government of Quebec did not assume
10 their responsibilities.

11 CO-CHAIR RENÉ DUSSAULT: They
12 weren't there before 1963.

13 CHARLIE WATT: Not until 1963,
14 1964. Where were they before when I needed them?

15 They came about and all of a
16 sudden they were going to have their way. "We'll
17 tell you what's good for you. We'll make you
18 French. Forget about English."

19 We Inuit are a very proud people,
20 and we know what is good for us. We don't like to
21 be told what is good for us, especially by people
22 who don't really have any idea of what we are and
23 what we are made of.

24 CO-CHAIR RENÉ DUSSAULT: In fact,
25 my question, because we are highly concerned with

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1 the relationship --

2 CHARLIE WATT: When the issue was
3 raised that related to language, culture and
4 things like that, I get a little bit touchy, the
5 same as the French person. All of us have a
6 little bit of nationalism in us, every one of us.
7 We may not be able to say the same thing to the
8 Anglo, but who knows.

9 CO-CHAIR RENÉ DUSSAULT: I must
10 say that there is some kind of misunderstanding in
11 Quebec about the reaction of some Aboriginal
12 groups toward the French language. Very often it
13 struck me that people do not realize that we are
14 talking about a second language. That is not the
15 case with the Inuit, obviously, but very often
16 people have lost their mother tongue and learned
17 one second language. When you come to learn a
18 third language, the reaction is not against the
19 language but against the fact that they have lost
20 their mother tongue and were forced to learn a
21 second language.

22 I am just trying to shed some
23 light on an issue that does not help the
24 understanding.

25 CHARLIE WATT: The Inuit in

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1 Nunavik, regardless of their small numbers, are
2 far off from losing their language. I think their
3 language is getting stronger and stronger -- I
4 won't say every day, but gradually. It's
5 happening quite rapidly. It never was weak to
6 start off with. They are using it now as the
7 language of instruction in the classroom, so it is
8 getting stronger.

9 Coming back to being able to cope
10 with the French language, I for one, along with a
11 lot of other people, would like to be able to
12 speak French. Sometimes my wife says to me,
13 "Maybe it's a good thing you don't speak French;
14 otherwise, you would be down in Quebec City all
15 the time."

16 Nevertheless, we are not rejecting
17 the idea of learning French, not at all. Maybe
18 some of our people have in the past for other
19 reasons. The more you know of other people's
20 culture, the better it is for you as far as I can
21 see. That is the way we are pursuing our
22 education.

23 COMMISSIONER MARY SILLETT: One of
24 the things that has always amazed me about some
25 stories we have heard from northern Quebec is that

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1 the younger children definitely know Inuktitut and
2 they might even be trilingual, so they are more
3 exceptional in terms of languages than other
4 groups.

5 CHARLIE WATT: Another interesting
6 thing that is developing -- and I can't say it is
7 bad or good at this point. Any competitiveness is
8 always good, I think.

9 It is very interesting what I am
10 learning this year from the students. We have
11 students going to French classes and some in
12 English immersion with French. They are
13 competing. I just found out not long ago that
14 they are competing. I think it's healthy on one
15 hand, but how it is going to transpire down the
16 road no one really knows. I don't think there is
17 anything wrong with one trying to outdo the other,
18 especially in the field of education.

19 I am not going to tell you my
20 finding, though.

21 CO-CHAIR RENÉ DUSSAULT: Two weeks
22 ago we were at Concordia University. There was a
23 panel with two young non-Aboriginal and two young
24 Aboriginal people, and there were teachers from
25 the English CEGEPs like John Abbott. They were

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1 talking about exactly what you have said, the
2 number of young Inuit and Crees that are
3 registered in CEGEP this year as opposed to five
4 years ago. It is tremendous.

5 CHARLIE WATT: Last night three
6 students from John Abbott came to my house, and
7 they came to do their homework. So they kept me
8 busy last night.

9 CO-CHAIR RENÉ DUSSAULT: I would
10 like to thank you very much for coming and sharing
11 with us. We hope that we will keep in close
12 contact at the Commission's work.

13 At this point I would like to say
14 to the next presenters, Nunavut Tunngavik, that we
15 are going to have a short break for 10 minutes.
16 We will resume at 3:30.

17 La commission est suspendue pour
18 dix minutes. Nous reprenons à 3h30. Merci.

19 --- Short Recess at 3:18 p.m.

20 --- Upon resuming at 3:36 p.m.

21 COPRÉSIDENT RENÉ DUSSAULT:
22 Bonjour à tous. Nous reprenons l'audience
23 publique de la Commission royale sur les peuples
24 autochtones avec la présentation du Nunavut
25 Tunngavik.

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1 I would like to ask the
2 representatives to proceed whenever you are ready.
3 **BERNADETTE MAKPAH, Secretary-**
4 **Treasurer, Nunavut Tunngavik Inc.:** (Native
5 language) Thank you.

6 First of all, I would like to
7 apologize for the unfortunate absence of our
8 President, Mr. Paul Kwasi (ph). He could not make
9 it today. Our first Vice-President, Mr. James
10 Ituuluk (ph) was going to be making this
11 presentation on behalf of Nunavut Tunngavik but,
12 because of other urgent commitments, couldn't make
13 it.

14 My name is Bernadette Makpah. I
15 am the Secretary-Treasurer for Nunavut Tunngavik
16 Inc. To my left is our Executive Director, Mr.
17 Alex Campbell. On my immediate is our Director of
18 Implementation, Mr. Paul Okalik, and he can answer
19 most or all questions with regard to our very
20 young life and implementation plans. To my left
21 again is Mr. John Merritt, our legal counsel.

22 I guess you could say that it took
23 four of us to replace the President today. I am
24 not quite prepared for this, so please be patient.
25 I will start off by reading portions of our brief.

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1 The full submission will be circulated, I
2 understand, today.

3 On behalf of Nunavut Tunngavik, we
4 would like to thank members of the Royal
5 Commission on Aboriginal Peoples for the
6 opportunity to appear here before you today.

7 With a view to reserving time for
8 informal exchange with Commissioners, we will keep
9 our opening remarks as brief as possible.

10 I almost forgot to mention that I
11 have a flight to catch at 5:30, so I am going to
12 be leaving probably right after this. I haven't
13 been home in a couple of weeks, so I am anxious to
14 get to the airport.

15 The Commissioners have been
16 supplied with some background information as to
17 the make-up, role and objects of Nunavut
18 Tunngavik. Nunavut Tunngavik is a not-for-profit
19 corporation representing some 17,500 Inuit of the
20 Nunavut Settlement Area for two purposes:

21 (1) the effective implementation
22 of the Nunavut Agreement signed on May 28, 1993
23 and given force of law on July 9, 1993; and

24 (2) the successful launching of
25 the new Nunavut Territory and Government on or

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1 before April 1, 1999.

2 The focus of this presentation is
3 to identify certain parts of federal government
4 policy in relation to land claims and self-
5 government that should be changed so as to bring
6 about better results for both Aboriginal and non-
7 Aboriginal Canadians.

8 In making this presentation, it is
9 the intention of Nunavut Tunngavik to build on the
10 presentation already made by Inuit Tapirisat.
11 Instead of attempting to cover the range of issues
12 dealt with in the presentation by Inuit Tapirisat,
13 we would like to speak to five topics of
14 particular concern to us. They are:

15 1. the issues of legal certainty
16 and finality in land claims agreements;

17 2. the relationship between land
18 claims agreements and Aboriginal self-government;

19 3. the establishment of the
20 Nunavut Territory and Government;

21 4 adequate support for
22 traditional land-based economies; and

23 5. measures important to
24 neighbouring northern Aboriginal groups, which I
25 believe Mr. Watt touched on quite a bit.

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1 We will speak to each of these
2 topics in turn.

3 The Issues of Legal Certainty and Finality in Land
4 Claims Agreements:

5 Like the numbered treaties, the
6 Nunavut Agreement contains a provision whereby the
7 Inuit of Nunavut, in consideration of the rights
8 and benefits in the Agreement, cede to the crown
9 any Aboriginal title in and to the lands and
10 waters of Nunavut that may have arisen under
11 Canadian common law.

12 Needless to say, this provision of
13 the Agreement was not suggested by Inuit. Inuit
14 leaders agreed to the inclusion only with the
15 greatest reluctance and only upon concluding that
16 the rights and benefits set out in the Agreement
17 are, on objective assessment, greater than the
18 rights that could likely be secured through the
19 courts in the foreseeable future based on
20 assertions of Aboriginal title.

21 It should be pointed out that the
22 "cede, release and surrender" language in the
23 Nunavut Agreement does not bring about complete
24 legal certainty. This conclusion flows from
25 factors such as the following:

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1 - the provision does not relate to
2 non-proprietary rights of the Inuit, such as the
3 right to self-government;

4 - the provision does not alter the
5 fiduciary or trust relationship between Inuit and
6 the crown;

7 - the provision could be affected
8 by emergence of a judicial doctrine characterizing
9 Aboriginal rights as a species of fundamental
10 human rights incapable of complete or permanent
11 alienation;

12 - the provision is part of a
13 contract between Inuit and the crown, thereby
14 raising questions about what might happen in the
15 event of circumstances amounting to fundamental
16 breach of the contract by the crown or to
17 frustration of the contract.

18 Just as the Nunavut Land Claims
19 Agreement does not bring about complete legal
20 certainty, the Agreement does not constitute a
21 final word on the nature and scope of Inuit rights
22 in Nunavut or on the organization and operation of
23 land and resource management bodies operating
24 under the Agreement. This is evident in a number
25 of aspects of the Agreement:

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1 - There is a schedule for
2 enactment of additional legislation by Parliament
3 in relation to a set of land and resource
4 management boards.

5 - Flexibility is allowed in the
6 initial design and subsequent legislative
7 evolution of the Nunavut Territory and Government.

8 - There is a requirement that the
9 parties to the implementation contract
10 accompanying the Nunavut Agreement revise, at
11 predictable intervals, the budget allocations of
12 various bodies set up under the Agreement.

13 - The Nunavut Agreement provides a
14 simple mechanism for its own amendment.

15 It is understandable that any
16 agreement between the crown and an Aboriginal
17 party in relation to the ownership and management
18 of lands and resources would be required to
19 provide enough legal certainty to allow the
20 parties to the Agreement, and third parties
21 relying upon it, to be confident that the
22 fundamental features of the Agreement would be
23 implemented and honoured. Provisions supplying
24 legal certainty should, however, be realistic in
25 their limits and be equally respectful of the

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1 needs of Aboriginal peoples and the crown.

2 Under the current comprehensive
3 land claims policy, the federal government insists
4 on incorporating the provocative vocabulary of
5 "cede, release and surrender" into the agreements.
6 It is possible to imagine a formula which would
7 employ an alternate vocabulary of perhaps
8 "recognition." For example, in consideration of
9 rights defined for an Aboriginal party o an
10 agreement the Aboriginal party could "recognize"
11 the status of certain lands as crown lands
12 governed by laws of general application relating
13 to the administration of crown lands.

14 It is self-defeating to pursue a
15 policy that supposes that the terms of a land
16 claims agreement can be fixed for all time. There
17 can be no acceptable final definition of the
18 compromises that must be made between societies
19 over succeeding generations. The conclusion of a
20 modern land claims agreement must be seen as a
21 beginning, not as an end.

22 The emphasis on finality in the
23 current federal land claims policy is at odds with
24 the federal government's expressed support for
25 Aboriginal self-government. In the event that

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1 comprehensive land claims agreements are to serve
2 as a central reference point in the balancing of
3 the distinctiveness of Aboriginal societies and
4 the demands of a common Canadian citizenship, then
5 the agreements must be open to periodic review,
6 renegotiation and amendment. It is ambitious
7 enough for the representatives of the crown and an
8 Aboriginal people to achieve a mutually beneficial
9 agreement for the foreseeable future; it is
10 ludicrous to try to anticipate with precision the
11 circumstances and needs of all future generations.

12 This need for the periodic review
13 and renegotiation of land claims agreements has
14 been widely recognized for some time, as has been
15 the need for an independent, objective body to
16 provide advice and assistance. The report of the
17 Coolican Task Force in the mid-1980s recognized
18 these needs. The package of constitutional
19 reforms contained in the Charlottetown Accord
20 contained provisions dealing with treaty
21 renovation. As recently as October 8, 1993, the
22 Liberal Party of Canada called for the creation of
23 a Land Claims Commission with the following
24 functions:

25 "-- to report regularly to

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1 Parliament; to facilitate
2 claims negotiations; to
3 establish time frames; to
4 develop criteria for
5 validating claims to inquire
6 into the need to clarify or
7 renovate treaties to make
8 their express terms
9 consistent with their spirit
10 and intent; and to have an
11 ongoing role in the
12 implementation of claims
13 agreements."

14 Nunavut Tunngavik recommends that
15 the Royal Commission make the creation, mandate
16 and operation of such a Claims Commission a
17 central part of its work and final report. In
18 light of the importance of such a body, we suggest
19 that the Royal Commission be as specific as
20 possible with respect to the role of a Claims
21 Commission, indicating its views with respect to
22 the legal basis of such a commission, reporting
23 relationships, precise powers, and administrative
24 organization and resources.

25 The Relationships between land claims agreements

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1 and Aboriginal Self-government:

2 A review of northern land claims
3 agreements reveals many provisions intended to
4 provide Aboriginal peoples with greater
5 involvement and control over law-making and public
6 administration within Aboriginal homelands. Joint
7 Aboriginal/senior government land and resource
8 management boards are an example of this.
9 Northern land claims agreements have given rise to
10 new school boards, regional government and, in the
11 case of the Nunavut Agreement, a new territory and
12 territorial government.

13 Attempts to divorce issues of land
14 rights and self-government have only served to
15 distract from an honest evaluation of the overlaps
16 between land rights and self-government issues
17 without in any way deflecting Aboriginal peoples
18 from insisting on the need for progress on both
19 fronts.

20 The way in which commitments with
21 respect to the creation of the new Nunavut
22 Territory and Government have been negotiated and
23 secured is a case in point. The commitment to
24 create the new Nunavut Territory and Government is
25 contained in Article 4 of the Nunavut Agreement

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1 and is thereby protected by section 35 of the
2 Constitution Act, 1982. At the same time, the
3 commitment to create the new Nunavut Territory and
4 Government is expressed in such a way as to allow
5 non-Inuit to play an active role in the political
6 life of the new government and territory and also
7 to provide Parliament with considerable
8 legislative discretion in the design and operation
9 of the new territorial government. In this way,
10 Article 4 is a triumph of pragmatism over
11 preconceived policy.

12 Land claims agreements provide an
13 effective place to situate any further areas of
14 agreement reached by Aboriginal and crown
15 representatives with respect to enhanced level of
16 Aboriginal self-determination. If, for example,
17 the Inuit of Nunavut and the Government of Canada
18 were to reach an understanding in the coming years
19 about a funding formula for the Nunavut
20 government, or the acquisition to greater natural
21 resource jurisdiction by the Nunavut Legislative
22 Assembly, or residency requirements for voting for
23 members of the Assembly, then these understandings
24 could be expressed in the form of amendments to
25 Article 4 of the Nunavut Agreement. In this way,

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1 the protection of further understandings as to the
2 best was or promoting a satisfactory level of
3 self-government by Aboriginal peoples could be
4 achieved by making full use of the opportunities
5 provided in the existing Canadian Constitution.

6 Nunavut Tunngavik recommends that
7 the Royal Commission support a policy that land
8 claims and self-government issues should be open
9 to negotiation in unison and that amendments to
10 already-concluded land claims agreements be
11 regarded as an appropriate way to achieve a
12 greater degree of self-government by Aboriginal
13 peoples.

14 The Establishment of the new Nunavut Territory and
15 Government:

16 The commitments made by the
17 government and Parliament to the creation of the
18 new Nunavut Territory and Government have
19 generated a great deal of excitement and optimism
20 in Nunavut, particularly among the youth.

21 Excitement over the prospect of
22 the new Territory and Government is not confined
23 to the Arctic. The commitments made by the
24 Government and Parliament of Canada have also been
25 viewed very positively by Canadians outside

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1 Nunavut and, indeed, by the international
2 community.

3 The smooth setting-up and early
4 operation of the new Nunavut Government will
5 entail an enormous amount of work in the coming
6 years. Eagerness will result in mistakes as well
7 as accomplishments, but it is vital to Inuit, and
8 equally vital to Canada, that our efforts succeed.

9 Nunavut Tunngavik suggests that
10 the Royal Commission emphasize the following in
11 its final report:

12 - the successful establishment of
13 the Nunavut Territory and Government is vital to
14 Inuit and all Canadians, both for its intrinsic
15 importance and as an inspiration for other parts
16 of Canada and the world;

17 - the Government of Canada has a
18 very high moral obligation to ensure that
19 financial arrangements leading to and following
20 the establishment of the new Nunavut Government
21 are adequate; and

22 - every effort should be made
23 under existing and new education and training
24 programs to ensure that the work force of the new
25 Nunavut Government is made up of a high and

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1 growing proportion of Inuit, as stipulated in
2 relevant provisions of the Nunavut Agreement.

3 Adequate Support for Traditional Land-Based
4 Economies:

5 "Living on the land" and the
6 "country food" obtained from doing so are key
7 issues for many, if not most, Aboriginal peoples
8 and communities in Canada. Numerous studies over
9 the last 10 years by a range of governments, non-
10 governmental organizations, academics and
11 Aboriginal organizations have documented the
12 economic, social and cultural importance of
13 traditional land-based economies -- and my mind is
14 going back to Charlie Watt's comments where it has
15 been suggested that Inuit have been studied to
16 death.

17 These studies have consistently
18 and graphically revealed the large cash value of
19 the food and other goods produced by traditional
20 land-based economies and the critical role of food
21 production and distribution networks in
22 maintaining cultural continuity and social
23 cohesiveness.

24 In contrast with some other forms
25 of primary production activity in Canada, like

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1 small-scale commercial fishing and the family
2 farm, the hunting, trapping, fishing and gathering
3 economies so important to Aboriginal peoples have
4 been largely under-valued and ignored. Little
5 serious attention has been by public policy-makers
6 to finding ways of reinforcing the viability of
7 these economies in the form of well-considered
8 economic development, income assistance, and
9 taxation policies and programs.

10 Given the importance of
11 traditional land-based economies to Aboriginal
12 peoples throughout Canada and the vulnerability of
13 those economies to the anti-fur movement and other
14 international and domestic factors, Nunavut
15 Tunngavik urges the Royal Commission to devote
16 careful attention to how comprehensive hunter
17 support programs might be established for the
18 various Aboriginal peoples and communities in
19 Canada, mindful of the important differences in
20 their land-based economies.

21 Given the fundamental overhaul
22 that may be in store for all of Canada's income
23 maintenance and other social programs due to our
24 shared fiscal problems, there may be an
25 opportunity for the Commission to have a

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1 significant impact on an intensifying social
2 policy debate.

3 Measures Important to Neighbouring Northern
4 Aboriginal Groups:

5 The Inuit of Nunavut hope that
6 other Aboriginal peoples in Canada, particularly
7 those whose situations the Inuit of Nunavut are
8 most familiar with, will have appropriate
9 attention devoted to their concerns. Without in
10 any way claiming to speak for any other Aboriginal
11 people outside Nunavut, Nunavut Tunngavik invites
12 the Royal Commission to shape its final report and
13 recommendations to reflect the following:

14 - the importance of offshore
15 negotiations to the Inuit of northern Quebec;
16 - the need or priority to be
17 attached to the conclusion of a comprehensive land
18 claims agreement benefiting the Labrador Inuit;
19 and

20 - the special rights and roles of
21 Aboriginal peoples in the adoption of a new
22 constitution for the Mackenzie Valley.

23 In addition, Nunavut Tunngavik
24 encourages the Royal Commission to take note of
25 the unnecessary hardship created by the current

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1 federal government policy that prohibits any
2 individual from being enrolled under more than one
3 land claim agreement at the same time.

4 (Native language). We thank you
5 for your attention and we would be happy to try
6 answer any questions you may have for us.

7 CO-CHAIR RENÉ DUSSAULT: Thank you
8 for your brief. We are, of course, very
9 interested in hearing from the Nunavut Tunngavik
10 Inc. Even if the process is moving ahead, we are
11 interested in many aspects of the implementation
12 the Nunavut Agreement. We thank you very much for
13 coming and presenting us with this brief.

14 At this point I will ask Mary to
15 start with a few questions.

16 COMMISSIONER MARY SILLETT:

17 (Native language). Thank you very much.

18 Before you go, there is a question
19 I would like to ask you specifically.

20 As we have crossed the country, we
21 have heard very much about self-government. We
22 have heard a lot of people, particularly women,
23 express fear about self-government simply because
24 they are concerned that there is a certain amount
25 of abuse going on and they feel that, if self-

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1 government becomes a reality, there will be
2 further abuse. There are many people who advocate
3 that healing is a necessary first step before
4 self-government occurs.

5 As well, during my presidency of
6 the Inuit Women's Association of Canada, there was
7 some concern expressed about the lack of
8 representation of women in various organizations,
9 the possible lack of representation in any self-
10 government model. Really, if anyone called for
11 accountability, it was primarily women. They felt
12 that organizations should be accountable to their
13 constituents and to their members.

14 In the case of NTI, how are you
15 addressing those two issues, particularly the
16 representation of women and the accountability?

17 BERNADETTE MAKPAH: Speaking for
18 myself, when I ran for the Secretary-Treasurer's
19 position Nunavut-wide -- there are 27 communities
20 in the Nunavut Settlement area. You know as well
21 as I do that I have been an advocate for women and
22 children and social problems in the north that
23 derive from lack of education, economic
24 development, housing and all this other stuff. I
25 have been involved in those organizations in the

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1 past.

2 When I ran for Treasurer position
3 in Nunavut Tunngavik, I ran under the full
4 commitment that I would consider this as a mission
5 to contribute my business experience and to
6 incorporate it with the body to represent the
7 Inuit of the Nunavut Settlement area.

8 In its very early stage of life,
9 Nunavut Tunngavik is just looking at developing
10 such bodies and entities, which we call DIOs,
11 designated Inuit organizations, that will address
12 all social problems that face our people right
13 now.

14 As most of you are aware, I am
15 sure, Nunavut Tunngavik's mandate is to manage the
16 land claim and its resources through that land
17 claim in the future and also to manage the
18 compensation fund, which is our first priority.
19 In our very early life, as a brand new entity, we
20 are so busy concentrating on implementing our own
21 internal administrative structure for our
22 organization that that is something that has to be
23 addressed once all our human resource needs and
24 the headquarters question and the moving of the
25 different regionalized administrative offices are

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1 finalized.

2 It is a question that is raised
3 quite often. For instance, the Inuit Social
4 Development Council would address those issues,
5 and we do have a policy adviser based in Iqaluit
6 who is working on developing a plan on how the
7 Social Development Council would come about.

8 Does that answer your question in
9 very general terms?

10 **ALEX CAMPBELL, Executive Director,**
11 **Nunavut Tunngavik Inc.:** I just want to add to
12 some of Bernadette's comments.

13 The other way we ensure that women
14 are represented on Nunavut Tunngavik membership is
15 through the youth. Youth could be young ladies
16 representing their regions or their communities.
17 Also, we insist on having one seat per region to
18 be a female on Nunavut Tunngavik Inc. As well, in
19 the DIO designations that we are in the process of
20 establishing, we are very sensitive to the need to
21 have women on those panels that we are setting up.

22 **BERNADETTE MAKPAH:** To elaborate,
23 we have actually taken some action. We haven't
24 looked at adopting any policies to be more
25 representative of women's issues, Inuit women in

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1 particular I would assume.

2 As Alex has already explained, in
3 our by-laws we have recognized that each regional
4 association send a woman representative to our
5 Annual Assembly. Because of the vast area that
6 the Baffin Region serves, we consider a north and
7 south Baffin woman rep and, of course, youth reps
8 and Elders. So we have those three special
9 interest groups attending our AGM in Rankin Inlet
10 next week.

11 The other thing we have done for
12 our Annual Assembly for next week is that we have
13 organized an arts and crafts week-long festival to
14 promote. We know quite well, having been involved
15 with the Inuit Women's Association, that there is
16 always a very high turnout and interest,
17 especially in sewn products. We are very busy
18 organizing that arts and crafts exhibit and sale
19 on behalf of all crafts people -- carvers and
20 seamstresses -- in the Nunavut area.

21 COMMISSIONER MARY SILLETT: The
22 other question I have relates to an issue that was
23 raised when Charlie made a presentation. He
24 talked about the inability of Inuit who might be
25 members of Nunavik and, if they move to Nunavut,

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1 they may lose their benefits, that they cannot be
2 recognized as members of beneficiaries of Nunavut.
3 You have also identified that issue.

4 I was just wondering if you have
5 any ideas of how this particular issue could be
6 resolved.

7 PAUL OKALIK, Acting Director of
8 Implementation, Nunavut Tunngavik Inc.: In the
9 Agreement, we looked at it very flexibly because
10 we wanted to be able to benefit from each claim
11 area. How we looked at that is that we can reach
12 agreements with other groups to be able to
13 benefit. If, for instance, I were to live in
14 northern Quebec, I want to benefit from that area.

15 We can work out arrangements
16 whereby I can benefit from their land claim
17 agreement while I am residing in that particular
18 claim area. We looked at flexibility in that way
19 so that we can transfer from one land claim
20 agreement to the other.

21 However, on the other agreements,
22 that may not be possible. We left ours open-ended
23 so that, if I move back to my original community,
24 I can still benefit from our land claim area.

25 The federal government insisted

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1 that you could only benefit from one land claim
2 agreement at one time, so we have to agree to that
3 provision. But we made it flexible enough that we
4 can transfer back and forth, one at a time.

5 **COMMISSIONER MARY SILLETT:** The
6 other part of that issue, which I am sure you
7 heard when Charlie was at the microphone, is that
8 the Inuit, for example, may move to urban areas.
9 I know that in the Nunavut area many of your
10 people are living in Ottawa, for example, and in
11 other areas.

12 How are those Inuit represented,
13 or are they represented, in your land claims
14 agreement?

15 **PAUL OKALIK:** In the more
16 populous cities, like Ottawa, all the Inuit are
17 normally entitled to vote. I voted in the last
18 elections even though I was residing in Ottawa.
19 We left that open so that residents living
20 elsewhere can mail in their ballots if they want
21 to vote in a particular election. That is how we
22 keep it flexible, so that Inuit from our
23 traditional area can benefit through elections,
24 but there is not a lot they can benefit from
25 unless they actually reside in the territory.

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1 **COMMISSIONER MARY SILLETT:** Just
2 to clarify, if you were actually living in
3 Nunavut, what are the actual benefits that you
4 would be entitled to? I understand, for example,
5 that if you are an Inuk from the Nunavut area and
6 you are living in Ottawa, you do have the right to
7 vote, but you don't have any other privileges.
8 What are the privileges that they don't have?

9 **PAUL OKALIK:** One obvious point is
10 the hunting right. Inuit in Nunavut can hunt
11 anywhere in Nunavut, but they can't always
12 exercise that right when they are residing
13 elsewhere. Those are some of the benefits that
14 they can't really exercise when they are living
15 outside their traditional territory.

16 There may be some areas where they
17 can probably benefit economically. We require
18 services in Ottawa, such as translation or jobs in
19 Ottawa, and we give preference to Inuit from our
20 territory.

21 **COMMISSIONER MARY SILLETT:** I know
22 that training has been a focus, particularly with
23 UTTI prior to Nunavut. For many years people have
24 said, "Nunavut is going to become a reality some
25 day, and we have to prepare for that reality by

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1 making sure that our people have the skills to be
2 able to take on the jobs that are there."

3 What is happening with respect to
4 training -- and this is the same question I asked
5 Charlie. Do you have lots of jobs or do you have
6 enough Inuit to fill all those jobs? What do you
7 see in the future? How do you see more and more
8 Inuit being involved in the positions in Nunavut?

9 BERNADETTE MAKPAH: We just had a
10 Board meeting in Ottawa. ITC, which is the
11 Nunavut Implementation Training Commission -- and
12 I don't think they have ever missed a presentation
13 at our meetings -- is almost fully operational and
14 up and running. It is a separate board
15 represented by seven, three from the Nunavut area
16 and three from the territorial government and one
17 Chair. It is a bona fide board now, and they
18 received \$13 million in funds from the federal
19 government, I believe in September or the
20 beginning of October.

21 That body will be responsible for
22 implementing the training plans and programs for
23 all the DIOs that will be assisting in making
24 Nunavut a reality and in managing the land claim.

25 As far as UTTI, we directed the

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1 Nunavut Sivunuksavut (ph) Program in conjunction
2 with NITC and UTTI to prepare a submission to
3 present at our next Board meeting, so that we know
4 what their initiatives are at this point, the
5 success rate.

6 Again, I have to stress that,
7 because we are such a brand new entity, there is a
8 lot of learning we are going to have to do before
9 we make a commitment to take over a body or more
10 DIOs, designated Inuit associations.

11 We have asked the Nunavut
12 Sivunuksavut Program, which was working closely
13 with UTTI, I believe, and ITC to do a proposal
14 based on their request which was that we take them
15 back under their arm because the TFN, the
16 Tunngavik Federation of Nunavut had sponsored them
17 as a group.

18 Does that answer your question?

19 COMMISSIONER MARY SILLETT: Yes.

20 Last week we heard from a
21 Department of Health official of the GNWT and they
22 talked about what they were doing, et cetera. One
23 of the things that occurred to me is that I am
24 sure that the whole structure of the GNWT will be
25 impacted as a result of Nunavut. What will it

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1 look like? How will it be impacted? What will
2 happen to the Department of Health and what will
3 the western portion look like compared to the
4 Nunavut portion when it is all done with?

5 BERNADETTE MAKPAH: I would really
6 like to answer that question before I leave. It
7 just reminded me of one very useful and important
8 initiative that we have taken on with the Nunavut
9 Caucus, which is the Eastern Arctic MLAs for the
10 territorial legislature, and our desire to work
11 closely with the Western Caucus, and the Premier's
12 request for NTI to publicly announce that we are
13 in support of their continual battle with the
14 dispute that is in the courts right now with the
15 health billings and payments that the federal
16 government backed down on.

17 Last week one of the Regional
18 Health Boards made a presentation with several of
19 their concerns and the fast-disappearing funds
20 into parts of the Eastern Arctic in relation to
21 health costs that are just -- Charlie was talking
22 about the high cost of living over there. It is
23 no different in health care. The health costs are
24 rising, but we are not getting any more nurses.
25 In the last 10 years they haven't increased that.

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1 So it's a real concern for us
2 that, before the transition is final with the new
3 government, we want some very concrete agreements
4 and contracts signed with the federal government
5 to protect our own future health care.

6 The Nunavut Tunngavik Board -- and
7 I can't quite recall what the resolution was. We
8 passes a general resolution for all of the Nunavut
9 Settlement Area and the Northwest Territories in
10 fact to support publicly and release to the press
11 our concerns on the area of health care in the
12 Northwest Territories at this point.

13 ALEX CAMPBELL: The other thing,
14 of course, is that the Nunavut Implementation
15 Commission is in the process of being formed.
16 Part of the mandate of that commission, of course,
17 is to oversee what kind of government Nunavut is
18 going to have in 1999.

19 COMMISSIONER MARY SILLETT: My
20 final question is this: I remember several things
21 from being in meetings with Inuit from different
22 regions and hearing Inuit from the Eastern Arctic
23 say, "We have been talking about this land claims
24 agreement for I don't know how many years, and
25 when will it become a reality?"

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1 Two years ago, when we were having
2 public hearings, there was a real excitement, a
3 real optimism, that we felt from our presenters
4 from the thought that this was imminent reality.
5 But there is no doubt that, in the case of
6 Nunavut, it has taken a long time to get there.
7 When you look at northern Quebec, it took a
8 shorter time to get there, probably because they
9 were forced to because there was major development
10 happening there and something had to happen. I
11 understand from reading the Western Arctic
12 materials that they took 10 years.

13 It took that 20-year period, and
14 it is becoming a reality now. You mentioned on
15 the first page of your submission that that has
16 given you a lot of time to look at other models
17 and to find out where mistakes have been made, and
18 you have learned some lessons.

19 What are the major lessons that
20 you have learned from other agreements that you
21 decided to implement with respect to the Nunavut
22 Agreement?

23 BERNADETTE MAKPAH: I was not part
24 of the negotiating body, ever. I am more
25 knowledgeable in the administering of the land

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1 claim itself and being part of the Executive as a
2 political advocate for the land claim.

3 John Merritt, our legal counsel,
4 and Paul Okalik were directly involved for many
5 years in the actual negotiations, so they may
6 answer that.

7 In the meantime, I would like to
8 thank you for your time, and I am going to go off
9 to the airport and go home.

10 Thank you very much.

11 CO-CHAIR RENÉ DUSSAULT: Thank
12 you. Have a good flight.

13 PAUL OKALIK: We took a bit longer
14 in negotiations because we insisted that we get
15 what we originally asked for, which was a
16 commitment on Nunavut territory. We insisted on
17 that because we wanted the commitment to establish
18 our own government. We managed to get that.

19 In looking at the problems of
20 implementation and the previous agreements, we
21 also insisted that we get an implementation
22 contract to resolve some of the problems that
23 arose in previous agreements.

24 Those were the main areas that I
25 can think of right now. I wasn't fully prepared

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1 to answer that question. That is my initial
2 response.

3 We also insisted that the joint
4 management institutions have some decision-making
5 authority. In looking at other agreements, we
6 managed to get a bit more in that area.

7 I hope that answers your question.

8 JOHN MERRITT, Legal Counsel,
9 Nunavut Tunngavik Inc.: There is just one point I
10 might add.

11 Especially toward the end of the
12 negotiations it became an important issue as to
13 whether the Inuit would be satisfied that the
14 agreement would, at the end of the day, have the
15 force of law. That's a point on which there is
16 continuing ambiguity on the part of the federal
17 government. Ultimately, it took a great deal of
18 time to construct the agreement and to agree to
19 ratification legislation which satisfied Inuit
20 that their agreement would at the end of the day
21 have the force of law.

22 I think that slowed things down,
23 but ultimately it provides much greater legal
24 predictability and security as to the agreement
25 that has been negotiated.

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1 **COMMISSIONER MARY SILLETT:** Thank
2 you.

3 **CO-CHAIR RENÉ DUSSAULT:** I would
4 like to get back to the issue of extinguishment.
5 You have dealt extensively with it in your brief.
6 Of course, as such but also under
7 the subtitle of legal certainty, I understand that
8 the thrust of your brief is to say that this
9 clause is not as final and secure as it could be.
10 You give the example of the non-proprietary rights
11 that are not covered by the clause, and you refer
12 to the Coolican report. Also you stress very much
13 the need for certainty and for third parties to
14 know what is going to be their situation.

15 Overall -- and I understand that
16 you would have preferred without it than with it.
17 I know there is a long way to go to implement.
18 The whole process goes to the year 2008, and maybe
19 farther. Are you relatively comfortable that the
20 process with Article 4 and with the ratification
21 process is one that is going to satisfy what was
22 envisaged by the Inuit of the Eastern Arctic? Of
23 course, the economy to sustain the working of the
24 government is fundamental.

25 I just want to hear a bit more

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1 about the move that there is in the Eastern Arctic
2 and in Nunavut at this point.

3 PAUL OKALIK: As it says in the
4 brief, we did not totally agree with the concept
5 of giving away all our rights, future claims and
6 everything else through the agreement. We state
7 in our brief that we can do that and meet the
8 concerns of the government without having to take
9 away everything that the government insists on.
10 We obviously want that policy changed.

11 In addition, we want to be able to
12 renegotiate some portions of the agreement itself.
13 We know that this agreement is forever, and
14 circumstances may change in the future. Maybe 100
15 years from now some portions of this agreement,
16 which Innu as negotiators feel strongly about, may
17 change. We want the option to be able to re-open
18 some portions of the agreement, where it is
19 relevant for the Inuit of the future.

20 We would need a change in
21 government policy to be able to achieve that. The
22 agreement itself did not achieve everything that
23 we originally sought. Article 4 does not deliver
24 everything that Inuit wanted; it just gives the
25 commitment to establish Nunavut. It doesn't

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1 protect the powers that that government might
2 have. It doesn't really address our language, for
3 instance.

4 We may want to visit those in the
5 future.

6 CO-CHAIR RENÉ DUSSAULT:

7 Obviously, it is important to have the mechanisms
8 to adapt as life goes on.

9 I would like to clarify the
10 discussion you had with Mary. The discussion we
11 had with the previous presenter, Makivik
12 Corporation, was about the portability of benefits
13 when Inuit people move from one land claim area to
14 another.

15 In your brief you state at page 15
16 that you would like an individual to have the
17 possibility of being enrolled under more than one
18 land claims agreement at the same time.
19 Obviously, you can't be in different land claim
20 areas at the same time. Could you explain a bit
21 more what you have in mind.

22 I feel that there is something
23 additional to what we have discussed previously
24 with Makivik. I am not clear.

25 JOHN MERRITT: My understanding is

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1 that that point comes out of a concern in relation
2 to individuals who often have children, and those
3 individuals are often from different background.
4 There are Inuit who are married to status Indians.

5 At the moment, under the current
6 rules, as the federal government has insisted on
7 incorporating them into the land claims agreement,
8 those individuals will be obliged to register
9 children as either Inuit of Nunavut or,
10 alternatively, status Indians.

11 We know, even from the first six
12 months of the agreement being implemented, that
13 compelling people to choose a child's identity, to
14 determine whether a child of mixed background
15 should be either an Inuk or a status Indian for
16 the purpose of registering for eligibility for
17 government programs, is a very difficult thing to
18 impose on a parent.

19 As Paul indicated earlier, a lot
20 of the benefits really are geographically
21 confined. Obviously, one can't go hunting in two
22 places at the same time. So there doesn't appear
23 to be any logic which would force people to
24 identify enrolment in one agreement rather than
25 another.

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1 The same would be true, of course,
2 with Inuit from different parts of the Arctic.
3 There doesn't appear to be an obvious reason why a
4 person couldn't be enrolled under two agreements
5 at the same time.

6 CO-CHAIR RENÉ DUSSAULT: This
7 would not mean getting the benefit twice.

8 JOHN MERRITT: Of course, at the
9 moment the federal policy doesn't say that certain
10 benefits can't be enjoyed at the same time. The
11 federal policy at the moment prohibits enrolment
12 for any purpose.

13 It would probably be more logical
14 if the federal policy indicated, for example, that
15 someone couldn't obtain particular types of
16 benefits, say entitlement to university
17 scholarships or something of that kind, that
18 someone couldn't double-dip, so to speak. That
19 would make sense.

20 At the moment the policy says that
21 you really have to -- and parents have to face
22 this problem. You have to identify yourself or
23 identify your child as belonging to this
24 particular agreement or that one over there. We
25 know from our own experience that that is a very

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1 unwelcome choice that many parents face, and it
2 seems like an unnecessary choice.

3 **CO-CHAIR RENÉ DUSSAULT:** Thank
4 you.

5 Getting back to the training, you
6 had some discussion earlier on the health
7 professions and also the kind of training that
8 will be necessary to implement Nunavut and to have
9 the administration of Nunavut run not only at the
10 political level but at the administrative level by
11 Inuit persons.

12 I can't help raising the issue of
13 nurses in the Baffin area. We were struck by the
14 fact that there are, as you say in your brief,
15 between 18,000 and 20,000 Inuit that will come
16 under Nunavut and that in the whole Baffin there
17 is not a single Inuit nurse. There are some CHRs,
18 community health representatives. Obviously,
19 there is a lack of continuity. Nurses come from
20 the south to Iqaluit or whatever.

21 We know that it is a difficult
22 issue. It has to do with bringing more training
23 programs to the north, getting more support in the
24 south for young people to adjust to the transition
25 and to get post-secondary training.

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1 Do you plan to do work as to the
2 method -- and I suppose the solutions will be
3 many. What are your views on that? With the
4 number of young Inuit people that now get their
5 secondary school training, how could we spark a
6 change? It seems obvious that it has to happen.

7 PAUL OKALIK: There are two main
8 components identified. One is the Nunavut
9 Implementation Commission which Bernadette already
10 explained. It is more related to the land claim
11 agreement itself. Then in the Nunavut Act itself,
12 we stress that training should take place for all
13 territorial government positions. We felt
14 strongly about it, but we weren't able to provide
15 commitments for the Nunavut Implementation
16 Commission, which will commence shortly, to be
17 able to fund training, for instance.

18 All the Implementation Commission
19 will be able to do is identify the training needs
20 for the new Nunavut territory government. They
21 will recommend training programs for all the
22 people in Nunavut to the federal government, and
23 the federal government will then be able to decide
24 on those recommendations.

25 We would stress to the Royal

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1 Commission that the Royal Commission recommend to
2 the government that any recommendations regarding
3 training be accepted by the federal government.

4 CO-CHAIR RENÉ DUSSAULT: But,
5 again, it seems to us that it is not only a matter
6 of funding. There is also the matter of the value
7 attached to education by the parents, by the
8 community leaders.

9 My question is: What kind of
10 action do you see? Even if the money is there to
11 get out of the community and to move south, with
12 all the problems it entails, it is seen as
13 something close to impossible by many young
14 people. What kind of action does an organization
15 like yours plan to take to put as high a priority
16 on education as possible?

17 PAUL OKALIK: Bernadette had
18 mentioned the Nunavut Sivunuksavut which has been
19 in place for the last six years or so. That is an
20 organization that provides for the transition
21 period, whereby the young people are assisted in
22 the transition stage from the community to the
23 city life. During that period they prepare each
24 student on more academic requirements.

25 That is one area that we have

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1 touched on, and it has been quite successful to
2 date. The students have gone on to university and
3 other areas.

4 We would suggest that you may want
5 to look at such a program, maybe on a larger
6 scale. We have been funding it ourselves almost.
7 You might want to increase funding for such
8 programs in the future.

9 COMMISSIONER MARY SILLETT: The
10 Canadian Paediatric Society made a presentation to
11 us last week, and one of the things they said made
12 a lot of sense to me. Particularly in Inuit
13 communities where there is a fair degree of self-
14 development, why don't you have more doctors or
15 nurses?

16 One of the things they were saying
17 was that, if you look at all the communities in
18 the north, it has been the communities that have
19 decided, for example, where their training
20 priorities are. In cases like northern Quebec,
21 their priority for training has been on teachers,
22 for example.

23 With the sciences it is very
24 difficult. For example, to be a doctor or to be a
25 nurse you have to have a good science background.

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1 The curriculum in many of our schools isn't geared
2 to produce that, so there has been an additional
3 step that is necessary for us to produce those.
4 They identified that as an obstacle.

5 I think there are places, such as
6 the University of Manitoba, where they do provide
7 the opportunity for northern Aboriginal people to
8 get that secondary type of training so that they
9 can go on.

10 They were saying that particularly
11 with the doctors and nurses it is more difficult
12 to get them because of our lack of science and
13 math, or weak science and math in the high
14 schools.

15 CO-CHAIR RENÉ DUSSAULT: It would
16 be the same with regard to the administration and
17 financial skills that are needed for the
18 implementation of the Nunavut government.

19 At this point, I would like to
20 thank you for your presentation. We could go on
21 and on. I was very interested in your section on
22 the support for traditional land-based economy.
23 This is an area where the Commission has done
24 quite a bit of work. We feel, as you do, that
25 much more could be done in this area. Economic

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1 development will have to be done in many avenues.
2 We have to work on all fronts because it is tough
3 to bring it.

4 In a nutshell, do you have
5 specific plans, apart from the plea you made for
6 income security for hunters and trappers along the
7 line of the James Bay Agreement? Are you working
8 on specific programs to put forward in the near
9 future?

10 PAUL OKALIK: In our initial
11 negotiations on the land claim, we were trying to
12 get a program similar to the Cree of James Bay,
13 but we weren't able to convince the government on
14 that.

15 However, we decided to spend our
16 own money and set up our own program. We
17 committed ourselves to spend \$15 million, and the
18 territorial government, in turn, committed \$15
19 million. The federal government committed
20 absolutely nothing.

21 That is one of the reasons that we
22 stress that the government should be further
23 pushed to at least contribute to such programs so
24 that not just the hunters will benefit, but the
25 communities themselves will benefit from such

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1 programs by increasing monies to the communities.

2 We hope that you will recommend
3 that such programs be established throughout the
4 Inuit communities.

5 CO-CHAIR RENÉ DUSSAULT: Of
6 course, as you were pointing out in your own
7 brief, you are concerned with the financial
8 constraints. Obviously, a case will have to be
9 made very clearly as to the benefits of shifting
10 the money from welfare money to productive money.

11 We will be looking forward to
12 keeping close contact with your organization on
13 the last leg of our trip as a Royal Commission.
14 We will be beginning very soon to put it together
15 and trying to come up with recommendations in all
16 areas of our mandate.

17 At this point, as we are running
18 late on our agenda -- we have two other groups to
19 hear this afternoon -- I would like to thank each
20 and every one of you for coming and sharing with
21 us your thoughts. Do not hesitate to contact us
22 in the coming weeks and months for further
23 discussion or ideas.

24 Merci.

25 PAUL OKALIK: Merci, madame et

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1 monsieur.

2 **COPRÉSIDENT RENÉ DUSSAULT:** À ce
3 moment ici nous allons demander le prochain
4 groupe, the representatives of the Inuvialuit
5 Regional Corporation, to join us at the table.

6 Good afternoon. First of all, I
7 would like to apologize for the delay in our
8 schedule. I know we kept you waiting. Without
9 further ado, I would like to ask Roger Gruben to
10 make the presentation. Please proceed when you
11 are ready.

12 **ROGER GRUBEN, Chairperson,**
13 **Inuvialuit Regional Corporation:** Thank you very
14 much, sir. My name is Roger Gruben, and I have
15 with me Vince Teddy who is a member of the
16 Executive of the Regional Corporation and, as
17 well, Russel Newmark who is the Chairman of our
18 Petroleum Corporation and, I would say, is an
19 honorary beneficiary of the Inuvialuit.

20 I will begin by saying that you
21 have a copy of our presentation there. For the
22 sake of brevity, I will not read into the record
23 all of our presentation. I will read selected
24 portions.

25 We are pleased to be here today to

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1 make this presentation to the Royal Commission and
2 to answer any questions you may have regarding the
3 implementation of our land claims agreement or our
4 self-government initiatives.

5 The Inuvialuit are Inuit of the
6 Western Arctic, and we number approximately 5,000.
7 We reside in the six communities of Aklavik,
8 Inuvik, Tuktoyaktuk, Sachs Harbour, Holman Island
9 and Paulatuk.

10 Like the Makivik Corporation and
11 the Nunavut Tunngavik Inc. groups, we are
12 supportive of the efforts of ITC and would like to
13 take this opportunity to supply ITC's submission
14 by describing our experiences in implementing a
15 comprehensive claims agreement and our initiatives
16 in the area of self-government.

17 In 1984 after over 10 years of
18 very intensive negotiation, we concluded a final
19 land claim settlement with the Government of
20 Canada. Through the Inuvialuit Final Agreement,
21 we retained ownership of 35,000 square miles of
22 land in the Western Arctic and will receive cash
23 payments on a scheduled basis to 1997. On 5,000
24 square miles of these lands we own both surface
25 and sub-surface rights, including oil, gas, coal

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1 and minerals, and the IFA also entrenched various
2 rights and benefits for the Inuvialuit including
3 wildlife harvesting rights.

4 The major stated goals and
5 objectives of the Inuvialuit Final Agreement
6 include:

- 7 - protection of our wildlife,
8 environment and traditional harvesting activities;
9 - control and management over the
10 lands within our Settlement Region; and
11 - meaningful participation by
12 Inuvialuit in the national and northern economies.

13 The Regional Corporation and its
14 subsidiary corporations were created to help
15 fulfill these goals and objectives and manage the
16 compensation funds and lands we received as a
17 result of the signing of the IFA. We have used
18 these corporations to preserve and conservatively
19 invest our settlement monies, to establish
20 profitable development corporations, and to create
21 employment, training, education and business
22 opportunities for our people.

23 At the present time we own and
24 operate a large number of businesses in the
25 Northwest Territories as well as in southern

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1 Canada. These ventures include a regional
2 airline, a wholesale food distributor, retail
3 operations, a marine transportation company, the
4 largest mobile home manufacturing company in
5 Canada and, as well, a pipeline valve
6 manufacturer. We also have extensive real estate
7 holdings in British Columbia, in Alberta and in
8 the north. Our Inuvialuit Petroleum Corporation
9 is a fully functional oil and gas corporation
10 producing in excess of 5,000 barrels of oil per
11 day, making it one of the 50 largest oil companies
12 in Canada.

13 The Regional Corporation is
14 composed of six community corporations from those
15 communities that I mentioned earlier. Each
16 community democratically elects its community
17 corporation directors, and one director from each
18 community sits at the Regional Corporation level.

19 We also operate the Inuvialuit
20 Land Administration which has total authority and
21 control over all of our private lands and
22 administers these lands in a professional manner
23 according to the principles and guidelines that
24 are set by us. No land use activities or access
25 to our private lands is permitted without the

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1 approval and the issuance of the proper
2 authorities by our Land Administration.

3 We have a social development
4 program and a fund that has the responsibility for
5 areas such as education, language and culture,
6 housing and other matters.

7 The Inuvialuit Game Council was
8 established in 1979 to represent our interests in
9 wildlife. The Game Council participates in all
10 wildlife harvesting matters and also in the joint
11 government/Inuvialuit wildlife management bodies
12 created pursuant to our Final Agreement.

13 I would like now to turn things
14 over to Russel Newmark.

15 **RUSSEL NEWMARK, Self-government**
16 **Advisor, Inuvialuit Regional Corporation:** In the
17 past 10 years the economy and social structure of
18 the Western Arctic has been reshaped as a result
19 of the IFA. We believe that our claims settlement
20 has been extremely successful and beneficial for
21 the Inuvialuit and for all people of the region.

22 However, the implementation of the
23 claim has entailed a tremendous amount of work and
24 some difficulties. Establishing a skilled,
25 professional human resource base and meeting the

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1 expectation of our beneficiaries for immediate
2 opportunities and benefits have been two very
3 difficult obstacles we have had to overcome.

4 However, our greatest difficulty
5 has been in convincing government to honour the
6 constitutionally-protected commitments and
7 obligations set out in the Agreement itself.
8 Government compliance is inconsistent between and
9 within departments. There is no system which has
10 been put in place by either Canada, the Yukon or
11 the Northwest Territories to ensure that all
12 departments and all officials are aware of their
13 obligations and their commitments.

14 Funding for research activities,
15 our joint wildlife management organizations and
16 the co-management bodies has been difficult to
17 obtain. Consequently, Inuvialuit effectiveness in
18 carrying out our mandate in these areas has been
19 seriously impaired.

20 We have also had several disputes
21 concerning the control of our own private lands.
22 Unfortunately, government has consistently
23 attempted to erode and avoid Inuvialuit
24 authorities over our private lands and our
25 resources.

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1 Obligations by Canada to clean up
2 government installations on Inuvialuit lands and
3 extinguish existing encumbrances remain
4 outstanding, despite numerous attempts by us to
5 require government to address these issues and
6 matters. We have become so frustrated by
7 government delays that we recently initiated
8 arbitration proceedings in accordance with the IFA
9 to resolve Canada's obligation to clean up two
10 abandoned DEW Line sites.

11 Canada had previously agreed to
12 clean up these sites based upon the IFA and a
13 specific 1989 Settlement Agreement with the
14 Inuvialuit. One site is located in the NWT at
15 Horton River, while the other site is situated at
16 Komakuk Beach in the Yukon. In addition to
17 meeting the environmental clean-up requirements,
18 these projects would have created important
19 business, employment and training opportunities
20 for Inuvialuit.

21 These costly arbitration
22 proceedings could have been avoided had Canada
23 been willing to honour its obligations.

24 What is particularly disappointing
25 about this situation is that in several letters

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1 and meetings with the Minister of DIAND and his
2 other officials the Inuvialuit had been repeatedly
3 assured that the clean-up projects would proceed
4 and that Canada's commitments would be met.

5 In the area of procurement Canada
6 has frequently ignored section 16 of the IFA which
7 contains specific provisions respecting government
8 contracting and economic development within our
9 Settlement Region. Our recent arbitration
10 includes two specific instances where Inuvialuit
11 are seeking damages due to Canada's failure to
12 fulfill requirements under this section.

13 It is critical for Canada to
14 revise its contracting policies and procedures to
15 ensure their compatibility with the spirit, intent
16 and specific provisions of the Inuvialuit Final
17 Agreement. We have provided suggestions to
18 Canada, including the establishment of specific
19 procurement practices and policies for the
20 Inuvialuit Settlement Region, but we have had
21 little positive response to our suggestions.

22 If we could send but one message
23 to government, this would be that it must change
24 its established policies and practices to comply
25 with the constitutionally-protected promises it

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1 has made in the claims agreements.

2 To talk a little bit about the
3 self-government initiatives, I am going to turn it
4 over to Vince Teddy.

5 VINCE TEDDY, First Deputy
6 Chairman, Inuvialuit Regional Corporation: In
7 addition to the goal of concluding a comprehensive
8 land claims agreement, a complementary objective
9 of the Inuvialuit for over 20 years has been to
10 restructure government institutions in the Western
11 Arctic.

12 The issue of self-government is at
13 the centre of almost every area of concern for us
14 -- from economic development to justice, housing,
15 education, and health care. Self-government means
16 that we have the right to determine our own
17 institutions of government according to the
18 circumstances and needs of the Inuvialuit and that
19 we must have control of governments responsible to
20 us in matters relating to our social, economic and
21 cultural development.

22 In recent years we have worked
23 very hard to accomplish this objective. Our
24 approach has remained focused and constant for
25 many years and includes four basic features:

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1 - to establish a regional, public
2 government in the Western Arctic;

3 - to strengthen our community
4 governments;

5 - to work for the constitutional
6 recognition of our inherent right to self-
7 government; and

8 - to ensure that Inuvialuit
9 language, culture and traditional practices are
10 promoted and protected in any national or
11 territorial constitutional process.

12 We have always believed that a
13 regional government approach is the most effective
14 means to achieve self-government. Our preference
15 that this be a public government lies in the
16 belief that all residents of the region can work
17 together more beneficially and cost-efficiently as
18 a regional community.

19 A regional approach will also
20 allow Inuvialuit to undertake specific measures to
21 protect and promote our language and culture and
22 to design governmental mechanisms which are more
23 consistent with our aspirations and values.

24 I will leave it for Roger to
25 continue on.

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1 ROGER GRUBEN: Thank you, Vince.

2 We have been working in a number
3 of directions to advance our self-government
4 aspirations. These include the submission of a
5 self-government proposal to Canada and
6 participation with other groups and regional,
7 territorial and national political processes.

8 Following several meetings with
9 Canada and extensive community consultations in
10 March of this year, we submitted a very
11 comprehensive self-government proposal to Canada.
12 This proposal included both a draft self-
13 government agreement and draft legislation to
14 establish a regional government.

15 Although DIAND, on behalf of
16 Canada, has provided informal comments on our
17 proposal, government has been unable to co-
18 ordinate efforts and begin discussions and
19 negotiations with us.

20 We have also been working together
21 with an Indian group adjacent to our Settlement
22 area. The name of the Indian group is the
23 Gwich'in. We have also been working with the
24 municipalities and other organizations in the
25 Western Arctic to develop a regional government

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1 proposal which will satisfy many of our self-
2 government objectives and aspirations.

3 The proposal describes a Western
4 Arctic Regional Government built upon strong
5 community governments. Its primary objective is
6 to restructure public government to maximize
7 overall legislative authority in the region and
8 ensure the delivery of superior government programs
9 and services.

10 We now intend to advance this
11 proposal at both the territorial and federal
12 government levels.

13 We also participate in territorial
14 and national processes for political and
15 constitutional development. The finalization of
16 the Nunavut claim will result in division of the
17 Northwest Territories by 1999. This alone makes
18 it necessary for those outside of the Nunavut area
19 to develop a constitution and government for a
20 Western Territory. As a result, we are working
21 with many other groups and peoples in various
22 committees to design the structures for a new
23 Western Territorial Government.

24 At the national level we co-
25 operate with other Inuit through the Inuit

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1 Tapirisat of Canada. Achieving the entrenchment
2 of the inherent right to self-government, the
3 constitutional protection of self-government
4 agreements and recognition of our languages and
5 culture remain important objectives for Inuvialuit
6 and, indeed, for all Inuit.

7 In conclusion, the past nine years
8 have been very exciting years for the Inuvialuit.
9 Through our claims agreement, we have been able to
10 transform the economy and social structure of our
11 region while, at the same time, protecting and
12 promoting our traditional harvesting practices and
13 cultural activities. Although we have been
14 disappointed at the extent of non-compliance by
15 government, we continue to successfully implement
16 our claim.

17 Progress in the area of self-
18 government has not been great. However, despite
19 significant efforts and expense, we have not been
20 able to conclude a self-government agreement or to
21 restructure public in the Western Arctic.

22 In particular, government must
23 move beyond its vague and abstract promises and
24 begin concluding meaningful arrangements for self-
25 government with Aboriginal peoples. As we have

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1 done in the past, we are prepared and able to move
2 ahead and look forward to the challenge of
3 regaining greater control of our communities and
4 our government. It is time for government to move
5 forward with us.

6 Thank you. We are prepared to
7 answer any questions you may have.

8 CO-CHAIR RENÉ DUSSAULT: Thank you
9 very much for providing us with a good survey of
10 the work that has been done for many years. It is
11 very helpful.

12 As you are aware, the Commission
13 has held many hearings in the Western Arctic.
14 Mary and I were in Fort McPherson a year and a
15 half ago, in May 1992. We have also been to the
16 Yukon, to Old Crow and Inuvik.

17 One of the questions that was
18 raised during those hearings was the following:
19 What will happen to the Government of the
20 Northwest Territories once the Nunavut is
21 accomplished, when the separation of the Eastern
22 and Western Arctic is done and we have a separate
23 territory? With the various land claims that were
24 quite successful in the Yukon -- the Inuvialuit
25 land claim and one with the Saitu also -- and in

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1 your brief you are talking in addition about a
2 regional government, which is not a territorial
3 government yet.

4 When we look at the governance
5 reality in the Western Arctic, once Nunavut is
6 accomplished, moving toward self-government
7 alongside the land claims settlement, what is your
8 vision of a public territorial government with
9 whatever would be left? On the one hand, the
10 Eastern Arctic will be gone; on the other hand, a
11 much stronger community and probably regional
12 government will take place.

13 What kind of role do you see for
14 the territorial government in the future?

15 We were struck by the fact that at
16 the community level the territorial government,
17 even if the members elected to the Assembly were
18 by a huge majority, 20 out of 24, Aboriginal
19 people, very often the territorial government was
20 seen as a province from the community point of
21 view.

22 Could you give us your vision of
23 the future and the organization of public
24 government in the north. A lot is happening in
25 the Western Arctic, in particular.

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1 ROGER GRUBEN: Thank you.

2 From the Inuvialuit point of view,
3 we are in support of a regional government that is
4 very community-oriented. In other words, the
5 power base emanates from the community level. The
6 communities themselves, through a plebiscite or
7 through some demonstration of community decision-
8 making, will make the decision as to whether they
9 want to join the regional government. The
10 building blocks, I always say, are the
11 communities.

12 The regional government will be
13 responsible for introducing cost-efficiencies and
14 efficiencies in the delivery of services. Let me
15 explain that a bit more.

16 We expect that at the regional
17 government level the regional body will be
18 responsible for negotiating with a central
19 government, whether it be out of the Northwest
20 Territories or with the federal government,
21 financial transfers for housing, as an example --
22 block transfers of funding for housing. We would
23 see that, at the community level, the community
24 would be responsible for the design of the
25 housing, for the construction of the housing, for

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1 the operation and maintenance of the housing
2 units. In other words, the communities would
3 deliver certain types of roles and services.

4 What would remain now at the
5 central government level? We see that there is
6 definitely a role for the territorial government.
7 That role still in many ways has to be defined
8 more finitely. As we have mentioned in our
9 proposal to the federal government for a self-
10 government agreement, we still have to define that
11 role. We would want to have the territorial
12 government at the table as part of the team of the
13 federal government to help us define that role.

14 We can see that in many ways they
15 can be responsible for certain aspects, such as
16 the Workers' Compensation Board. They can be
17 responsible for the labour standards ordinance.
18 They can be responsible for health insurance --
19 those types of very, very broad standards and
20 policies that governments normally develop. They
21 would be setting the standards and certain
22 policies that would be adhered to territory-wide.

23 At the regional level we would
24 have the responsibility, of course, to meet those
25 standards and to meet the policies and the

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1 regulations that have been set by the territory.
2 In addition to that, we would be able to set laws
3 or standards that would be applicable to the
4 region itself only.

5 I use a very, very simple example
6 here. The territorial government might say that,
7 in the areas of education, every person in the
8 Western Territory shall have the right to
9 education. That's a standard; that's a policy.
10 At the regional level we can take that particular
11 policy and standard and interpret it to say that
12 now every community in our regional government
13 parameters shall have a high school.

14 The community level can say that
15 every student in our community shall be given X
16 number of hours per day or per week instruction in
17 the Inuvialuit language.

18 You see how I am bringing it from
19 standards and policies of the territorial down to
20 the regional down to the community. In some cases
21 there might be services that can be better
22 delivered on a regional basis. For instance, a
23 doctor might make visits to all the communities on
24 a regular basis. It doesn't make much sense to
25 have a doctor in a community of 130 people and

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1 another doctor in another community of 140 full-
2 time. However, it does make sense to have a
3 specialist that would be available for all these
4 communities at certain times for the benefit of
5 all. We are introducing now cost-efficiencies.

6 I know that is a very rambling
7 answer, but I hope you have a better idea as to
8 what we propose.

9 CO-CHAIR RENÉ DUSSAULT: It is a
10 good answer for us. If you could provide us with
11 a written design or plan or model, we always look
12 forward to getting those models. We know there is
13 a lot of diversity.

14 I have two further questions. The
15 first one is: Of course, your notion of self-
16 government is one where there is a government of a
17 public nature that covers everybody in the
18 territory. Is it the same for the regional
19 government that you are advocating? The regional
20 government would be a public government also?

21 ROGER GRUBEN: That is correct.
22 The Inuvialuit over the last number of years have
23 consistently maintained the position that our
24 preference is for a regional government that is
25 public; in other words, it's a government for

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1 everyone.

2 In our brief, at page 10, we say
3 that we have been working with the Indian group in
4 our own area, which is the Gwich'in, as well as
5 with the municipalities in our area to develop
6 with their assistance the proposal for regional
7 government, based on a public government model.

8 CO-CHAIR RENÉ DUSSAULT: This
9 leads to my second question. Would the regional
10 government be an elected government, and not only
11 made up of people appointed by the communities?
12 Would it be directly elected by the population of
13 the communities?

14 ROGER GRUBEN: That is correct.
15 The way we would see the people elected to the
16 regional council would be that each community,
17 regardless of size, would have equal
18 representation. In other words, a small community
19 of 130 people would have one representative;
20 whereas, a larger community of maybe 2,500 would
21 have one representative as well.

22 We would also have at-large
23 representatives which would be elected by all the
24 communities that are members to the regional
25 council. That is our way of saying that, if you

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1 are a larger community, you will have that much
2 better opportunity to get additional people on the
3 regional council, but you will have to do your
4 work.

5 CO-CHAIR RENÉ DUSSAULT: When you
6 speak about communities, you speak not only of
7 Indian or Inuit communities, but municipalities
8 which covers non-Aboriginal people.

9 ROGER GRUBEN: That is correct.

10 In our proposal for a regional
11 government, we are looking at the boundaries being
12 the Inuvialuit Settlement Region boundary as well
13 as the Gwich'in Settlement boundary. Two land
14 claim boundaries would comprise the boundaries of
15 the regional government.

16 There are eight communities in the
17 confines of the boundaries. The people who are in
18 those eight communities include Inuvialuit,
19 Gwich'in and non-Aboriginal. One of those
20 communities is a major administrative centre,
21 which is the town of Inuvik, which has 42 per cent
22 non-Aboriginal residents.

23 CO-CHAIR RENÉ DUSSAULT: And you
24 still see room for a territorial government?

25 ROGER GRUBEN: Yes.

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1 CO-CHAIR RENÉ DUSSAULT: With a
2 legislative role mainly, if I understand your
3 plan, to establish plans and policies.

4 ROGER GRUBEN: The way I would
5 characterize the relationship between communities,
6 regions and a central government is that
7 communities are the building blocks. They are the
8 agencies that form the regional government. The
9 regional government is there on their behalf to
10 introduce cost efficiencies, effectiveness and
11 adequate representation for delivery of services.

12 We see the community and the
13 regional forms of government as being very, very
14 strong. We do not see a central authority or a
15 central government as being as strong as it is
16 now, although there is a role for it.

17 CO-CHAIR RENÉ DUSSAULT: Thank
18 you.

19 COMMISSIONER MARY SILLETT: Thank
20 you very much, Roger, Russel and Vince, for coming
21 all this way. It's a long way.

22 I had only two questions. The
23 first one was asked by Mr. Dussault.

24 I have always perceived the
25 Inuvialuit in the Western Arctic as real go-

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1 getters and being really successful in the area of
2 economic development. I think many people
3 recognize that. The Inuvialuit were key speakers
4 at our Economic Round Table.

5 One of the things that keeps
6 coming back to us is the poverty that many small
7 communities face, the lack of ability to provide a
8 decent living for themselves and for their
9 children. It seems to me that you have some
10 lessons that could benefit other areas like that.
11 For example, in terms of the economic development
12 lessons that you have learned, what kind of advice
13 could you give to other communities who are
14 interested in pursuing that route?

15 ROGER GRUBEN: For sure now, you
16 are going to make me miss my plane because I am
17 going to take half an hour to answer that one.

18 COMMISSIONER MARY SILLETT: Roger,
19 that's what you get for not showing up in Inuvik.

20 ROGER GRUBEN: I want to take a
21 first crack at that question and then I am going
22 to ask Vince and Russel to assist me.

23 One of the very first things that
24 we did, Mary, when we signed our land claim
25 settlement was that we travelled around to our

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1 communities and said to them that a land claim
2 settlement, once it is signed, does not
3 immediately mean money in your pocket. If we were
4 to begin handing out dividends to all of our
5 beneficiaries, our claim would be eroding over
6 time, and at some point in the future we would be
7 no better off than where we were.

8 What we did was we travelled
9 around to our communities and to our beneficiaries
10 and asked for their understanding and their
11 acceptance to give the Regional Corporation and
12 all of our subsidiaries the time to invest our
13 monies and to become profitable so that at some
14 point in time we would be able to pass along
15 dividend payments to our beneficiaries.

16 However, we did explain to them
17 that, although it didn't mean that we were putting
18 money in their pockets immediately -- in other
19 words, divvying up the \$170 million that we
20 received as part of our claim settlement, dividing
21 it by 5,000 and you get X amount of dollars -- we
22 could create business, employment, education and
23 training opportunities as the result of all of the
24 different corporations and all of the different
25 agencies that were created pursuant to our claim.

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1 Our beneficiaries supported that
2 initiative. I am pleased to say that, as of today
3 and tomorrow, a press release is going to be
4 issued back home that 2,500 of our beneficiaries
5 18 years of age and over are each going to be
6 receiving a dividend payment of \$500. That
7 amounts to \$1.245 million. That is going to be a
8 dividend payment because our corporations have
9 been successful in fiscal years 1992 and 1993.

10 The other thing that we
11 acknowledged was that we wanted to provide
12 services that would provide high employment, high
13 training and high business opportunities for the
14 immediate region. They would provide high figures
15 in those three categories -- employment, education
16 and business expenditures -- although on the
17 bottom line they would not create a profit. These
18 are more what you might call the social type of
19 business agencies.

20 We recognized that we had to get
21 into those particular types of businesses because
22 there was a crying need for some type of economic
23 development. There still is a crying need for
24 continued economic development activities in our
25 own area.

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1 For profit-making ventures we had
2 to learn that we had to move outside our
3 Settlement area into southern Canada and into the
4 global marketplace to get the returns that are
5 needed to become successful. Again, as a matter
6 of fact, we had to even expand outside the
7 country. Even this year, if you invested your
8 money in a bank, you would be lucky if you got 5.5
9 to 6 per cent. We recognized that a year ago, so
10 we invested a substantial portion of our funds in
11 the fastest-growing economy in the world today,
12 which is the Asian Pacific area. Last year we had
13 a rate of return of 33 per cent in that particular
14 area.

15 As a matter of fact, in our
16 offshore funds we had a rate of return, on
17 average, of 25 per cent. In Canada we had returns
18 of 12 per cent.

19 In certain areas we have had to
20 come to grips with the fact that our claim could
21 only present us with so many opportunities.

22 There is one particular aspect of
23 our claim that I would say is missing to complete
24 the framework for self-sufficiency. We have
25 gotten to the point now where we have gotten a

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1 toe-hold on providing economic opportunities for
2 our people, from a corporate and a business
3 standpoint. However, we are unable to influence
4 government decisions in the areas of housing, in
5 the areas of education, in the areas of training,
6 in the areas of capital expenditures.

7 That is why we are putting forward
8 the need for negotiation of a self-government
9 agreement. We feel that, with a self-government
10 agreement on the one hand and a claims agreement
11 on the other, they would very nicely complement
12 one another so that a group can now have all the
13 decision-making capability on site to be able to
14 make decisions for the benefit of the people that
15 it represents.

16 **RUSSEL NEWMARK:** One of the things
17 I was going to add was that we have taken maybe an
18 omnivorous approach in many different areas.
19 While we have concentrated on a number of
20 opportunities in our own regions, through clean-up
21 projects or oil exploration related projects or
22 construction projects, we have also spent a lot of
23 effort developing businesses that are successful
24 in southern Canada. Once we have developed those
25 businesses into very successful corporations, we

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1 have used those corporations to bring benefits to
2 our own people and into our own region.

3 Maybe, to make that a little
4 clearer, I can give you the example of our
5 Petroleum Corporation. We established it in 1984-
6 85, and over about a five or six-year period let
7 it grow and develop. We didn't have very high
8 levels of Inuvialuit employment; there were not
9 really large volumes of dollars in terms of
10 benefits that our Petroleum Corporation was
11 providing as it grew.

12 In around 1989, 1990, 1991 it
13 started to become very profitable. As it became
14 more profitable, we used the funds and the profits
15 we were generating to then start to really provide
16 a lot of meaningful benefits.

17 Three or four years ago we had
18 maybe two employees. Our headquarters in Calgary.
19 Today we have 20 Inuvialuit employees, and we have
20 done that through a whole series of things, right
21 from hiring people as labourers on drilling rigs
22 to training positions as geologists and
23 geophysicists to operators to accountants, and so
24 on.

25 We have also been able to use

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1 funds from our Petroleum Corporation to fund some
2 education initiatives. We have established an
3 education foundation. A number of students at the
4 college and university level are now being funded.
5 There is a tutoring program for younger students.

6 We have been investing heavily in
7 our carvers.

8 That is not particular only to our
9 Petroleum Corporation, but as all of our
10 corporations have been successful. I know some of
11 the other corporations, like the Regional
12 Corporation, have put a lot of funds into projects
13 where we have almost gotten our professional
14 drummers and dancers who end up travelling almost
15 wherever the corporations go.

16 So there has been a whole series
17 of spin-offs that we have been able to do to
18 promote education, employment, training and
19 opportunities for our people through the success
20 of the other corporations, even when those
21 corporations have been successful in the south.

22 ROGER GRUBEN: Vince wants to add
23 a comment more from the community angle.

24 VINCE TEDDY: Thank you, Roger.

25 Just as an example at the

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1 community level, as to how benefits are derived
2 and benefits are utilized at the community level,
3 through our various community corporations, of
4 which we have six, one in each community, each one
5 has formed a Development Corporation. To give you
6 an example of how, through our claims agreement,
7 those Development Corporations have the ability to
8 go into business, in Tuk, with the assistance and
9 support of the Inuvialuit Regional Corporation,
10 the Tuk Development Corporation was able to get a
11 sole-source construction agreement with the
12 Government of the Northwest Territories last
13 summer to build four housing units. That not only
14 provided jobs, but it provided a bit of profit and
15 also some aspects of training in terms of
16 construction jobs.

17 In terms of Aklavik, their
18 Development Corporation has gone into business by
19 going into a bakery. They have opened up a bakery
20 there.

21 In Inuvik in the Northwest
22 Territories they have gone into a business with
23 the Gwich'in, the other claimant group within our
24 region, in the construction of a Tourist
25 Information Centre.

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1 As the parent group, we also went
2 into business in Sachs Harbour. We formed a
3 renewable resource corporation called Umayut (ph).
4 Its primary source of business is muskox -- meat
5 products and also looking at research and
6 development of kivyut (ph) and the use of leather
7 products in the future. That is something that is
8 still in the R&D stage at this time.

9 Those are examples of growth for
10 the community level.

11 **ROGER GRUBEN:** Thank you, Vince.

12 To close off here, Mary, the
13 Inuvialuit have been extremely fortunate in being
14 able to negotiate a land claim settlement that has
15 a number of features in it that give us complete
16 autonomy in certain areas

17 For instance, whenever there is a
18 major project going on in the Settlement Area --
19 for instance, the Department of National Defence
20 upgrading of the old DEW Line sites, or if Esso
21 wanted to carry out an exploration or any kind of
22 program in our region, and the same with Shell, or
23 if the territorial government wanted to carry out
24 a gravel haul from one of our quarry pits -- on
25 the strength of our claim we have been able to

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1 negotiate our fair share of those particular
2 projects. The government had to come to us to get
3 permission before those projects could go ahead.

4 I am not saying, of course, that
5 our claim has always been successful. We have had
6 our share of mistakes. We can count easily on one
7 hand these mistakes, Mary. The problem is not in
8 making the mistakes. Anybody will make mistakes.
9 The benefit should be that you learn from those
10 mistakes so that you don't continue to make them
11 over and over again.

12 Another benefit of our claim is
13 that we have had access to resources. If we
14 disagreed with government, as we now currently do,
15 on a particular issue, we have the resources --
16 cash and, as well, the lobbying ability to go to
17 government and say, "You're wrong." If that means
18 we have to go to court or to arbitration, we will
19 do that because we have to do what we think is
20 right.

21 The big difference between other
22 Aboriginal groups across the country is that they
23 may have the same aspirations as we do; they may
24 have the same beliefs as we do and the same ideas
25 that we do, but they don't have the access to

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1 resources. That is a big difference.

2 **COMMISSIONER MARY SILLETT:** Thank
3 you very much.

4 **CO-CHAIR RENÉ DUSSAULT:** At page 5
5 of your brief you refer to the greatest difficulty
6 you have had with governments on having the
7 commitments honoured, and so on. You point to the
8 fact that government compliance is inconsistent
9 between and within departments.

10 My question is: Is the problem a
11 question of interpretation as to what has been
12 agreed upon, or is it a problem of the message not
13 going through the various departments within one
14 government or the civil servants having their own
15 interpretation of what has been decided?

16 What is the real problem? I think
17 you are putting your finger on something important
18 here.

19 **ROGER GRUBEN:** Actually, it is a
20 combination of all that you have mentioned. We
21 start off with a difference in interpretation.

22 Government, no matter what you do,
23 in many cases will interpret things the way they
24 want to. Over the years the major job that we
25 have had within the Inuvialuit system has been in

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1 educating government, educating government in
2 terms of their obligations with regard to a
3 constitutionally-protected document, the intent of
4 certain provisions of our land claim settlement
5 and the obligations that governments have entered
6 into. That's the first step.

7 Additional steps include the lack
8 of a directive going out from a central agency to
9 other government departments, informing these
10 other government departments of their obligations
11 as part of the Government of Canada with regard to
12 this particular land claim settlement.

13 In other words, we might go to the
14 Department of National Defence -- and, by the way,
15 sir, I want to say for the record that in many
16 cases the Department of National Defence has been
17 a very, very good partner for the Inuvialuit. Of
18 course, we have some problems with certain sectors
19 of the department but, on the whole, the
20 Department of National Defence has been a pleasure
21 to work with. They understand their commitments
22 to the Inuvialuit with regard to our claim.
23 Whereas, if you run over to the Department of
24 Supply and Services or if you run over to
25 Employment and Immigration or, God forbid, go to

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1 DIAND, those obligations and commitments are
2 unknown within some departments.

3 So the message of government
4 obligations and commitments in relation to our
5 claim has not flowed throughout the various
6 government departments.

7 Another problem that we run into
8 is that every so often government will make a
9 commitment through a negotiated agreement. For
10 instance, if you take a look at page 5 of our
11 brief, we say that government repeatedly told us
12 that they would be responsible for the clean-up of
13 an abandoned DEW Line site within our Settlement
14 Area. We signed the agreement with them in 1989.
15 The words in the agreement said that government
16 would do the clean-up expeditiously. Here we are
17 in 1993, and the clean-up has not even begun.
18 There have not been any standards that have been
19 set. That is one of the issues that we are going
20 to arbitration with the government on, to settle
21 that issue.

22 We also note that, because the
23 government in many ways controls the purse strings
24 to implementation mechanisms on various features
25 of our claim -- and I speak now specifically to

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1 the implementation of our wildlife management
2 bodies. These include the Environment Impact
3 Screening Committee, the Environment Review Board,
4 the Fisheries Joint Management Board, and other
5 bodies, where we have shared representation with
6 the government to manage the wildlife and the
7 environment.

8 Because the government controls
9 the purse strings, they do not see the agreed-upon
10 dollars for implementation as being
11 constitutionally protected, like the obligation.
12 They say, "We have an obligation here," but then
13 they divorce the dollars of implementation from
14 that obligation and say, "When there is going to
15 be an overall cut within government, we have to
16 make the cuts to your implementation dollars
17 accordingly."

18 I don't think that is what was
19 intended when the negotiators of our claim input
20 the obligations by both parties into the Final
21 Agreement. I don't think the government has the
22 right to begin cutting dollars that have been
23 allocated for implementation unilaterally.

24 At the very least, there has to be
25 the consultation and, hopefully, the consent from

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1 the other party that dollars will be reallocated
2 or dollars will be carried over or for dollars to
3 be discontinued. I doubt that anybody would say
4 that the dollars should be turned back into
5 government. There is always a severe need for
6 continued dollars for implementation.

7 Sir, I know that we have taken a
8 bit of time to answer your question in relation to
9 where we see the lackings within government in
10 relation to a claim. We have experienced all of
11 these. We are continuing to experience these
12 difficulties. We know they will continue.
13 Hopefully, at some point -- and your process is
14 going to be a start -- government will live up to
15 its obligations.

16 CO-CHAIR RENÉ DUSSAULT: I think
17 the time you took was well spent. It was very
18 useful. Thank you very much for your answer. I
19 think you have given us some good information as
20 to why the problems are there and also what could
21 be done to avoid them in the future -- such as
22 this whole question of setting up obligations
23 without the dollars.

24 We appreciate your presentation
25 and your being with us this afternoon. You came a

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1 long way, and I know you have a flight to catch.
2 We have another presentation, and at this point, I
3 would like, on behalf of the Commission, to thank
4 you very much for coming forward and sharing your
5 thoughts and this brief with us.

6 If you have additional
7 information, such as this model of governance that
8 you have described, the way you see the Western
9 Arctic, we would be very happy to receive it.

10 Thank you.

11 COMMISSIONER MARY SILLETT: Thank
12 you very much.

13 COPRÉSIDENT RENÉ DUSSAULT: Nous
14 allons suspendre pour deux ou trois minutes. Nous
15 allons reprendre avec la dernière présentation de
16 la journée, monsieur Fernand Ouellet et José Lopez
17 Arellano, maître de conférences à l'Université de
18 Sherbrooke.

19 --- Suspension de l'audience à 16 h 40

20 --- Reprise de l'audience à 16 h 50

21 COPRÉSIDENT RENÉ DUSSAULT: La
22 Commission royale sur les peuples autochtones au
23 Canada reprend son audience publique avec une
24 présentation de deux professeurs de l'Université
25 de Sherbrooke, M. José Lopez Arellano et Fernand

le 29 novembre 1993

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1 Ouellet.

2 Sans plus tarder je voudrais vous
3 demander de faire la présentation.

4 Merci.

5 FERNAND OUELLET, Professeur,
6 Université de Sherbrooke: Merci.

7 Il me fait plaisir d'avoir
8 l'occasion d'avoir le dernier mot, mais si je ne
9 suis pas sûr que c'est toujours un avantage.
10 J'aime bien l'avoir d'ordinaire.

11 Comme vous avez en mains un texte
12 qui me paraît intelligible je n'ai pas l'intention
13 de le lire. J'ai plutôt l'intention de faire
14 quelques commentaires, des commentaires non
15 systématiques pour évoquer certaines des idées qui
16 sont proposées dans ce texte et pour surtout
17 laisser du temps pour avoir un échange et répondre
18 à vos questions.

19 Je vais fournir quelques éléments
20 et mon collègue, José Lopez Arellano, qui est plus
21 spécialisé que moi sur les questions autochtones,
22 pourra répondre à la période des questions.

23 Ce que nous vous présentons
24 aujourd'hui se rattache à deux des thèmes qui ont
25 été identifiés dans les travaux de la Commission,

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1 le thème sur la relation entre les peuples
2 autochtones et les autres membres de la société
3 canadienne, et l'autosuffisance des peuples
4 autochtones.

5 La première partie de notre
6 mémoire porte sur la présentation d'un programme
7 de formation interculturelle.

8 Pour ce qui est du projet de
9 formation interculturelle, le programme de
10 formation interculturelle qui a est offert par
11 l'Université de Sherbrooke a une origine assez
12 lointaine.

13 Dans les années '70, dans un
14 contexte un peu particulier d'une faculté de
15 théologie où j'ai été engagé au début des années
16 '70 avec une formation en philosophie des
17 religions et en sciences humaines des religions et
18 un début de formation en sciences humaines des
19 religions, qui n'est pas encore complété, depuis
20 1970 je travaille à apprendre dans ce domaine des
21 sciences humaines des religions qui m'ont conduit
22 beaucoup plus loin que je m'imaginais à l'époque.

23 À cette époque-là j'ai été attiré
24 par une expérience de formation interculturelle,
25 qui ne s'appelait pas ainsi à l'époque parce que

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1 cette expression n'existait pas. J'ai passé à peu
2 près dix ans à faire de l'éducation
3 interculturelle comme M. Jourdain fait de la
4 prose, c'est-à-dire sans le savoir, en travaillant
5 avec des enseignants qui essayaient d'introduire
6 dans la fin du secondaire un programme de
7 formation d'éducation religieuse dont les
8 objectifs n'étaient pas de "nurture", d'éduquer la
9 foi, mais de développer une compréhension de
10 l'expérience religieuse de l'humanité.

11 J'ai travaillé avec ces
12 enseignants à essayer de définir les orientations
13 de ce programme-là, qui était comme une voie
14 intermédiaire entre l'enseignement religieux
15 confessionnel et l'éducation morale, une troisième
16 voie qui nous paraissait à l'époque une voie
17 prometteuse et intéressante pour améliorer la
18 qualité de l'éducation des enfants autour de ce
19 champ d'expériences humaines qu'est l'expérience
20 religieuse.

21 J'ai travaillé une dizaine
22 d'années avec des enseignants à développer cette
23 forme d'approche de la religion à l'école et de
24 définir des orientations qui lui permettraient de
25 vraiment être une approche éducative et non

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1 confessionnelle de l'éducation religieuse, avec
2 une ouverture sur la diversité des traditions
3 religieuses. Déjà à l'époque on avait senti le
4 besoin d'avoir un volet sur l'expérience
5 religieuse autochtone comme étant un des champs à
6 explorer pour une formation à la fin du
7 secondaire.

8 Comme cette expérience-là a été
9 bloquée dans le contexte québécois à cause de tout
10 un ensemble de circonstances dont une des
11 principales est les garanties constitutionnelles
12 concernant l'éducation religieuse à l'école et
13 confessionnelle et la peur que les évêques et les
14 autorités confessionnelles ont eu à l'époque de
15 perdre le monopole sur le discours religieux.

16 J'ai été forcé d'élargir mes
17 horizons parce que j'avais entre-temps mis au
18 point un programme de formation pour les
19 enseignants qui comprenait les trois volets que je
20 mentionne dans le mémoire, donc un volet
21 d'exploration théorique pour définir les
22 orientations d'une éducation religieuse non
23 confessionnelle. J'ai appliqué ça pour essayer de
24 comprendre les nouveaux défis que pose la pluri-
25 ethnicité dans notre société. Je suis devenu

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1 conscient de ça au début des années '80, autour de
2 la thématique du pluralisme.

3 Avec le changement de la clientèle
4 scolaire dans les écoles du Québec, avec la Loi
5 101 où on a commencé à recevoir beaucoup plus
6 d'élèves venant des minorités ethniques on a eu
7 des défis nouveaux qui sont apparus pour les
8 orientations de l'éducation dans l'ensemble du
9 système scolaire. Alors j'essayais de voir
10 qu'est-ce qui s'était écrit dans différents pays
11 autour de cette thématique de la pluri-ethnicité
12 et j'ai été amené à découvrir un champ extrêmement
13 riche et complexe qui m'a obligé à faire des
14 études en sciences sociales en allant écouter
15 d'autres collègues plus savants que moi pour
16 comprendre la complexité de ces nouveaux défis que
17 posait l'évolution rapide de notre société.

18 Donc j'ai été amené à définir les
19 orientations d'un programme de formation pour les
20 maîtres, et pour le définir il a fallu que
21 j'essaie de comprendre c'est quoi qu'on peut
22 savoir. Il est important de savoir pour être
23 capable de parler et d'intervenir dans ces
24 domaines-là de manière à ne pas créer plus
25 d'effets pervers que si on faisait rien.

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1 Je me suis rendu compte que
2 c'était un domaine où surtout si on met l'accent
3 sur les particularismes ethno-culturels quand on
4 fait des interventions en éducation on crée
5 souvent des effets pervers qui sont assez
6 dommageables et qui peuvent risquer d'empirer les
7 choses au lieu de les améliorer.

8 Parmi les champs principaux de
9 recherche sur lequel il y a beaucoup de
10 documentation dans différents pays ici au Canada
11 il y a trois thématiques principales: la
12 thématique de la question de l'ethnicité dans le
13 contexte d'une société moderne, comment concilier
14 modernité et ethnicité. Il y a tout un champ
15 complexe à explorer qu'on ne finit plus de
16 découvrir des ouvrages qui nous éclairent sur ces
17 questions-là.

18 Un deuxième champ très important
19 et très riche et très complexe aussi est la
20 question du racisme, des difficultés des rapports
21 entre les groupes et les facteurs qui créent que
22 même si on est tous d'accord pour dire qu'il faut
23 s'aimer et bien s'entendre, on se rend compte que
24 dans les sociétés on se tape plus souvent sur la
25 gueule qu'autrement.

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1 Le troisième champ de
2 connaissances sur lequel il y a beaucoup de
3 documentation ici c'est le champ touchant
4 l'égalité des chances en éducation.

5 Dans le cadre du programme de
6 formation qui est présenté ici ces trois champs-là
7 occupent une place centrale dans le premier bloc
8 de la formation, qui est un bloc pour définir les
9 orientations théoriques relativement en quoi
10 consiste les défis de la pluri-ethnicité et
11 comment on peut définir une éducation
12 interculturelle qui est une éducation qui ne tombe
13 pas dans les effets pervers qui ont été dénoncés
14 par beaucoup d'auteurs.

15 Le deuxième volet du programme de
16 formation est un volet qui porte sur l'exploration
17 d'une tradition culturelle étrangère. Pour toutes
18 sortes de raisons autobiographiques, que je ne
19 vous raconterai pas, j'ai été amené à m'intéresser
20 non pas aux Indiens d'ici mais à ceux de l'Inde,
21 de 800 à 900 millions d'Indiens de l'Inde où, en
22 passant, il y a une population autochtone entre 30
23 et 50 millions de personnes que j'ai essayé de
24 connaître un peu mieux parce que j'ai été amené
25 pour des raisons que je vais vous dire tout à

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1 l'heure à m'intéresser à cette question autochtone
2 où je ne connaissais rien puis je ne connais pas
3 beaucoup de choses encore, mais je m'instruis à
4 chaque jour, et je me rends compte que j'ai
5 beaucoup à apprendre.

6 Donc, dans ce volet d'exploration
7 d'une tradition inter-culturelle étrangère on
8 mettait la possibilité d'explorer la question
9 autochtone mais on n'avait pas mis encore beaucoup
10 l'accent au début de la mise sur point de ce
11 programme-là. Dès le début d'ailleurs je me suis
12 dit que m'intéresser aux Indiens de l'Inde c'est
13 beau, mais il faudrait s'intéresser à ceux d'ici
14 aussi. Donc j'ai insisté pour qu'on essaie de
15 commencer à développer un volet de formation
16 interculturel portant sur la question autochtone
17 dans cette exploration de traditions culturelles
18 étrangères.

19 J'ai organisé depuis les années
20 '80 des séjours dans des réserves, des contacts
21 avec les Autochtones sans trouver trop trop une
22 formule que je trouvais satisfaisante, parce qu'on
23 arrive toujours dans le danger de se regarder l'un
24 l'autre plutôt que d'essayer de faire des choses
25 ensemble. C'est dans cette voie-là actuellement

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1 que je travaille plus avec la deuxième partie de
2 notre mémoire sur lequel on insiste plus, à savoir
3 comment trouver une façon de faire des choses
4 ensemble qui nous permettent de se connaître
5 mieux, mais sans se mettre dans la situation de se
6 regarder et de se définir mutuellement par nos
7 particularismes et nos différences.

8 Donc ça c'est le deuxième bloc,
9 exploration d'une tradition culturelle étrangère.

10 Le troisième bloc du programme de
11 formation et la majeure partie du programme porte
12 sur la définition de projet d'intervention, parce
13 que c'est en faisant des choses qu'on se forme et
14 qu'on peut vérifier si nos orientations théoriques
15 et les expériences qu'on a eues de connaissance
16 mutuelle dans le cadre du deuxième bloc donnent
17 des retombées concrètes.

18 Dans ce bloc-là, à la page 11 de
19 mon mémoire j'ai identifié un certain nombre de
20 thèmes sur lesquels on oriente nos enseignants
21 initialement et maintenant on s'ouvre à d'autres
22 intervenants, les infirmières, les gens qui
23 travaillent en milieu autochtone et d'autres qui
24 travaillent dans le contexte de l'enseignement
25 régulier mais qui sont préoccupés d'essayer de

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1 développer une sensibilisation des élèves et de
2 leurs collègues à la question autochtone.

3 Comme vous le savez, pendant assez
4 longtemps, comme le disait Sylvie Vincent dans un
5 de ses livres, on les a effacés de nos manuels
6 d'histoire. Ils n'existent pas, les Autochtones.
7 Ce n'est que depuis 1990, avec les événements qui
8 se sont produits, qu'on ne peut pas faire
9 autrement que se rendre compte qu'ils existent.
10 Il reste qu'il y a encore beaucoup de chemin à
11 faire entre une existence, un point
12 d'interrogation, et une connaissance de la
13 complexité des réalités autochtones ici au Québec
14 et au Canada. Dans ce sens-là on a tout un volet
15 dans notre programme sur lequel on a développé des
16 cours sur cet aspect-là.

17 Pour les projets d'intervention on
18 a identifié cinq types de champ où il y a des
19 possibilités de projets: Sur la question de
20 l'éducation des élèves autochtones, la question du
21 décrochage scolaire chez les Autochtones et chez
22 les non-Autochtones, les services sociaux et
23 services de santé et services de police dans les
24 communautés autochtones, la pédagogie de la
25 coopération, et la sensibilisation de tous les

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1 élèves au pluralisme ethno-culturel et aux
2 réalités autochtones.

3 Je ne veux pas aller trop
4 longtemps parce que ça va prendre du temps. On
5 pourra plus préciser les points un peu plus tard.

6 C'est dans le cadre de ces projets
7 d'intervention que depuis une couple d'années je
8 me suis intéressé beaucoup à l'approche
9 coopérative, d'abord dans le contexte de
10 l'apprentissage en coopération, dans le contexte
11 des défis de la pluri-ethnicité dans une société
12 moderne et pluri-ethnique où un enseignant est
13 confronté à une série de problèmes dans sa salle
14 de classe, à l'élémentaire surtout et même au
15 secondaire, d'une hétérogénéité de plus en plus
16 grande dans sa salle de classe et d'une
17 incapacité, un sentiment d'impuissance pour
18 vraiment aider chacun des élèves avec les
19 approches traditionnelles de pédagogie et de
20 supervision directe où tout se rapporte au
21 professeur.

22 Il s'est développé en Californie
23 autour de M^{me} Elizabeth Cohen, qui a fait un livre
24 en 1986 qui s'appelle "Designing Groundwork
25 Strategies for the Heterogeneous Classroom", qui

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1 est réédité et qui va apparaître cet hiver, une
2 nouvelle version enrichie par toute une série de
3 recherches et de travaux théoriques qui sont très
4 éclairants.

5 Elle décrit dans ce livre comment
6 un enseignant peut passer de la supervision
7 directe à l'apprentissage coopératif de petits
8 groupes en classe autour de tâches qui sont très
9 soigneusement préparées pour être intrinsèquement
10 intéressantes pour les élèves.

11 Deux caractéristiques principales
12 de son approche qui l'on rendue attrayante pour
13 moi sont dans le contexte des défis de la pluri-
14 ethnicité c'est d'abord l'insistance sur les
15 apprentissages conceptuels de haut niveau et la
16 démonstration rigoureuse qu'elle a faite que
17 l'apprentissage en coopération favorise pour tous
18 les élèves des apprentissages conceptuels de haut
19 niveau alors que pour les apprentissages
20 routiniers c'est pas évident que c'est plus
21 efficace, l'approche en coopération, mais pour les
22 apprentissages complexes conceptuels de haut
23 niveau ça a été démontré que c'était beaucoup plus
24 efficace pour ces apprentissages-là qu'ils soient
25 bien intégrés par les élèves.

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1 Le point principal aussi c'est
2 qu'elle met l'accent sur les élèves de bas statut,
3 académique et social. Si on prend le cas
4 américain où les Noirs, par exemple, ont souvent
5 un bas statut académique même s'ils peuvent avoir
6 un haut statut social, dans le sens qu'ils sont
7 très bons dans le sport mais en classe, quand on
8 les met en petits groupes, si on ne s'occupe pas
9 des problèmes de statut les élèves qui ont un bas
10 statut ne participeront pas à l'interaction parce
11 qu'ils vont laisser faire ça par ceux qui sont
12 considérés comme le bolés, ceux qui sont les
13 meilleurs.

14 Le fait de travailler en
15 coopération au lieu d'améliorer les choses ou de
16 les empirer, parce qu'il va renforcer chez ceux
17 qui se considèrent comme pas bons le sentiment de
18 ne pas être bons, ils vont les amener à ne pas
19 participer donc ils n'apprendront pas parce que ça
20 a été démontré par les recherches que ce qui est
21 efficace dans la coopération, c'est l'interaction,
22 la participation à l'interaction.

23 Quel que soit le langage dans
24 lequel on le fait, on a prouvé, par exemple, dans
25 les classes bilingues en Californie que les élèves

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1 qui parlaient le plus espagnol pendant l'année, à
2 la fin de l'année sur des tests standards étaient
3 ceux qui avaient fait le plus de progrès en
4 anglais, c'est assez intéressant, en travaillant
5 sur des tâches en sciences et en mathématiques qui
6 étaient intrinsèquement intéressantes et qui
7 faisaient appel à des habilités de haut niveau où
8 des élèves pouvaient jouer le rôle d'interprètes
9 pour leur expliquer c'était quoi qu'il s'agissait
10 comme exercices et comprendre le sens des
11 instructions.

12 Dans ce sens-là ça été une série
13 d'effets intéressants qu'on peut utiliser avec
14 cette approche-là, sans compter les aspects
15 d'apprentissage social, de travailler avec
16 d'autres avec qui on n'a pas d'affinité
17 nécessairement, mais apprendre à travailler en
18 équipe c'est devenu un des atouts dans la société
19 d'aujourd'hui dont on a besoin.

20 Ce que je soutiens dans ce mémoire
21 est que cette approche-là comporte un potentiel,
22 et je ne suis pas le seul, Jim Harden (PH) avait
23 plus d'expérience que moi là-dedans. Même s'il
24 n'avait pas jusqu'à récemment travailler avec
25 l'approche des Frères Johnson qui mettaient moins

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1 l'accent sur les questions de statut. Ce qui est
2 original chez M^{me} Cohen c'est cette insistance sur
3 le travail pour corriger les effets spontanés du
4 statut qui va maintenir les inégalités.

5 Elle insiste que pour que la
6 participation au travail de groupe soit efficace
7 il faut qu'il y ait une participation égalitaire
8 et si on laissait aller les choses spontanément ça
9 ne se passerait pas spontanément. Il faut des
10 interventions spécifiques qu'elle a développées,
11 des mesures d'égalisation de statut.

12 Je pense que Jim a découvert ça
13 récemment, mais il a fait déjà des expériences en
14 milieu inuit surtout, où il a montré et découvert
15 que ce qui nous paraît assez spontanément
16 plausible, que l'approche coopérative avec les
17 élèves qui sont de ces cultures-là, où
18 l'apprentissage se fait souvent entre pairs est
19 plus efficace que l'approche venant de la
20 supervision d'un adulte, surtout si cet adulte
21 vient d'une autre culture où les élèves sont
22 souvent portés à être considérés...ils sont
23 retirés, ne parlent pas et ne sont pas actifs.

24 Le défi, selon moi, de la
25 coopération c'est de travailler ensemble avec des

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1 enseignants autochtones et non-autochtones, et
2 c'est là que je pense qu'il y a pour un certain
3 temps pour en arriver à l'autosuffisance il faut
4 falloir qu'il y ait une collaboration entre des
5 coopérants non-autochtones qui vont travailler
6 dans des communautés. C'est comme ça que ça se
7 passe actuellement, et je pense que ça va être
8 comme ça pour un bout de temps.

9 Ça pourrait renforcer la qualité
10 des équipes éducatives et créer un milieu beaucoup
11 plus intéressant pour les coopérants blancs qui
12 s'en vont travailler en milieu autochtone d'avoir
13 à travailler ensemble à bâtir des activités
14 d'apprentissage selon les principes de la
15 coopération qui soient à la fois riches,
16 conceptuellement exigeantes et intrinsèquement
17 intéressantes pour les élèves. C'est plus facile
18 à dire qu'à réaliser.

19 Ça demande vraiment une opération
20 de support et du temps et une continuité, et en
21 général on n'a pas dans ces communautés-là où on a
22 un roulement de personnel énorme. C'est pas
23 évident que ça changerait le roulement, mais ça a
24 peut-être des chances d'intéresser certains
25 enseignants à s'intéresser au défi que pose

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1 l'éducation dans ces communautés et à passer plus
2 que deux ou trois ans ou quatre ans à travailler
3 dans ces communautés-là puis à servir
4 d'intégrateur de nouveaux enseignants qui leur
5 arrivent.

6 C'était en gros les grandes lignes
7 de ce que je voulais mettre sur la table
8 aujourd'hui.

9 COPRÉSIDENT RENÉ DUSSAULT: Merci.

10 Est-ce que vous avez à compléter,
11 monsieur Lopez? Ça va?

12 Alors ça complète la présentation
13 avant de passer à la période de questions.
14 J'aurais peut-être un certain nombre de questions
15 pour bien comprendre la portée du projet.

16 En fait, c'est un projet que vous
17 appelez projet de formation interculturelle.
18 Actuellement c'est un projet au niveau de la
19 maîtrise. Est-ce que le cours se donne
20 actuellement, et ça fait combien de temps?

21 FERNAND OUELLET: Ça fait
22 plusieurs années que ça se donne. Ça se donne
23 clandestinement, si on peut dire, dans le cadre de
24 la maîtrise en sciences humaines des religions.
25 La formation interculturelle a été introduite dans

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1 les années '84. On a expérimenté, on a développé
2 du matériel.

3 Depuis 1991 c'est officialisé
4 qu'on a une concentration formation
5 interculturelle dans le cadre du programme, et on
6 a ajouté un diplôme de 30 crédits. qui peut
7 conduire à la maîtrise.

8 COPRÉSIDENT RENÉ DUSSAULT: Vous
9 avez combien d'étudiants et de quels horizons ils
10 viennent?

11 FERNAND OUELLET: Dans l'ensemble
12 du programme on a surtout des étudiants qui
13 viennent des milieux où ils sont confrontés par
14 les défis de la pluri-ethnicité ici dans la région
15 de Montréal, et certains autres de d'autres
16 régions qui sont sensibilisés à cette question-là
17 et qui trouvent que notre formule de maîtrise est
18 attrayante comme lieu de se donner l'éducation
19 permanente à temps partiel.

20 Depuis l'été dernier on a bloc
21 d'étudiants, un projet spécifique qui est décrit
22 un peu là-dedans sur la question autochtone. Là-
23 dedans l'été dernier il y avait au-delà d'une
24 cinquantaine d'inscriptions à ce programme.

25 COPRÉSIDENT RENÉ DUSSAULT: Est-ce

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1 que les gens doivent s'inscrire à la maîtrise
2 comme telle ou est-ce qu'on peut faire ce bloc-là
3 sans nécessairement faire tout le programme de
4 maîtrise?

5 **FERNAND OUELLET:** C'est possible
6 de s'inscrire comme étudiant libre à certaines
7 activités.

8 **COPRÉSIDENT RENÉ DUSSAULT:** Au
9 fond ma question est un peu la suivante. Je
10 comprends sur Montréal, mais ça c'est le volet
11 pluri-ethnique, mais je pense, et vous le faites
12 bien ressortir, il y a une grande distinction
13 entre les communautés culturelles d'une part et
14 les Autochtones, les premiers habitants du pays.

15 Ce que j'essaie de voir c'est
16 jusqu'à quel point à ce moment-ci votre programme
17 rejoint des personnes qui sont en situation
18 d'enseignement dans les communautés autochtones ou
19 dans des commissions scolaires ou des
20 établissements d'enseignement comme les CÉGEPs,
21 qui accueillent une clientèle autochtone
22 importante.

23 **JOSÉ LOPEZ ARELLANO, Maître de**
24 **conférences, Université de Sherbrooke:** Un élément
25 qui probablement pourrait clarifier cette

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1 situation c'est que le programme s'adresse à des
2 personnes qui sont sur le marché du travail. Une
3 bonne partie de notre clientèle ce sont des
4 professeurs qui présentement travaillent avec des
5 groupes.

6 Il y a aussi le fait qu'on nos
7 formules d'éducation à distance. Cela veut dire
8 que la personne intéressée peut faire sa maîtrise
9 toute seule, d'une façon indépendante, ou bien en
10 utilisant la méthodologie de M^{me} Cohen de former
11 des groupes d'étude utilisant la méthodologie de
12 la coopération pour approfondir certains de ces
13 aspects.

14 Nous favorisons énormément la
15 formation de ces groupes d'étude car ça permet une
16 réflexion un peu plus approfondie.

17 COPRÉSIDENT RENÉ DUSSAULT: Je
18 repose ma question sur la clientèle du programme.

19 Quelle est la proportion des gens
20 qui y sont inscrits qui travaillent avec les
21 Autochtones?

22 FERNAND OUELLET: C'est encore
23 très jeune mais le fait que ce soit au deuxième
24 cycle...

25 COPRÉSIDENT RENÉ DUSSAULT: C'est

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1 un frein. C'est restreignant.

2 FERNAND OUELLET: C'est un frein,
3 oui. Et on en est bien conscient. On pense
4 qu'éventuellement quand on aura bien rodé nos
5 instruments qu'il faudra ouvrir un premier cycle.
6 C'est surtout un frein à la participation
7 d'Autochtones.

8 On aimerait avoir beaucoup plus
9 d'Autochtones qui participent au travail avec nous
10 Il y en a quelques-uns mais il n'y en a pas
11 suffisamment.

12 Même chez les enseignants non-
13 Autochtones, quoiqu'en général il y a un
14 équivalent d'un premier cycle universitaire quand
15 ils...mais avant de les intéresser à cette
16 formule-là et à la coopération comme telle ça va
17 être assez long parce qu'il y a des résistances.
18 Même si en principe ça paraît attrayant de pouvoir
19 sortir de l'isolement, ça force à changer notre
20 façon d'enseigner, ceux qui ont déjà enseigné, et
21 ceux qui n'ont pas enseigné, ils ne peuvent pas se
22 lancer là-dedans tout seuls.

23 Il faut qu'il y ait un support
24 parce que c'est exigeant comme préparation de
25 réussir à faire une coopération qui ne soit pas

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1 une approche coopérative parce que c'est la mode
2 ou parce que c'est par philosophie. Pour que ce
3 soit une technique éducative efficace ça a
4 beaucoup de conditions sur lesquelles M^{me} Cohen
5 insiste beaucoup. Ça ne peut pas se réaliser
6 uniquement par bonne volonté.

7 COPRÉSIDENT RENÉ DUSSAULT: Alors
8 c'est pour ça que c'est la question de base, au
9 fond. On va pouvoir rejoindre combien de
10 personnes qui travaillent activement dans les
11 communautés et qui sont en contact avec les
12 communautés.

13 Encore une fois, c'est un
14 programme à temps partiel et qui permet aussi à
15 distance, mais ça prend malgré tout une forte
16 motivation pour s'inscrire à un programme de
17 maîtrise de niveau de deuxième cycle et un
18 contexte aussi pour faire le processus de
19 coopération sur place.

20 Dans le fond c'est une question
21 informative. Je comprends que vous êtes sorti de
22 la clandestinité, pour utiliser vos mots, en 1991.

23 Actuellement est-ce qu'il y a des
24 gens qui sont inscrits au programme qui
25 travaillent activement avec les Autochtones?

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1 FERNAND OUELLET: Oui, il y en a.
2 Il y un directeur d'école de La Romaine qui m'a
3 invité à aller essayer de convaincre ses
4 enseignants au printemps dernier. C'est là que je
5 me suis rendu compte que c'était difficile à
6 implanter. Il allait falloir du temps et de la
7 persuasion.

8 C'est difficile de mettre en
9 marche la roue de la loi, pour employer
10 l'expression de Bouddha au Jardin des gazelles, à
11 savoir...une fois que ça aura fait ses preuves
12 dans un milieu donné, après ça ça va donner un
13 encouragement à s'essayer. C'est de commencer qui
14 est la difficulté.

15 Moi, ce qui m'encourage en tout
16 cas c'est que j'ai réussi en ayant aucune
17 expérience dans le domaine, simplement à partir de
18 l'attrait théorique de la chose, à convaincre
19 quelques collègues, quelques enseignantes
20 inscrites dans une école de Montréal
21 d'expérimenter cette approche-là, j'en parle un
22 peu dans mon mémoire, et l'impact que ça a eu sur
23 leur place et leur école est très surprenant sur
24 la réussite qu'ils ont faite, des réussites avec
25 quelques élèves de bas statut qui étaient

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1 condamnés par le système.

2 C'est ce qui a été énormément
3 gratifiant pour elles, de sentir qu'avec ces
4 techniques-là on peut arriver à faire des choses
5 pour des élèves qui n'auraient aucune chance
6 autrement.

7 COPRÉSIDENT RENÉ DUSSAULT: Je
8 comprends qu'il y a une certaine portée
9 universelle à la démarche pluri-ethnique, si vous
10 voulez, mais au fond la question que j'aimerais
11 vous poser c'est jusqu'à quel point dans la
12 conception même du programme la réalité autochtone
13 a été prise en cause.

14 En d'autres termes, ce que les
15 Autochtones ont à l'esprit, sachant qu'ils sont
16 les premiers habitants en Amérique du Nord, et
17 caetera. Il y a une réalité qui est différente de
18 la personne qui a émigré.

19 Est-ce que cette distinction-là
20 est faite et, si oui, vous y êtes arrivé comment
21 avec...quel genre de consultations avez-vous
22 faites auprès des Autochtones?

23 FERNAND OUELLET: J'ai travaillé
24 avec Léonard Paul à Betsiamit (PH), avec qui j'ai
25 eu des projets concrets.

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1 D'abord il y a deux volets. Je
2 n'ai peut-être pas suffisamment clarifié. On vise
3 deux cibles. La première cible, c'est
4 sensibiliser l'ensemble des enseignants. On pense
5 former un certain nombre de multiplicateurs.

6 D'abord, je suis convaincu que
7 c'est difficile à comprendre. Ça fait un bout de
8 temps que vous faites le tour de la question. La
9 complexité de cette question dans ses aspects
10 juridiques, politiques, historiques, ça suppose un
11 processus de connaissances dont José pourra vous
12 entretenir.

13 On a développé des cours qui
14 distinguent très nettement la question autochtone
15 où il y a un projet national de la question des
16 immigrants qui sont appelés à s'intégrer dans une
17 société pluri-ethnique. On ne peut pas avoir la
18 même approche avec un immigrant et avec un
19 autochtone, parce qu'on est en face d'un projet
20 national alors que l'autre c'est un projet qui
21 devrait être un projet d'intégration pluraliste
22 dans une société démocratique, un pluralisme
23 démocratique.

24 Pour ce qui est de la question
25 autochtone, ça suppose qu'on fasse une série de

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1 préalable qui n'existe pas, et que ça s'adresse à
2 l'ensemble de nos enseignants. On s'est dit
3 qu'une formation interculturelle qui ne prépare
4 pas à avoir des opinions éclairées sur la question
5 autochtone est une formation inadéquate.

6 Par ailleurs, une formation tout
7 court qui ne prépare pas à aborder les défis
8 particuliers que pose la question du pluralisme
9 dans nos sociétés d'aujourd'hui est une formation
10 inadéquate aussi.

11 Dans ce sens-là c'est pour ça que
12 notre programme est un programme particulier dans
13 le sens que c'est un programme visant
14 explicitement la formation interculturelle.
15 D'autres universités, et je pense qu'elles ont
16 raison, insistent sur la nécessité de diffuser
17 dans l'ensemble de la formation des maîtres
18 une..."permeate", comme on dit en anglais, une
19 sensibilisation à ces nouveaux défis auxquels on
20 n'a pas été préparé parce que c'est nouveau pour
21 les sociétés.

22 De vivre à la coexistence en
23 tension de plusieurs communautés culturelles dans
24 un même espace social pose des défis qui supposent
25 un minimum de formation en sciences sociales pour

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1 être capable de savoir comment les aborder sans
2 créer plus de mal que de bien, parce qu'on est
3 pris dans une série d'idéologies qui se
4 contredisent et qui sont conflictuelles, dont
5 certaines conduisent à certaines idéologies très
6 généreuses de pluralisme culturel, de respect
7 intégral des cultures, et conduisent à des
8 impasses, et que les théoriciens ont bien
9 mentionné.

10 Peut-être que José pourrait
11 compléter.

12 JOSÉ LOPEZ ARELLANO: Je voudrais
13 focaliser la notion de compétences
14 professionnelles pour clarifier et démontrer la
15 potentielle richesse qu'il y a à notre programme.

16 Normalement le professeur, quand
17 il s'engage dans son travail, il a déjà une série
18 de compétences mais il fait appel régulièrement à
19 son sens commun pour organiser sa classe, pour
20 gérer sa classe. Le sens commun va primer à peu
21 près tous nos jugements et nos relations
22 immédiates.

23 Ce sens commun, on doit le
24 dépasser. On doit acquérir les compétences
25 professionnelles comme un technicien pour piloter

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1 une avion doit acquérir des compétences, sauf que
2 dans les relations sociales on suppose que les
3 compétences sont innées, qu'on les a parce qu'on
4 est un être humain et on ne doit pas aller plus
5 loin que ça.

6 Michel Pagé trouve une différence
7 intéressante entre les compétences pour devenir un
8 homme et les compétences pour devenir un citoyen.
9 C'est essentiel de comprendre la construction du
10 citoyen dans notre société car c'est là où on peut
11 identifier les enjeux principaux, les enjeux les
12 plus importants qui confrontent notre société,
13 c'est-à-dire quel type de citoyens on veut créer.
14 Pour cela il nous faut des ressources
15 professionnelles car on ne peut pas les faire à
16 partir de la bonne volonté et du sens commun.

17 Je ne sais pas si ça peut vous
18 permettre de comprendre le potentiel que nous
19 avons développé dans notre maîtrise.

20 COPRÉSIDENT RENÉ DUSSAULT: C'est
21 certainement utile.

22 Une question que j'ai est de
23 savoir, comme l'accent est mis sur la coopération,
24 faire travailler de façon égalitaire les gens de
25 tous les niveaux social, est-ce que c'est une

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1 exigence d'admission à ce programme spécifique de
2 maîtrise que d'avoir une expérience sur le terrain
3 avec les gens, ou est-ce qu'on peut joindre la
4 maîtrise indistinctement venant d'un bac comme un
5 jeune étudiant dans la ligne de complétion des
6 études.

7 Est-ce que les deux courants ont
8 accès à la maîtrise un peu comme du côté de la
9 maîtrise en administration, où on demande une
10 expérience de vécu avant de faire la maîtrise
11 parce que ça semble appeler une certaine
12 expérience parce qu'autrement ça peut être
13 passablement théorique lorsqu'on n'a jamais eu à
14 vivre dans le concret en situation d'enseignement
15 coopératif du genre de celui dont vous parlez.

16 JOSÉ LOPEZ ARELLANO: Le gros de
17 notre clientèle est déjà sur le marché du travail
18 et il ressent le besoin d'aller chercher ce type
19 de qualifications. Donc c'est là où nous
20 concentrons nos efforts.

21 Évidemment il y a des personnes
22 qui seraient intéressées parce que les nations
23 autochtones éveillent un certain romanticisme et
24 attirent beaucoup de personnes. Mais nous nous
25 concentrons sur les personnes qui ressentent le

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1 besoin d'une formation un peu plus poussée.

2 FERNAND OUELLET: C'est pas
3 seulement la question de la coopération. C'est la
4 question des défis du pluralisme ethnoculturel.

5 En général c'est mieux perçu par
6 des gens qui ont une certaine maturité, une
7 expérience de la complexité de la mise en oeuvre
8 des interventions dans les institutions.

9 Notre programme est un programme
10 qui ne promet pas des résultats pour demain mais
11 s'attaque à quelque chose de gros, à savoir
12 comment faire changer des institutions qui sont,
13 comme vous le savez, des choses qui ne changent
14 pas facilement, de manière à ce qu'elles soient
15 mieux adaptées aux conditions nouvelles de notre
16 société qui a changé un peu trop vite pour la
17 façon dont les institutions changent.

18 Notre programme fournit un cadre
19 qui ne dit pas comment changer, mais nous aide
20 à comprendre comment ça se passe, à prendre un
21 recul qui fournit des outils pour analyser qu'est-
22 ce qui se passe. Et c'est ça qui est intéressant
23 pour celui qui dirige le programme parce qu'on
24 s'instruit énormément. C'est la complexité. On a
25 besoin d'une approche multidisciplinaire où chaque

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1 discipline apporte un éclairage sur ces questions-
2 là.

3 Comment il faut utiliser ça? On
4 n'est pas prescriptif. On ne dit pas comment le
5 faire, parce que chacun doit l'inventer dans son
6 projet d'intervention. Dans l'institution, dans
7 la place où il occupe on lui dit: Si tu es dans
8 une salle de classe, il y a quelque chose que tu
9 contrôle, c'est ce qui se passe dans ta salle de
10 classe. Et là-dessus t'as une compétence que
11 d'autres ont pas. Comment tu fais pour incarner
12 ces principes?

13 Vous avez remarqué qu'il y a un
14 volet théorique assez important à notre programme.
15 Il est important parce qu'il s'intéresse à... Il
16 y a beaucoup de citoyens, même s'ils n'ont pas
17 appris dans les institutions, il y a une réflexion
18 sur ces questions-là qui devient un peu...on les
19 rencontre à tout coup, avec un minimum d'intérêt
20 pour comprendre ce qui se passe dans notre
21 société. On a besoin d'un certain nombre d'outils
22 conceptuels pour les comprendre.

23 COPRÉSIDENT RENÉ DUSSAULT: Je
24 comprends qu'il y a une préoccupation de pointe
25 comme vous avez mentionné tout à l'heure, monsieur

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1 Arellano. Ça s'adresse aux gens qui veulent
2 pousser un peu plus loin sur le plan scientifique,
3 mais je ne peux pas faire autrement que de vous
4 poser la question, et je pense que d'un groupe ou
5 d'un centre de réflexion autour d'une question
6 aussi importante que celle-là dans un contexte
7 académique mais dans un contexte aussi se
8 répercutant plus largement sur la société, en
9 parallèle est-ce que vous avez des réflexions sur
10 l'éducation du public de façon plus large.

11 Évidemment on est confronté avec
12 la réalité. Je pense qu'on a eu le bénéfice, et
13 certainement les membres non-Autochtones de la
14 Commission ont eu le bénéfice d'avoir un cours
15 accéléré de communication interculturelle, de
16 réalités interculturelles, et souvent on se dit on
17 est privilégié, le public. C'est une question
18 d'accès.

19 En d'autres termes est-ce qu'on
20 peut s'attendre un peu à un produit qui pourrait
21 être davantage populaire, accessible, en termes de
22 réflexion parce que c'est un problème de société
23 qui nous confronte tous et de façon immédiate.

24 Autour de la réflexion qui se fait
25 dans l'optique que vous avez décrite et que je

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1 comprends bien, est-ce qu'il y a un intérêt du
2 côté des gens qui s'activent autour de programmes
3 de maîtrise sur une notion plus élargie et peut-
4 être plus immédiate d'améliorer la compréhension
5 sociale sur le plan non seulement pluri-ethnique
6 mais interculturel avec les Autochtones en
7 particulier, au Québec, dans le contexte québécois
8 en particulier?

9 FERNAND OUELLET: L'intérêt est
10 sûrement là mais est-ce qu'on peut pas prétendre
11 qu'on peut tout faire en même temps? On est une
12 petite équipe. Il faut quand même être réaliste
13 dans nos capacités.

14 Ce qu'on essaie de faire, et on a
15 des publications, sur la question autochtone nos
16 intérêts sont encore jeunes donc on a peu de
17 publications. Ce que j'espère qu'on pourra se
18 trouver c'est un laboratoire pour expérimenter ces
19 approches.

20 Un élément de notre programme de
21 formation c'est d'organiser des contacts entre les
22 étudiants qui suivent nos cours avec des membres
23 des communautés autochtones qui ont des intérêts
24 dans des domaines similaires. Au cours de l'été
25 prochain on va appeler à la coopération.

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1 Parmi nos 40 participants il y en
2 a qui ont des contacts déjà dans les communautés,
3 qui viennent des communautés, qui vont nous aider
4 à renforcer les échanges et les contacts et à
5 faire des choses qui se feraient à créer un
6 contexte naturel pour que ces échanges se fassent
7 sur une base égalitaire. C'est un des aspects
8 qu'on trouve bien important, qu'on aboutisse à une
9 collaboration dans des échanges où on ne va pas
10 étudier les Autochtones, parce qu'il y a une
11 résistance naturelle à ça, mais de travailler
12 ensemble.

13 Je pense qu'il va falloir trouver
14 des façons de travailler ensemble qui vont être à
15 l'avantage à la fois des Autochtones et de ceux
16 qui auront la chance d'entrer en contact avec eux
17 dans ces contextes-là où c'est toujours très
18 agréable quand c'est bien présenté.

19 Pour ce qui est de l'aspect plus
20 spécifique de votre question, en tant
21 qu'universitaires on a un rôle important je pense
22 d'essayer de faire avancer les connaissances sur
23 ces questions-là et là-dessus on est encore jeune.

24 Un des mes rêves, et José le
25 partage et il est prêt à m'aider à essayer de le

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1 réaliser, actuellement il y a trois communautés
2 francophones sur la côte nord, où j'ai des
3 contacts avec la direction des écoles, qui
4 seraient en principe intéressées à expérimenter
5 l'approche coopérative, en dehors même de
6 l'inscription au programme.

7 On espère pouvoir mettre sur pied
8 une expérimentation avec ces enseignants-là, et on
9 pense qu'ils vont sortir quelque chose
10 d'intéressant à partir de là. Après la
11 publication du livre de M^{me} Cohen au début de
12 janvier, la traduction est un outil qui va être
13 intéressant. C'est un livre assez attrayant. Il
14 nous montre comment faire.

15 COPRÉSIDENT RENÉ DUSSAULT: Je
16 pense qu'on pourrait poursuivre le sujet
17 intarissable d'une certaine façon. On pourrait
18 poursuivre longtemps.

19 Je ne peux pas faire autrement
20 quand même que de vous inciter à réfléchir à
21 l'idée de la vulgarisation autour du thème. C'est
22 nécessaire que le public plus large suive, donc
23 qui permet d'aller plus loin sur le plan
24 scientifique.

25 Le besoin est très grand, et vous

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1 le savez. Essentiellement on discute beaucoup
2 depuis deux semaines à Montréal du rapprochement
3 entre Autochtones et non-Autochtones, mais il y a
4 compréhension.

5 Partout où on peut voir une
6 échappée de lumière il y a la possibilité de
7 contribuer à ça, c'est un plus, je pense, pour
8 l'ensemble de la société.

9 FERNAND OUELLET: Peut-être que
10 pour avoir une piste pour aller dans le sens de ce
11 que vous dites, c'est d'essayer de faire un effort
12 spécial pour intéresser des gens venant des
13 milieux des médias et d'éducation populaire à
14 participer à notre programme, et eux c'est leur
15 charisme de faire l'éducation populaire mais on
16 pourrait avoir cette formation qui leur
17 permettrait de la faire autour de cette question
18 dont il ne faut pas sous-estimer la complexité.

19 On ne peut pas s'improviser
20 vulgarisateur de la question autochtone dans
21 quelques semaines ou quelques mois. Il faut
22 prendre le temps de faire le tour de la question.
23 José a monté des dossiers dont les cours sont
24 décrits là-dedans. Ça fait une documentation ça
25 d'épais, et c'est très sélectif.

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1 JOSÉ LOPEZ ARELLANO:

2 Probablement, mais un exemple qui pourrait nous
3 permettre de voir qu'effectivement il y a des gens
4 où une certaine divulgation...les étudiants qui
5 présentement suivent la maîtrise, la plupart
6 travaillent, sont des professeurs.

7 Un des étudiants a fait un petit
8 projet. C'est simplement essayer de sonder la
9 perception que ces étudiants avaient des questions
10 autochtones, et d'essayer de voir les alternatives
11 pour leur montrer une perception un peu
12 différente.

13 Elle a pris comme exemple la crise
14 d'Oka pour essayer de voir quel était l'impact de
15 cette perception. C'est intéressant parce que ça
16 l'a amenée à développer dans la plupart de ses
17 interventions, ça veut dire d'une façon constante,
18 de provoquer une réflexion chez les étudiants, et
19 c'est des enfants de 10 ans, sur la perception
20 qu'ils ont construite, d'aller chercher de
21 l'information, mais surtout de la formation pour
22 modifier...

23 Je pense que c'est la façon
24 d'aller chercher le public, c'est-à-dire qu'on va
25 chercher le public pas par les médias

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1 exclusivement mais par les contacts
2 institutionnels, et il y en a surtout au niveau
3 scolaire.

4 Je vois une alternative et je ne
5 sais pas si...évidemment à long terme si on a
6 agrandi notre clientèle on pourrait avoir un peu
7 plus de répercussions, mais pour l'instant le
8 programme est jeune et il nous faut encore aller
9 chercher plus de recrues.

10 COPRÉSIDENT RENÉ DUSSAULT: Je
11 vous remercie.

12 En terminant je voudrais dire que
13 vous avez certainement suscité notre intérêt à
14 lire le livre de M^{me} Cohen, en anglais ou en
15 français.

16 Je voudrais vous remercier d'être
17 venus partager avec nous votre démarche. Je vous
18 souhaite bon succès. Si vous avez des choses
19 additionnelles dans la prochaine année, n'hésitez
20 pas à nous contacter, par écrit ou autrement.
21 Merci. Bonne chance.

22 La Commission suspend ses
23 audiences publiques pour la journée. Nous allons
24 reprendre demain à 9 h 00 avec la présentation de
25 la Fédération québécoise de la faune.

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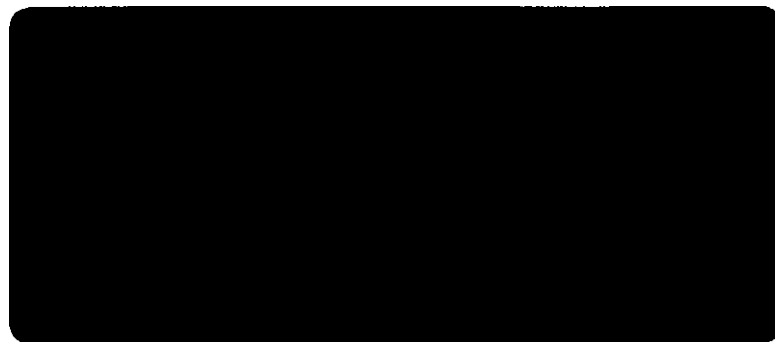
1 Ce sera suivi de la présentation
2 d'un mémoire par l'Union des municipalités du
3 Québec.

4 Il y aura également une
5 présentation par le Juge Jean-Charles Coutu de la
6 Cour du Québec, qui a été juge itinérant dans le
7 Nord depuis près de 20 ans et qui préside le
8 comité sur la justice autochtone dans le nord du
9 Québec.

10 Aussi nous aurons dans l'après-
11 midi présentation par la Fédération québécoise du
12 saumon de l'Atlantique, la Fédération des
13 pourvoyeurs du Québec, des pourvoiries, le Barreau
14 du Québec, et le Groupe des 22, qui sont des
15 jeunes regroupés autour du Conseil permanent de la
16 jeunesse, qui viendront faire une présentation
17 pour clôturer la journée.

18 Merci. À demain matin, 9 heures.
19 --- L'audience est levée à 18 h 35, pour reprendre
20 à 9 h 00 le mardi 30 novembre 1993

22065



LOCATION/ENDROIT:

LE NOUVEL HOTEL
1740 RENÉ-LÉVESQUE BLVD. WEST
MONTREAL, QUEBEC

DATE:

TUESDAY, NOVEMBER 30, 1993

VOLUME:

2

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

LOCATION/ENDROIT:	LE NOUVEL HOTEL 1740 RENÉ-LÉVESQUE BLVD. WEST MONTREAL, QUEBEC
DATE:	TUESDAY, NOVEMBER 30, 1993
VOLUME:	2

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Montreal, Quebec

--- Hearing resumed at 8:30 a.m., Tuesday, November 30, 1993.

CO-CHAIR RENÉ DUSSAULT: I would like to welcome everyone.

The Royal Commission on Aboriginal Peoples in Canada is resuming its public hearings with the first presentation by the Fédération québécoise de la faune [Quebec wildlife federation], André Pelletier.

ANDRÉ PELLETIER, President, Fédération québécoise de la faune: In order to provide you with some background, first, I am going to give you a brief introduction to the Fédération québécoise de la faune, which is the group that brings together hunters and fishermen, harvesters of wildlife, if you like, in Quebec.

The Federation is composed of about 350 hunting and fishing associations plus several thousand, to my knowledge it is 4,500, individual members of the Federation, for a total membership of about 250,000 members.

The primary objective of the Federation is to manage wildlife, to preserve habitats, and to provide

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political representation, in quotation marks, for the interests of its members and of harvesters in Quebec. You must understand that there are very, very few Aboriginal people among these harvesters, in our membership.

Because of its position throughout all of Quebec, because we have members from the Iles de la Madeleine to Hull, taking in some areas in James Bay, the Federation is in a position to see and experience the growing conflicts that exist between Aboriginal and non-Aboriginal harvesters.

The Federation has a policy, and I must admit, it is very ambiguous as to Aboriginal rights. I think that its position is more or less a reflection of what is found in Quebec society as a whole, which has even resulted in my making an oral and not a written presentation today. Because there is really no consensus in our Federation as to how the Aboriginal population should be treated, any more than there is consensus as to rights.

Unfortunately, we are left just about every day having to deal with the situation, to which we do

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not see any solution in the short term.

Nonetheless there is a resolution that dates from our last convention, last year, which says more or less the following. In Quebec there should only be one kind of law, because there is only one kind of citizen; we are all Québécois. I agree with you that this does not resolve the situation.

To prove to you the extent to which the Federation is more than divided, this resolution was adopted by a majority of only four votes out of about 200 participants who were in the room. This is about how things stand.

The Federation has people who are almost pro-Indian among its members. There are people who are solidly, I admit, who even have somewhat racist reflexes, and this situation is not going to improve in view of everything that is happening in Quebec at present.

In the past, our Federation has always tried to build bridges with the various Aboriginal groups. Despite our rather ambiguous position, we are continuing

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that work. That is in our interest, it is the interests of the wildlife that we are working for.

It must be said that theoretically we do not get involved in politics. Our actions relate only to wildlife management. I think that there is perhaps one point on which there is consensus in the Fédération québécoise de la faune. That is that everyone hopes that this will be resolved as quickly as possible in the interest of our wildlife harvesting activities.

I myself, as president, am convinced that there is a way of reaching agreement with the Aboriginal groups and as I often say, if there were fewer politicians and fewer lawyers involved in these issues we would find a solution more easily.

Forgive me, but unfortunately that is all I can tell you this morning.

CO-CHAIR RENÉ DUSSAULT: Thank you, Mr. Pelletier. Of course it is always disappointing when an organization cannot reach a consensus for a presentation to the Royal Commission. However, I hasten to say that you are

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not the only organization in this situation.

It is clear that even having to think about relationships with the Aboriginal peoples and with Aboriginal people and from the concrete perspective of presenting a brief to the Commission is often for some groups the first time they have really stopped to see whether they are capable of reaching a consensus and taking a position. In that sense, some progress has still been made.

It is clear that for an organization like yours which has extensive contact with the Aboriginal community in Quebec, that shows that there is a lot more work to do. The value of wildlife management and conservation in principle should be a value that brings people together more than it separates them or divides them.

This being said, we are very aware that there is often a considerable gulf between general principles and daily life at the grassroots.

We appreciate your coming to tell us what you have said. You are the president of the

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Association, obviously we hope that the discussion will continue and there will be informed participation. When you talk about a resolution adopted by four votes out of a gathering of 200 members, I think that that indicates that there is truly a significant difference of opinion.

The Federation has been in existence since 1945, and consists of 250,000 members. You have local associations, nearly 300.

ANDRÉ PELLETIER: A regional structure as well.

CO-CHAIR RENÉ DUSSAULT: A regional structure as well.

What is your connection with the Canadian organization?

ANDRÉ PELLETIER: Now you are getting me onto dangerous ground again.

The Fédération québécoise de la faune is an associate member. I personally sit on the board of directors of the Canadian Wildlife Federation.

The Fédération québécoise de la faune represents about half of the membership of the Canadian

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Wildlife Federation. We, Quebec, are, let's say, the biggest affiliate of the Canadian Wildlife Federation.

We have had very tight discussions there as well. I do not know whether you have met with the representatives of the Canadian Federation, but there again, at the time when the discussions were taking place with the Canadian Federation, as an affiliate I took positions which are now almost disowned by my own organization.

I must tell you that everything that I told you earlier is virtually an admission of personal failure for me. The people who know me know very well that I have a special relationship with the Aboriginal people. I am a harvester who is sitting somewhat between two chairs, and I am not ashamed to admit today that if, after my third term, I do not come back as president of the Fédération québécoise de la faune it is due in large measure to the failure to resolve this issue.

I consider the resolution that was adopted by the convention to be a personal defeat for me and I am personally in a bit of a bad situation ... I am on the

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verge of making a public confession, but I take it as a personal defeat because I was the principal architect of an attempt at a reconciliation until some unfortunate events occurred and then the wave swept right over me, since I am myself half Aboriginal and half ... because I don't know any more what to call myself. This is one of the problems.

It is this vagueness in the entire issue that is, I think, going to end up completely eroding it. When you are Métis you don't know whether you are white or red. The Indians treat you like you're white and the whites treat you like you're red, and you end up not knowing how to deal with it any more.

The debate in the Fédération québécoise de la faune is where it starts to get murky. Our membership is almost all ... when I say almost all, 99 per cent of the people in the Federation are prepared to recognize the right to subsistence hunt. The problem is that we don't know where that starts and where it ends, subsistence hunting.

When we talk about the Neskapi, right at the top, who feed themselves without a doubt from their hunting and their gathering, there is not a member of the

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Federation who will say that these people should obey the rules of our game. But when an Indian from a band that lives in the suburbs of a big urban centre comes and tells us that killing a white goose in the springtime means he is subsistence hunting, well I'm sorry, but that is seen by us in no uncertain terms as being provocation. So that's the problem.

There is no longer anyone, and I hope that your august commission will succeed in clearing up some of these points. This is the only chance we have of getting out of this debate alive. What is subsistence hunting? Who is an Aboriginal person? And to whom do the rights that are being claimed belong?

I am known for my prejudice in favour of some Aboriginal groups and at the same time I have to admit that I don't know where I stand. I don't know where I stand. There are some things that obviously have to be clarified.

CO-CHAIR RENÉ DUSSAULT: I think that you have got to the heart of the matter in the definition of an Aboriginal person, the concept of subsistence hunting,

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but also, and most especially, the concept of Aboriginal ancestral rights and the scope of those rights, and how they are to be harmonized with the regulations and legislation of the other levels of government.

It is clear that this is a question, and you are telling us very frankly and directly, that divides much more than it unites Aboriginal and non-Aboriginal people, in Quebec especially, and this has repercussions on a lot of things when it comes to relationships.

When it comes to these things, again, the Commission is going to try to shed as much light as possible on this issue, but here again there are certain preconceived ideas that will undoubtedly have to be called into question and everything depends on how this is done. What is important is that things be clear, and the reasons be clear. In this sense, I think that your testimony this morning says more than any number of papers you could have submitted to us.

If I understand you, you are finishing your third term. These were terms of ...?

ANDRÉ PELLETIER: Two years.

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CO-CHAIR RENÉ DUSSAULT: So that makes six years.

Mary Sillett and I have had the opportunity to hear the Canadian organization in Toronto, and so I understand very well what you are telling us. The position was somewhat different.

You have given us a number of paths, questions, the fact that 99 per cent of your members agree with the principle of subsistence hunting and fishing, but how do we get some concepts of public education going ... for example, we have published several documents. We are completing the fourth set of public hearings. Between each of them we have published a transcript of the hearings.

Pretty much all of the themes of our mandate have been addressed before us. The information is available, about how people think, how people respond throughout Canada, Aboriginal and non-Aboriginal people, to these problems. Of course others before us have done this kind of work.

What can we do so that this information, which is the basis, in a way, for deliberation, because

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we often have our world view, and it is almost shocking when we meet someone with another world view. There are two ways of responding: discussion and name-calling.

What could we do in terms of basic information, not so that people can make their own decisions, but to be sure that there is more balanced information circulating in an organization like yours? How do you provide information to members?

ANDRÉ PELLETIER: In addition to an internal newsletter that comes out every two months, there are also all the contacts made throughout the structure. I must point out that our associations are grouped by region and that each of these regions holds an annual convention. There is also the Federation's annual convention. If you like, this operates a bit like a pyramid. Each of the associations is part of a region which itself is part of the convention.

The board of directors, in any event, is constructed in exactly the same way. There are presidents

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for each region, who sit on the board of directors.

I think there are two aspects to the question you are asking. One, there is the problem that we have to educate young people. This is a long-term project. Second, within all the existing structures, whether it be the Fédération québécoise de la faune or any other kind of organization, what there absolutely has to be is contacts.

Each time we invited, because this was common practice until recently, until certain events occurred which cut off a lot of bridges, there was always a guest at the convention of the Fédération québécoise de la faune, spokespersons or representatives of Aboriginal groups or nations who were at each of our conventions, always talking about different subjects, such as forest management, the implications of forest management for wildlife, for the Attikamek-Montagnais territorial negotiations.

I can tell you that since I have been

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president, except for the last two conventions where it had become impossible, but there were always Aboriginal people invited to take part in our conventions, for good reason: the only way that people will be able to get together and find common ground is that they have to meet. And each time we invited the Aboriginal people we found that the people in the room realized that what united the white and Aboriginal harvesters, there were a lot more things that united us than there were that divided us.

Let me give you a quick example, the forest. When a logging company clearcuts, whether you are Aboriginal or white, it is unfortunate, but it is the same trees that are disappearing and the same wildlife suffering the consequences. Whether you are an Aboriginal trapper or a white trapper, it doesn't change anything.

Beginning with that, we had started to build something. Today it has become very, very difficult. There's one thing you have to remember. Sad to say, in

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Quebec, nearly half the population of Quebec lives in the large metropolitan region, if you draw a circle sixty miles all around Montreal, you have half the population of Quebec.

I myself would say that these people have a much greater chance of meeting a Haitian or a Vietnamese than an Indian in their daily life. And these people all have a preconceived idea about what an Indian is, but they have never in their whole life met one. Probably the most Indian person they have seen in many cases is me, and I guarantee that I am not very representative, unfortunately.

It is still a sad reality of life. One, at school we never learned what an Indian was, and two, as a general rule they live very far from us, and it doesn't help that the ones who live close by, those are the ones we have the problems with. How can you expect someone from Montreal to know anything else about Indians? Indians, to them, means Mercier Bridge. We'll never solve this, because that isn't Indians.

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CO-CHAIR RENÉ DUSSAULT: In your view, did the events of the summer of 1990, which of course took place here in the metropolitan region of Montreal, is this what caused the most damage on this question, in the more remote regions, on the land, in other regions of Quebec, in terms of the question of wildlife.

Is it more this, or is it more problems in the more immediate relationship, or both?

ANDRÉ PELLETIER: The beginning of the cooling in the relationship, and I am going to try to be more diplomatic than I normally am, the beginning of the cooling in the relationship between the Fédération québécoise de la faune and the Aboriginal representatives started with the Attikamek-Montagnais claims.

All kinds of demagoguery was going on. People saw maps on which theoretically they thought that the Attikamek-Montagnais were claiming two thirds of what was left of Quebec starting from James Bay, without making any distinction between land claims and ancestral occupation.

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No one understood the maps.

Up to a certain point we were able to defuse that bomb with representatives of the Attikamek-Montagnais council at our convention. Just when we thought we had succeeded in getting people to understand how this might operate, what would happen about all that, then came the events with our Nadoway (PH) friends that we all know about.

Everyone knows how difficult it is to deal with the Aboriginal problem as a whole because there is no Aboriginal problem, there are Aboriginal problems. Each nation has its own claims and its own business. I know that.

There has never been political unity among Aboriginal people, and I think this is particularly true of the Assembly of First Nations, if you will forgive me. Add two or three things together. Everyone who was trying to work in the interests of wildlife and reconciliation between Aboriginal and non-Aboriginal people felt as betrayed as they could be, two or three times in a row. And I am one of them.

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I'll tell you honestly, I'm no longer interested in fighting for that today because I have the impression that I am working all alone and for nothing.

While I am trying to convince the whites, who are a bit too much the cowboys for my taste, the Indians are spending their time doing things that pull all my arguments out from under me and that often prove the extremists on the other side to be right.

Mercier Bridge was total madness, Oka was no more impressive. And after that there are Aboriginal politicians putting the cherry on the sundae by saying that we, the people of Quebec, we are not a people, and we know what happened next. Forgive me, but I am a Québécois who is too red to be white and too white to be red, but I am still a nationalist, as are many Québécois.

These people are saying listen, in addition to us not having any political unity, we don't recognize yours. There are Aboriginal people who, sometimes one wonders whether they are in fact playing the provocation game for the fun of provocation, one, and two, because I

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can tell you that the Nadoway set the cause of Aboriginal-white reconciliation back 20 years with a single blow. It has no longer been possible to talk to a lot of people, not even to try to imagine that there might have been reconciliation.

I am telling you that for the last two conventions of the Fédération québécoise de la faune I have not dared to invite an Aboriginal person, I was afraid that the people would behave toward them in a manner that would have been unacceptable. I didn't dare.

Personally, I perhaps damaged the cause precisely by being, at the beginning, too - not boastful, but I dared to say that I was Métis, because everyone who was against the Aboriginal cause at that point used that fact to say that I was becoming biased, because being half Indian sometimes is being too Indian. It is easy to forget that the other half is white. Sometimes I wonder whether I am not too white.

Forgive me, I am getting a bit emotional. It's because what I am doing is working off my frustrations from the last six years. It is in a way my

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legacy, my attempt at reconciliation, I don't know. There are people in the room here who know that I have always worked with my guts. Forgive me, but they are worn out. They have been dragged across too many tables.

CO-CHAIR RENÉ DUSSAULT: I think that your testimony before the Commission this morning is important. You are giving us a good summary of what some people have experienced in Quebec, and it is important to the Commission to hear both sides of the coin. Hearing it through someone like you who has tried to work on reconciliation is even more striking.

I think that it is clear that this shows the enormous amount of work there is to do, generally speaking, but more specifically, at the grassroots, and in the field of wildlife protection, and so also of management of the resource.

We had the opportunity 15 days ago in Montreal to hear a presentation by the Attikamek-Montagnais council, who gave us an idea of the status of the results of the negotiations. Clearly there is a lot of reciprocal

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misunderstanding going around, often as a result of information that has been exaggerated. Extreme measures are being taken to make a point, but often the fine points are left out and what gets out to the public is the extreme part of the message.

I for one, this morning, would like to thank you for having come to make this presentation to the Commission. I think that it was very important.

Before we finish, I would like to ask my colleague, Mary Sillett, to speak to you.

COMMISSIONER MARY SILLETT: Thank you very much.

I would just like to thank you very much for making this presentation. I think one of the things that was clear to us even before we began this Commission was that there is definitely a lot of conflict over the issues of lands and resources, and we've heard that i spades throughout the country.

As Mr. Dussault said, we heard from the Canadian Wildlife Federation in Toronto and clearly there are many problems, and clearly there are many frustrations, not only by

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1 Aboriginal people but by Aboriginal peoples as
2 well.

3 One of the things that you
4 mentioned in your presentation was the need for
5 Aboriginal history. I always remember the words
6 of one presenter in Davis Inlet, and I shall never
7 forget them no matter how old I live to be. He
8 said, I used to have to go to school, I used to
9 have to go to school in a white school, he said.
10 He said, I learned about how great John A.
11 MacDonald was. He said, I learned about how great
12 Joey Smallwood was, but not once, never once was I
13 taught about the richness of my own people and the
14 richness of my own culture.

15 That's one presenter, but his
16 words were echoed right across the country for
17 Aboriginal history to be taught in the schools for
18 Aboriginal languages to be respected in the
19 schools. So you as well have said that.

20 I guess you're very, very
21 emotional and I was getting sort of frustrated too
22 because there seems to be no light at the end of
23 the tunnel sometimes on many of these issues.

24 Just for clarification, I just
25 wondered if you could tell me within your

organization what are the most contentious issues? You mentioned subsistence hunting. You said for example people shoot waterfowl and say that's subsistence hunting, then you begin to wonder what is subsistence hunting. So that's an issue that you've identified.

You've also identified a unifying theme in all of these would be forest management. So I was wondering if you could clarify for me what are the most contentious issues within the Provincial Wildlife Federation. I suspect that the issues are somewhat different maybe at the National Wildlife Federation.

If you could clarify for me the unifying things. You mentioned forest management. Are there any other themes that Aboriginal and non-Aboriginal people can see as unifying themes, could see as opportunities for working together?

ANDRÉ PELLETIER: If you would allow me, I am going to answer in French because I am not very good at English.

Unlike the Canadian Wildlife Federation, which has, generally speaking, and throughout Canada as a whole, a much more serious dispute with the Aboriginal

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people than we have in Quebec ... it is a bit bizarre. The Québécois are perhaps the ones out of all Canadians who have the fewest -- I am still talking in the field of wildlife management, I am not getting into political subjects.

The Québécois are perhaps the white Canadians who have the fewest disputes with the Aboriginal people in the sense that here there is no big problem, in quotation marks, of rivers being stripped of salmon, there is no wildlife species that is harvested to a huge extent more by the Aboriginal people than by the ... In terms of sharing resources, we really have no problem here.

There are still a few small questions that will arise, such as, for example, Quebec has just adopted a new policy for managing moose, livestock, where the rules of the game are very strict. The white hunters have decided to tighten their belts by two or three notches, if you will.

The question they are asking is are Aboriginal harvesters going to help us out and try to provide an even stronger assurance of the sustainability of

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the moose resource? We have no guarantee that they will.

On the other hand, almost all whites are prepared to admit, at the same time, that the percentage of moose taken by Aboriginal people is not significant in the big picture. Except that in symbolic terms, if the Aboriginal people decided to do the same thing as the whites to try to improve the quality of their herd, this is the kind of thing that could bring the two groups together easily.

In Quebec there have been a number of contentious issues in the past. They mainly related to a few salmon rivers. Several years ago, this problem was resoundingly resolved. As well, I greatly envy on occasion my friend Bernard Beaudin of the Fédération du saumon de l'Atlantique du Québec, who succeeded in doing what I was trying to do in the Federation: in no uncertain terms, "if you can't beat them, join them".

This is what he did with the Aboriginal people, and it is working so well that, as I said, I am almost jealous.

Even on the land, with the exception

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of a few examples of provocation, when Indians go out before the season, making sure that the journalists are around, and hunt a white goose when it isn't time or a moose when it isn't time. But those are all isolated examples of provocation, which doesn't solve anything, I would note, but which does not endanger wildlife management.

This is why Quebec almost dissented inside the Canadian Federation, in terms of the brief that was filed by the Canadian Federation. Moreover, we have always, or almost always, dissented on the Aboriginal affairs committee of the Canadian Federation.

A few years ago, when a friend of mine from Yukon was chairman of the Aboriginal affairs committee of the Canadian Federation, I took part in that work and at one point, let's say the [moderates - ?] in the Canadian Federation were leaning a bit in favour of people who had much more radical views. At that point, I withdrew from the Aboriginal affairs committee of the Canadian Federation, and ultimately was passed by in my own Federation by somewhat

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more radical elements also.

Clearly in Quebec we do not have the impression that there are really disputes at the real grassroots. Of course there are people who feel threatened by the land claims, because the land is occupied, what can you say. I mean whites, there are whites everywhere in the forest. So when the Aboriginal people start claiming rights, there are people who have had cottages there sometimes for years or who also hunt traditionally, because Quebec tradition, forgive me, but hunting is getting to be a long-term thing for us too. It is getting to be long-term.

I can even boast as a Québécois that my ancestors have hunted in Quebec longer than some Aboriginal groups who arrived after my white ancestors. Immigration was a two-way street. Of course I am not talking about my Algonquin ancestors. That would be a longer time.

I hope I have been able to answer your question somewhat.

COMMISSIONER MARY SILLETT:

[ENGLISH - Thank you very much.]

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CO-CHAIR RENÉ DUSSAULT: I would like to thank you for travelling here and coming to meet with the Commission to give this testimony, which is very enlightening on a number of points.

ANDRÉ PELLETIER: Meegwetch.

CO-CHAIR RENÉ DUSSAULT: Thank you very much. Meegwetch.

We are going to recess for two minutes. We shall resume the hearing immediately afterward with the presentation by Judge Jean-Charles Coutu.

--- Hearing recessed at 9:51 a.m.

--- Hearing resumed at 10:06 a.m.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on Aboriginal Peoples in Canada is resuming its public hearings with the presentation of Judge Jean-Charles Coutu.

THE HONOURABLE JEAN-CHARLES COUTU, Judge of the Court of Quebec: Mr. Chair, Ms. Sillett, it is an honour and also a privilege for me to have been invited to make a presentation before your Commission, which is very important at this time in the life of our country.

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As you know, I am a veteran of the justice system in Aboriginal communities, since it was 20 years ago that at some point almost every week or every two weeks I was in an Aboriginal community to justice to them, as it were, as the missionaries went to take the gospel, for better or for worse.

What I have personally observed after a decade of this is that our justice system, as we apply it among the Aboriginal people, and particularly in the location where I tended to this task, northern Quebec, often did not meet the aspirations of the Aboriginal peoples.

Moreover, we should not think that this justice system fails in meeting the needs of Aboriginal people alone. I also does not meet the needs of whites. I often say, for example, in advocating new forms for the administration of justice and a reexamination of the administration of justice, ten years ago in Quebec there

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was one prisoner per cell in the prisons. In the United States they were up to two or three, down there. Today in the United States they are up to ten, and we have perhaps got to three. How many will there be per cell in ten years? Here I am referring to the white areas.

I think that we have to do a serious examination of this, and what I have said to various people is that the experiments we want to undertake in Aboriginal communities, I think we could also do them among ourselves, and perhaps successfully, and that we would also learn from Aboriginal communities how better to administer our own justice system.

I have filed a number of documents which are ideas I have had over the years about our experiences. In reality, since 1983 we have been trying, in the Ministère de la Justice, people who work in this area - defence lawyers, prosecutors, judges, clerks, people who work on the barn floor, so to speak, although we are not numerous in the North, there are more caribou than us, we have tried to find

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new approaches to the administration of justice and to work together in developing this and, of course, at the same time convince the government to improve the situation. As well, this has led me personally to a number of conclusions.

And so I have filed some small speeches I have occasionally given, the first of which was to the Association in April 1991, which is a general review of the history of the administration of justice in Aboriginal communities in Quebec, particularly since 1970, because that was really the point when it started a bit more, in response to *The Queen v. Itoshat (PH)*, which was decided in Montreal, in which a case had been stayed because Judge Malouf had decided that it made no sense for someone to be tried in Montreal when he came from Koodjoirapic (PH), Poste de la Baleine at that time, who was 2,000 miles from home.

He asked how a man could have a just and fair trial in Montreal, and he was entirely right about that.

This is part of what started the Ministère de la Justice and the people of Quebec, I would

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say, thinking about the administration of justice in Aboriginal communities. As a result of this, also, there was a report and the itinerant court for the North was organized.

I have given a bit of this background and in this document I advocate a kind of model along the lines of the one found in the Juvenile Delinquents Act, alternative models which could be implemented by local justice committees.

Finally, this document closes with a discussion of a set of ideas, for example, when we talk about tradition, can tradition really meet modern needs. There is also the fact that we have to respect the Charters, that we don't have to re-invent everything wholesale, that a tradition does exist, both for Aboriginal people and for whites. Legal traditions, that also have to be respected, and we will not start over, building the universe tomorrow morning, starting from scratch.

There is a second document which I have filed with you, which is an analysis I did in 1972 entitled

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"Le sona à Ovide Mercredi". It is a bit of a catchy title but it was simply to ... the subtitle was "Sommes-nous si différents les uns des autres?" [Are we so different from one another?].

I was pleased to notice in the document which was published by the Commission by John Giokas, these ideas, exactly the same idea appears in that document, to the effect that no, at bottom all we want is peace. We want harmony, we want to reintegrate people who break society's rules, we want them to be reintegrated into society and mend their ways. I think that whether one is Aboriginal or white, we think the same, we have the same objectives.

Another little document that I filed with you contains some thoughts on the participation of the Aboriginal women of Canada in alternative methods for administering justice, simply to point out that in my opinion Aboriginal women have a big role to play and should play it very soon indeed in the process of implementing models for the administration of justice, for a number of reasons.

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The first reason is that they are the first victims of the violence that is, in my view, extreme in several communities, and second, they are perhaps more, I would say -- I am perhaps going to sound like a feminist -- I think that they are closer to everyday needs. In any event they have not lost their vocation as mothers, unlike the men who have often lost their role as provider, who no longer have any place in that society, who play at fishing and play at hunting for lack of anything else to do, they have become big kids.

I believe that the women have retained their sense of everyday duty to a much greater extent by taking care of their daily tasks. In that sense they can surely bring, because of the responsibility they assume from day to day and this sense of the responsibilities they bear, they can bring an enormous contribution to the judicial system. And in the meetings I have had to date I have urged them to take an active part.

Finally, in October 1993, at the

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Canadian Criminal Justice Association, I tried to answer questions being asked on the Quebec committee. The question was quite clear: Are Aboriginal people, Aboriginal communities, as a whole, most of them, are they prepared to take on a complete judicial system at present?

My answer, for reasons you will find in that document, was no. These reasons are set out there. In particular, one reason is the ethic of non-intervention that exists, that I noticed myself in court hearings I have had in the North, but an ethic of non-intervention in another person's life, which may have been valid when people lived in small communities, in a small society, in small homogeneous groups, in communities of two or three families, but which in my opinion no longer makes sense today if we want to deal with the modern world and the arrival of technology, the burgeoning numbers of interpersonal relationships, which are both short and numerous.

This ethic of non-intervention must absolutely change, in my opinion, because it has a great effect, and I say this in the document, it has a great

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effect even on how children are brought up. I think that it is important that ... discipline be learned.

As early as 1977 I was saying, in reference to the Inuit in particular, when there were igloos no one broke windows. Since that time things have changed enormously. There are windows in the houses, and the windows get broken.

Opportunities for breaking society's rules have been multiplied a thousand-fold; rules were rarer in the old days, but they have become increasingly numerous.

My thoughts in these documents which I have filed are not the work of a very learned man, but the thoughts of someone who works day to day with the people, who tries to understand their reality and who has over 20 years seen a situation deteriorating quite enormously largely because of the advent of all the communications media.

When we think that television in the North in particular, in 1981 there was no television. It arrived in 1981, television did. So you understand that in

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the space of 13 years, television, videos, pornography, all that moved quickly into the communities and of course they were perhaps not completely prepared to receive all these modern ways, if we can call them modern ways -- the disadvantages of modern ways.

I read with interest the document prepared by Mr. Giokas, who I imagine was commissioned by the Commission, the document being the report on the round table on judicial issues. I think that this document really contains the essence of the approaches that should eventually be taken, throughout Canada, I think, that should be taken by the administration of justice, how we should set about administering a better version of justice throughout Canada and in Aboriginal communities.

I think that the essence is there. Of course this document is very complete, it refers to the numerous commissions that have been held throughout Canada. It has been under study for a long time. As Frère Desbiens said in one of these documents, [TRANSLATION] "I have never seen any people anywhere in the world who are studied to such an extent", and I think he is somewhat right.

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I would like to get to Mr. Giokas's conclusions at page 223 [219 English version] of this document, which was probably part of another document.

At the end of the document he says, referring to the Aboriginal peoples:

In this respect they are well ahead of other Canadians and are increasingly frustrated by the reluctance or inability of non-Aboriginal politicians, judges and justice administration officials to grasp the inevitability of the changes.

In his final paragraph:

This is not an impossible program. What is impossible is to do nothing. That is why this paper

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begins with a paradox and ends with a question. After some thirty Aboriginal justice inquiries and reports, are Canadians, Aboriginal and non-Aboriginal, finally ready in 1992 to stop talking about the problem and to show the courage to begin as partners to do something about it?

This is exactly the point of view of the Minister of Justice in establishing the advisory committee on the administration of Aboriginal justice in Quebec following the Sommet de la Justice which took place in February 1992.

It must be noted that this was in response to a whole series of measures we had taken over ten years, in which, as I said earlier, all the participants in the judicial system in the North took part, and also the

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people responsible for coordinating Aboriginal affairs in Quebec, the people responsible for justice issues.

Since that time, brief upon brief, document on top of document, we have been trying to convince everyone to develop new forms of administration of justice. So much so that in about 1988 and early 1989 a sort of general policy was accepted by the Ministère de la Justice.

Following that, they agreed, I believe, that we would go out and consult the Aboriginal communities on what we thought were good approaches in the administration of justice. Our solutions might not only be good ones, but they had also to be accepted by the Aboriginal communities, and following the Sommet de la Justice the Minister of Justice agreed to form a committee to go out and consult with the Aboriginal people.

I filed a document with you that is entitled, and I think the title is very clear, "Towards a transfer of responsibility for the administration of justice to the Native communities of Quebec".

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Although in the last speech I submitted to you I said no, the communities are not ready, that does not mean that we must do nothing. On the contrary, we must start looking for methods by which the Aboriginal communities can take increasing responsibility in the administration of justice.

This is a working document which is very down to earth, which deals with things that are possible and can be done quickly.

At the outset, in the foreword to this document, you will note that we caution the reader that everything proposed there is without prejudice to any political position the Aboriginal communities peoples may adopt. And this is, in essence, the same as is found in Mr. Giokas's document, in the sense that if we wait for the big claims to be settled, nothing will get done.

We have to start somewhere, and I believe that this responds to the ideas expressed in the Commission's document.

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What we say in the final paragraph of page 1, and this may also be important, is that in reality "any experiment, even partial, involving the transfer of the responsibility for the administration of justice to the Native communities will be part of an evolving process and will offer the advantage of preparing communities for the more comprehensive transfer of responsibility mentioned above".

That is, if eventually there must be complete autonomy for Aboriginal communities, there will at least have to be people who are informed and who are prepared to take charge of this system. Except that I note one of the conclusions, with which I agree, in Mr. Giokas's document.

He gave four conditions or four observations. The last was that Aboriginal communities will not be able to take responsibility for the administration of justice independently of what exists in the country as a whole. And I think that this is a fact that cannot be avoided. It is unavoidable because the rest of the population will not disappear overnight. There must

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continue to be a process of harmonization, if you like, between the two systems that might exist.

In the document we have here, which is a document, which is several possible approaches, we do not exclude others. At bottom, there is nothing very new. We talk about mediation, diversion and trial by a justice. This is not very new. These are things that we have been talking about for 20 years, but it seems that not many people have started applying them in a broad and rational manner.

It is easy to see throughout Canada that there are partial experiments being conducted, largely experiments in mediation and diversion. What we are presenting here, what we hope will eventually be implemented, implemented in Quebec, because here we are speaking for Quebec, is a broad and evolving plan, that is, staying away from the little experiments that last one or two years and that disappear afterward because there are no more funds.

When we have a clerk in a courthouse, to give you a simple example, that is something permanent.

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When the clerk leaves, another one is hired and another one is put in his or her place.

So perhaps we have to get out of this culture of temporary programs. Clearly these temporary programs may be very good things, for temporary things, but I believe that what is important in terms of the justice system is to set up permanent things.

This is the approach that we take in this document, and of course we hope as an advisory committee, we know that the Ministère de la Justice has a lot of goodwill, except that the various Treasury Boards in the country, even if they have goodwill, do not always have the resources.

What we are advocating here does not require enormous sums of money. It requires much more goodwill on the part of the people who are involved in the judicial system and also goodwill on the part of the Aboriginal communities.

I shall quickly move on to mediation. I believe that it is not necessary to go into this in great

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detail. This document deals again with appointment, competence, operation, how the decision should be made. It is a succinct little code of procedure, but it is very precise, to assist people in finding their way around it. It talks about diversion [non-judiciarisation]. I believe that it is very important to point out that here in Quebec we talk about "non-judiciarisation" rather than "déjudiciarisation" [not referring to the courts, rather than removing from the courts - Tr.].

We know that in Quebec all criminal or penal charges laid are laid after being forwarded to the Crown attorney. Cases are therefore evaluated first. The police do not lay charges directly, and the case is referred after to the Crown attorney, so that there is a sort of filtering of charges done, and in this sense in the discussions we had at the Ministère de la Justice we believe rather in "non-judiciarisation".

When we refer to the courts, we go to court and we take it to its completion, but we decide beforehand whether to go to court or not.

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What I would like to add is that there are choices in this. A community can in fact say I am going to do only mediation, and organize a mediation system. A community can say all we want to do is we want to have a justice and we want to prosecute our little by-laws, our things, our band by-laws or our municipal by-laws, if we are talking about the Inuit, we want to prosecute them in front of the justice, but we do not want to go beyond that. That community is free to choose to do that.

In other words, what we are proposing is very flexible and is also at the pace desired by the communities, and also the pace of their capabilities.

When we talk about diversion we are talking about a diversion committee. This is something similar to what has developed in the Young Offenders Act. It is the same system, in fact, for adults. It amounts to community justice.

This may be where we can find the most, in any event if the Aboriginal communities want it, it is in

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diversion that they may be most able to find or apply ancestral customs or traditions because at that point they are in charge of the penalty, in charge of how to remedy the problems.

At page 8, at the top, there is a non-exhaustive list of possible decisions that such a diversion committee could make. You will see there that in many cases it is the same as is already found in our own legislation. Public reprimand, of course, we don't often have that, but these are things that are tried that are fairly good in some places -- compensation for the wrong caused, restitution, community work, donations to an agency or to the community, assistance to underprivileged families.

Here again we get into more traditional things: a training period geared to traditional activities, voluntary night-time or weekend detention, that is, someone agrees to be separated for a weekend without there necessarily being a prison, but as a result of community pressure he or

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she agrees to it. Participation in therapy workshops on subjects such as violence, sexual assault or alcohol and drug abuse.

I should say that there are already communities in Quebec that have started things like this.

Referral to the court is the second community model, if you like. The third is referral to a justice. Why do we call this about a community model? Of course, the justice would be local, an Aboriginal justice. In this sense it is a community model, it comes from the community.

So we provide for appointment of the justice and his or her competence. We also talk about attributable competence with or without amendments. There are some important comments and I believe that the entire operation is dealt with. And one can go quite a way with these justices.

Of course there are constitutional problems that may arise. It is not necessarily lawyers who

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frown at that. But I believe that we have to try, if not to avoid, but to face these realities. So when problems arise we will build bridges and amend the legislation as required.

Like the Tribal Court or Tribal Judge in the United States or elsewhere, the justice may have broad powers. For example, I know that in Alaska the tribal judges, the tribal courts, deal with, for example, traditional adoptions. There are three kinds of adoptions there, which are provided for in Alaska, two or three kinds.

Here in Quebec we still have our adoption law in the Civil Code, but why could we not, in a few years, working a little with the communities, gain some knowledge about traditional adoption and incorporate it into our legislation? Why not?

I believe that these are things that could be done. What I have seen myself, in Alaska it was people who were not lawyers who rendered the judgments. But ultimately the forms they used for rendering judgment

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were exactly the same as I use myself when I render adoption judgments. There is nothing new under the sun.

Today there are social services in place in all the communities, and there are possible parameters for ensuring that adoptions are conducted properly, so that the justice could eventually have a role, even in civil matters, particularly in adoptions and also in protection cases.

Our Youth Protection Act could surely be amended, eventually, to permit communities in some cases to look after child protection. And why could the communities not look after their own children instead of always entrusting this to people on the outside who perhaps do not understand much at a certain point?

In any event you see here all the approaches, all the discussions that are required with the various agencies. I believe that we are at the beginning of a process that will not be easy. It is a process that will

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take 5, 10, 15 or 20 years, but we must take the time to build it from the ground up, ultimately.

In section B on page 12, we talk about a justice committee. This should not be seen as a contradiction of what was said before. What was said before, we propose three models. I said that the communities have a choice. They can decide to do only diversion, or something else.

We are also proposing that there be a local justice committee. Someone was just telling me, I don't remember who, here in the room we were talking a bit. For example, the justices in the communities here in the south who receive threats and who have a lot of trouble in doing their jobs or fulfilling their role, and who resign.

This is a phenomenon that is widespread in small communities and it is why we have always proposed that there should be a sort of community justice, in any event that there should not be one single person who has to bear the entire weight or expense of the sentence,

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ultimately, and that it be shared among various people in the same community, that it not be just one person who gets the finger pointed, and that the person who committed the offence feel that the entire community is sentencing him or her, not just one individual.

This is very important, because I can tell you that in some communities after we leave when we travel, it is the interpreter who suffers it, as strange as that might seem, very often it is the interpreter who is accused and blamed by the family and friends because a person has been sentenced to prison. And we have often lost interpreters because of this phenomenon.

So there is really a lack of understanding of each person's role. This is why it is important, I believe, in the communities, that it be groups who ... if there is a transfer of responsibility, that it be transferred to the community.

If you have in a community both a justice committee of five, six or seven people, regardless of the number, you have a band council or a municipal

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council side by side which stands up, which is vigilant and which accepts the law, you have one or two or three Aboriginal police officers, you are then starting to have people in a community, 10, 12, 15 people who provide a degree of social control, social control which does not exist now.

I was just saying, it is somewhat extraordinary to see the lack of organization in this respect in the communities.

So when I talk about a justice committee, ultimately, it is to bring together the three models, a community who wanted to could very well have a justice committee to which the justice would belong, on which the youth protection director would sit, potentially, when the case involves young people, who would look after both youth and adult cases, and who when the time came to sign a document.

For example, if something is referred to the justice the committee could be present to assist the justice in making an informed decision, and for the form of

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our system, the justice who was appointed would do the signing, but in essence it would be a community decision.

The justice committee is perhaps the agency that should ultimately be established in the communities. Perhaps not at first, but in the second stage, and have someone who was trained in mediation on that committee, and in fact go back to the traditions of mediation and conciliation that ... we are always being told that this was how problems were resolved in the traditional manner.

In this way we could go back to these models of dispute resolution, whether in civil disputes or in criminal disputes or penal infractions.

Here again, in this document, you have appointments, competence, operation. It is very concrete and, of course, it is not yet complete. There are still things to be worked on, but I can tell you that in terms of diversion we have had forms ready since 1983-1984 to operate

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in these systems and it will be a simple matter to implement quickly.

We added, and this was something that was not in the documents I referred to, from 1988 or 1989, we added potential initiatives under the current system because judges can, and this is why it was added here and I did not feel compelled to ask permission of anyone to add these alternatives because, at bottom, judges have some discretion in consulting people on sentencing, and in the field of sentencing judges may share some of the responsibility with the communities.

There are three forms: the exhaustive examination of sworn witnesses, consultation with the justice committee -- when there is a justice committee, it could be consulted -- and the sentencing circle, what we call the [ENGLISH - sentencing circle], which is perhaps, one might say, the latest fashion in the administration of justice, which is also discussed in the Commission's document, but which seems to be very effective.

Of course judges have some problems.

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How we are going to adjust to all this, I don't know. How involved should judges get? To what extent should they be trainers or leaders? How far does judicial independence go? A whole set of problems arises around this.

Myself, I think, and it is my firm conviction, that we must move ahead. The judge has a certain authority or will have, if you like, when he or she goes into the communities, and I believe that it will be easy for the judge to make the community more dynamic through his or her own actions.

In any event, I have myself tried an experiment in the exhaustive examination of witnesses in a case in Umiujak, where this young man had destroyed the entire village. I can tell you that after that consultation, we didn't work any miracles, of course, but it lasted six hours. Of course you also have to take the time to do these things.

I can tell you that at the end of the evening when we left to take the airplane the community was ... and we had quite an extraordinary experience. We

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virtually had a guard of honour for all the Court staff who were taking the airplane because we had consulted them. They shook our hands, they virtually wrapped their arms around us, even though we were taking the fellow to prison, because we had listened to the community, we had taken the time to listen to everyone, all the people who had something to say.

The grandmother, who was about 80 years old, had given us a summary, a very interesting Petit Larousse (PH) of the reasons for family breakdown, so that the communities want to be consulted, want to participate, and we feel that it is important for them. Particularly because what brings us there is a system that is still foreign and novel to them.

So the sentencing circles, we have done several experiments in Quebec. We are starting to lay out ... we don't talk about criteria, we talk about factors that must be considered. We have already described them in that document. It is an approach that seems to me to be very worthwhile.

You have the possible progression of a

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case, and you see in this little table at the end, which is on the next to last page, you see how this is developed in an orderly, complete manner, and that it is an evolving process. As people gain experience, powers can be added, and there can be greater participation.

The Yukon experiment is interesting on this point. It has been found that after the communities participated with the judge in passing sentence they are today meeting on their own and even doing preventive work as a result of that action.

This is what we are currently proposing as, if you will, a project in the communities in Quebec.

One last word just to tell you that we have started, it is not a Royal Commission like yours, it is a small advisory committee which has a small budget, but we are going from community to community. I don't know whether we will be able to do an entire tour of all the communities. I don't believe we will.

Our work will very probably end during

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the summer. I do not believe that we should draw out this consultation forever. At present I can tell you that we have been received warmly by the Aboriginal communities. They are very interested.

I sense that they are discovering things that they did not know before, such as, for example, the jurisdiction of Quebec over the administration of justice. As strange as that might seem, the communities always seem to refer to the Indian Act and think that all rights come only from that Act, while we know that to appoint a justice, the provincial administration of justice may appoint justices with much more power than may be set out in the Indian Act. And that seems to be something new to the communities.

To date, we have found that very few communities enforce administrative by-laws, either before a Court or before a justice. So they are still in their childhood, right at the beginning, starting to have by-laws in the community and being able to enforce them through a foreign, independent body.

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That is not the case for five communities we have met to date, and I believe that they are nowhere near autonomy there. When you are that far away you are just starting, you are really right at the very beginning.

In the document in capitals I closed that speech by saying that self-determination begins at the community level, and I still think the same thing, in light of our current experience.

Very few communities, except perhaps those in the North, which have got a little more money, which have been able to organize and which have lawyers, prosecute their local by-laws in the courts. There may be some places in the south here which also do that.

This is a job of starting from the ground up, and what surprises me is that we have only reached this point. The Department of Indian Affairs has prepared some lovely documents on how to pass by-laws, but from what I have seen there doesn't seem to be any budget

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for hiring a lawyer, other than \$5,000 or \$10,000 per year for drafting by-laws and doing something. There doesn't seem to be anything in the budget, and I wonder whether this is not a result of this way of looking at things where the only person who can regulate or govern, the guardian, the Minister of Indian Affairs, the great guardian, the grandpa of all the Indians and all the Aboriginal people. I imagine that this derives from this culture, which has been around for more than 100 years.

So this is what I wanted to tell you, and tell you what actions we have been taking, concretely. What we hope is that we will get into the 1994-1995 budget to do concrete things, small things, little steps, because we are not going to revolutionize everything overnight. The communities must also be prepared to take on these responsibilities, and that is not always certain, because it is very difficult to take on these responsibilities, and some are also very reluctant to do it.

Finally, apart from all the desires for autonomy and also taking that into account we have met with

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Aboriginal women to date and they also take a much more cautious approach in terms of taking responsibility for the administration of justice, and quite correctly, I believe.

What we are proposing here, I would repeat, is an evolving system -- a complete system, but evolving.

I would like to thank you, and if you have questions I would be pleased to answer them.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you for agreeing to come and make this presentation before the Royal Commission on Aboriginal Peoples in Canada.

I believe that it is interesting in two respects, because of your nearly 20 years' experience now in the dispensation of justice in the North, justice which is, as you have noted, often imperfect in difficult circumstances, but also in your role as chairperson of the task force, the committee on Native people and the justice system in Quebec, which covers all of Quebec but which of course has a particular focus on the North. And that is

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perhaps my first question.

I would like to ask you, who are the members of your committee?

THE HONOURABLE JEAN-CHARLES COUTU: The committee has three members. There is the chairperson, there is Jacques Auger, who is the coordinator of Native affairs in the Ministère de la Justice, and Régis Larrivée, coordinator of Native affairs in the Quebec Ministère de la Sécurité publique.

We have added, as an alternate member of the committee, a representative of the SAA, Mr. Laviolette
--

CO-CHAIR RENÉ DUSSAULT: The SAA being the Secrétariat aux Affaires autochtones?

THE HONOURABLE JEAN-CHARLES COUTU: Mr. Laviolette would not like me now if he were here because I always manage to say Latullippe. It is Laviolette. We always get mixed up with Larose, Latulippe, Laviolette, with the flowers. So we have a flower on our committee.

As well, when we discussed the mandate of the committee, I personally insisted that there be

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representatives of the federal government on the committee and a representative of the Department of Justice, Rita Dagenais, and a representative of the Solicitor General or now the Department of Public Security, Marc Voinson (PH).

This is because, of course, and I insisted that this be in the committee's mandate, we are authorized to meet with federal officials to discuss cost-sharing, the funding of the administration of justice. We know that in terms of the police there is now cost-sharing, 48-52, in terms of the police organization. So perhaps we should come up with something like that because of the joint jurisdiction of the two levels of government over Aboriginal communities.

CO-CHAIR RENÉ DUSSAULT: There is no representative of the Barreau of Quebec?

THE HONOURABLE JEAN-CHARLES COUTU: No. Except that in our mandate we are going to consult with the Barreau of Quebec. We have proposals and things to present to them. For example, in our document, we refer to paralegals.

CO-CHAIR RENÉ DUSSAULT: I saw that,

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and since the Barreau will be making a presentation to the Commission this afternoon ... Have you had discussions with the Barreau on this point?

THE HONOURABLE JEAN-CHARLES COUTU: Not yet. They have received our documents. Like your Commission, we will probably be having meetings for a week here in Montreal at some point to meet with all the people we have to meet. Of course, that affects the legal profession, and there will be discussions with them on this point.

I do not know what the result will be, because we are proposing this option only in remote communities, mainly, where there are paralegals, as there are in other provinces, what are called [ENGLISH - paralegals], to represent people particularly in guilty pleas before justices, et cetera. It is not suggested that these people do trials, for the moment.

CO-CHAIR RENÉ DUSSAULT: But we know that this is still a question ... I understand that your proposal will be spread over 5 to 20 years in some way ...

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THE HONOURABLE JEAN-CHARLES COUTU:

Listen, this can't be done overnight.

CO-CHAIR RENÉ DUSSAULT: Of course it will be important for the Barreau to be involved in the work on developing this process. I believe again that this afternoon they will be presenting a brief to us which is a starting point, essentially, for an examination of the reality of the Aboriginal situation in Quebec.

I would like to ask you a second technical question. Your committee covers all Aboriginal people in Quebec -- Indians, Inuit, Métis ...

THE HONOURABLE JEAN-CHARLES COUTU: In theory we should meet with them and consult the 54 Aboriginal communities in Quebec.

CO-CHAIR RENÉ DUSSAULT: In practice ... ?

THE HONOURABLE JEAN-CHARLES COUTU:

There are the big organizations, like the Grand Council of the Crees which covers eight communities, who have already started examining the justice system and who are in the second stage of consulting their communities.

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Probably we will not be meeting with them, given that we are going to respect the consultation they are doing themselves.

Just this morning, on the airplane, I met the director of that organization, the Grand Council of the Crees. Probably what we will do is we will hold a meeting with the people who are doing that consultation so that they know what we are proposing. That way there will probably be some discussion.

We have already had a request from a Cree community to go and meet with them after Christmas.

We are not imposing ourselves. We have sent the documents, we have said if you want to meet with us, we are ready to meet with you.

The Algonquins, the Algonquin communities, since they have no large organization, we will probably meet with them all.

We have already met with two Micmac communities, Restigouche and Maria (PH), Gesgapegiak, Sept-Iles, Maliotenam and Betsiamites.

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Probably we will be going to meet with four communities together, the Montagnais on the north shore, a little higher up, around Mingan, after Christmas.

I imagine that we will see enough to have a fairly precise idea of what the Aboriginal communities want or are prepared to do.

CO-CHAIR RENÉ DUSSAULT: Yesterday we had a presentation from the Société Makivik, which referred to a document on the justice system that they published in March of this year, 1993. I assume that here again you ...

THE HONOURABLE JEAN-CHARLES COUTU: We are in the process of having this document translated into Inuktitut and once that is done we will contact the Inuit Task Force on Justice. We are going to have discussions with them.

As well, there are problems in another respect. As coordinator of the itinerant court in the North we are probably going to try to speed up the process in the Inuit communities to do something more specific in the next two years.

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CO-CHAIR RENÉ DUSSAULT: One final question.

In this respect, have you had or do you plan to have contacts with, for example, the Mohawks in Kahnawake, who have a justice appointed under the Indian Act? Is any relationship possible at this point?

THE HONOURABLE JEAN-CHARLES COUTU: The documentation, which we had sent to the Commission as well, on July 23 of this year, I think, was sent to all the Mohawk communities. We received a response, from Kahnawake, telling us that they would not participate in our consultation given that they do not recognize Quebec's jurisdiction over their community. So that is very clear.

We nonetheless told them that we were prepared to meet with them if they wanted to at any time, that on our part, we were not closing the doors. We have had no other communication from the other communities.

It must be noted, knowing the Aboriginal communities, that they have an enormous amount of work

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just now. Everyone, all the councils, are overloaded. Demands are being made on them from all sides, economic, social, et cetera.

In a way we have to go bang on the door and say "are you prepared to meet with us?", and from then on everything goes very well.

CO-CHAIR RENÉ DUSSAULT: One of the questions that we often ask as a Commission goes a little like this.

There has been a number of studies, a number of inquiries in the field of the justice system, whether in Manitoba, in Nova Scotia, in Alberta, the Law Reform Commission. Most give significant coverage to adjustments to the current system, largely in terms of sentences with sentencing circles.

Increasingly, an interest is being taken before charges are laid in criminal cases, thus diversion, et cetera.

There is also the pressure by [for?] separate justice systems, as you know, of which several commissions have spoken. There is a little documentation

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on traditional forms of justice in Canada. A lot of work is being done on that, and it is difficult.

In fact, my question is, are you aware of the existence, often it is oral tradition and essentially one has to go around and make recordings, but of documents in any form, oral or written, which there might be in Quebec as to Aboriginal traditions in terms of justice?

THE HONOURABLE JEAN-CHARLES COUTU:

There isn't much. The Inuits have made some documents. There is Norbert Rouland (PH) who has written a long document on that, on traditional methods of dispute resolution among the Inuit.

The Aboriginal people don't have a lot. In any event I myself do not know of a lot.

One of the books that I found most impressive is the one by Rupert Ross, "Dancing with a Ghost", but there again it is not necessarily traditional ways of resolution. he tries to share a state of mind, the Aboriginal spirit, ultimately, how the Inuit deal with things.

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When we approach Aboriginal people directly with the request, it has been lost, ultimately, these traditions, because of the adoption of the settled way of life, et cetera.

In the document presented by the Crees, Mr. MacDonald, who did one of the volumes, talks about how the Crees resolve problems but that is quite limited.

CO-CHAIR RENÉ DUSSAULT: As you know, we held a national round table in which you participated in November 1992 on justice and Aboriginal people, criminal justice in particular.

We came out of this round table somewhat with the feeling that what emerged most clearly as the consensus was to leave a certain amount of latitude for developing projects at the grassroots in the communities, in the justice system, without necessarily establishing a big system, and to find some latitude for these experiments to take place.

In the context of your committee, of course there is some latitude in terms of the present system and it may be that diversion is exactly ...

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Parallel to the system that we know in mainstream society, has this been expressed to the committee, this desire to experiment, to have some latitude to go ahead with a separate system?

THE HONOURABLE JEAN-CHARLES COUTU:

Completely parallel?

CO-CHAIR RENÉ DUSSAULT: Yes.

THE HONOURABLE JEAN-CHARLES COUTU: To

date, no. I would be surprised if we had such proposals. We have met with five communities. To date we have not heard this desire. The people have become settled, they live among the rest of the population, and feel in fact that they must adapt to the situation they find themselves in at present.

I think that unconsciously they feel that tradition could not be applied right off like that to assist with all the social problems they encounter. I would even say that there are a lot of these traditions that have also been lost.

I believe that it will come back. Once they have taken responsibility within the present system,

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some of these traditions will come back, or they will try to apply them a little more independently, if you like. But here again I think that we will always have to be careful, there are always responsibilities in terms of respecting the Charter of Rights, et cetera.

But we must not return to practices which should not, in our minds ... such as permanent banishment or things like that. I think that that can no longer be accepted under the Charter of Rights.

In the experience of the Navahos in the United States, in the United States, we often refer to those people as a model, and what strikes me is that they have, ultimately, they have taken the law of the State or one of the States where they are and have applied it completely in their community, and they have not got any farther ahead than we have, ultimately.

They are just starting to adopt traditional methods after implementing an entire system. They have their own bar, they have their appeal court, et cetera, but they are starting to rediscover traditional methods themselves at present.

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This is being touted, but ultimately all it is, is a copy of what happened in the American States.

CO-CHAIR RENÉ DUSSAULT: But it is evolving. It seems that you are right. They are developing their own Navaho commandment that integrates the traditions, but they had to start with a form they were familiar with.

THE HONOURABLE JEAN-CHARLES COUTU: The other factor is that there are 250,000 to 300,000 of them. This is a different scale.

CO-CHAIR RENÉ DUSSAULT: Just one last technical question.

Has your committee examined the rate of incarceration for Aboriginal people in Quebec? It is of course very low in comparison to the situations we are aware of in western Canada, where 80 per cent of the inmates in the provincial prisons are Aboriginal and so this calls the justice system into question immediately and overwhelmingly.

The Commission is working on that and it is still a matter as well of people identifying themselves

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as Aboriginal.

Does your committee have any additional information?

THE HONOURABLE JEAN-CHARLES COUTU:

Well, as we meet with people we are seeing the situations in the communities. I would say, for example, and we are speaking from personal experience, this is not a scientific assessment on our part. That is not our task.

Let's say that generally speaking, overall, in Quebec, I think that we can say, if we are talking about the Indians and not the Inuit, the rate of incarceration is no higher than the rate among the white population.

In the Inuit areas I would say that yes, it is definitely double and perhaps triple. I have no statistics on this but it has increased frighteningly in the last decade.

On the other hand, when we go and meet with the communities, one after the other, we ask them ... a lot of people in prison, et cetera, and in some cases it is higher than the regional average or the neighbouring

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population, and in other cases it is lower.

It varies a lot from one community to another, but we will not be doing an exhaustive study of that, I don't think. What is important is to avoid anyone going there, to prison, white or Aboriginal. So starting from that ...

CO-CHAIR RENÉ DUSSAULT: Sometimes it helps, it stimulates the authorities in terms of budgets ...

THE HONOURABLE JEAN-CHARLES COUTU:
Absolutely.

CO-CHAIR RENÉ DUSSAULT: ... to realize, essentially, that funds can be allocated more effectively than maintaining an excessive rate of inmates in institutions. So it is more in that sense that ...

THE HONOURABLE JEAN-CHARLES COUTU:
Certainly we will point it out but I must tell you that we do not have the technical resources to do all these assessments.

CO-CHAIR RENÉ DUSSAULT: I am now going to ask my colleague, Mary Sillett, to ask you some questions.

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COMMISSIONER MARY SILLETT: Thank
you very much.

I think it's well known that there
are many studies, particularly on the aboriginal
justice system.

What has really impressed me is
that we've been to at least some penitentiaries in
this country. We have had special consultations.
I think whenever we go in there it confirms for us
that clearly the justice system does not work for
anyone. Clearly the justice system does not work
for Aboriginal people.

I think there's an urgency
attached to addressing the issues that we have
heard about, that have been told to us.

When I look at your timetable I
think that there has been a lot of work put into
it. I also hear very loudly from you that the
timetable for implementation is 5 to 20 years.

The question that faces me is,
what can we do now? As you know we've had a
round-table on justice issues. There have been
studies and studies and studies done with respect
to justice issues and Aboriginal peoples.

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1 Having said that, we've been told
2 very often that Aboriginal people want self-
3 determination, they want self-government. That's
4 an ideal.

5 Not having reached that, in the
6 interim there are some things that are necessary.
7 For example, adjustments to the justice system.
8 There should be more at the community level, more
9 judges who are very sensitive to Aboriginal
10 issues. There must be greater education of the
11 people who hold the highest kind of power to make
12 decisions about whether people essentially go to
13 jails or stay out in society, whether people live
14 or die, whether people's children are taken away
15 from them or not.

16 They have a lot of power, so there
17 is I think a great responsibility on behalf of
18 everyone in that justice system to serve the
19 interests of the people well, and that includes
20 educating yourself about the people that you are
21 trying.

22 I guess that there a whole host of
23 questions that I have. This is an issue that has
24 interested me very greatly and I'm sure you're
25 well aware of the kind of treatment that Inuit

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women have suffered under the NWT justice system.

I'm sure that you're aware of the well publicized case of Kitty Nudluk-Reynolds (PH), who is an Inuk from Iqaluit, who was treated very badly. Why? Because she's an Inuk. As a witness.

The RCMP recently -- well, whoever the agency is that's responsible for it, decided that this clearly should never have happened. This woman deserves compensation for the suffering that she had. Recently she was awarded 100 000 \$. These are only two of many, many stories that we've heard.

I was wondering, first, if you would be able to shed some light on the questions and issues I've identified, then I will continue.

THE HONOURABLE JEAN-CHARLES COUTU:

[ENGLISH - I have never encountered similar] -- forgive me, I am going to speak to you in French, it will be easier.

I have never encountered situations as difficult as this or had knowledge of them in Quebec, except that it does happen, both for white inmates and for Aboriginal inmates who travel around the province before

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getting to a prison. These are things that do happen and that do exist.

What I would like to point out, in the tour we are currently doing, is that we are meeting not only with Aboriginal communities, but at each place we are trying to meet with judges in the region, lawyers in the region, prosecutors, legal aid lawyers, probation officers, to make them aware of the work we are doing and make them understand that ultimately it is they in the regions who will have to implement what we are advocating in our orientation document, if the Aboriginal communities want it.

You say have more sensitive people. I agree with that, except that in Quebec you have so many judges, so many lawyers, and you have people throughout the province.

We have to try in each region to find people who are more interested, and not everyone is prepared to sit down, to discuss things and have the necessary sensitivity to change the situation in the justice system.

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On the other hand, to echo what you were saying, the justice system is also not a panacea. It will be futile to have the best justice system, the best Aboriginal justices, so long as there is no education at the grassroots, there are no jobs, jobs for the people, so long as there is no future for the young people or something, prospects for the future for them, I think that the justice system alone will not be able to solve the societal problems experienced by Aboriginal people.

The example I often give, the young man, you cannot prevent the young man in Povungnituk from dreaming of having a beautiful Mazda Miata like you see advertised on television. It's superb, a beautiful little car. You cannot prevent him from dreaming of having this little car or having a beautiful Harley Davidson or a big beautiful Honda, except that probably he will never have one, the young man in Povungnituk. So his future is handicapped to some extent.

This is the reason I say that we, the

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justice system, will not be able to solve these problems on our own.

In terms of violence against women, I believe that we are very aware of that dynamic, that problem. We consult, with our committee, with the Association des femmes autochtones du Québec. We are soon going to be contacting the Inuit Women's Association of Canada as well.

Particularly in the case of marital violence if we want to have sentencing circles we have already decided that we would not do this without alerting associations such as the Inuit Women's Association, so that they could assist us in doing those things.

We really want them to participate in developing the new models or experiments we are going to do. They must not be left out of this.

I should tell you that it is surprising to see the number of women in Quebec who are taking leadership roles in a variety of fields. I find this

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encouraging. I find it encouraging, and they are taking on increasing responsibility. They are not left out of the system, they are taking part.

COMMISSIONER MARY SILLETT: That's sounds encouraging.

Actually, the Inuit Women's Association has done a lot of work, very progressive work I think, in this area. They've written "The Inuit Way", which is a cultural guide and is being used by many many associations who deal primarily with Aboriginal people.

I think it takes much more than reading a book to understand the people that you're supposed to be working with, but at least that is a start and that is a contribution that organizations like the Inuit Women's Association are making.

My second question deals with a question that was raised by Mr. Dussault, but I want to raise it another way.

When we have met with many Aboriginal presenters we have heard orally what their traditional justice systems were. I suspect that some groups have more written documentation,

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other groups have less. You mentioned that.

I was wondering, what we've heard very often from Aboriginal groups is that the past models concentrated or focused exclusively on healing. There was really no punishment.

I was wondering if based on the information that you have had access to, is that consistent with what you've learned?

THE HONOURABLE JEAN-CHARLES COUTU:

Could you please repeat the last words you said?

COMMISSIONER MARY SILLETT: Is

that something that you've heard as well, or have you heard differently?m What have been the past traditional Aboriginal models of justice?

THE HONOURABLE JEAN-CHARLES COUTU:

I have heard about that reconciliation, healing and things like that, it's okay, but I think that that is not the only thing that existed traditionally.

At some point reconciliation and healing models do not work with some people. And definitely we could not, people were expatriated, were banished, or simply were put to death, something like our own society, with a

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different look.

The entire process of healing in the communities, I think it is an important process at present. Whether it is traditional, I don't know. It seems to me that it is more psychological than anything else and that no matter what community is faced with the same problems, if it used this healing model, collective discussion, et cetera, it could succeed in achieving this healing, and find a path to the future.

Myself, I do not believe that this is necessarily more Aboriginal or less Aboriginal. It is simply psychological. The fact that people are starting to talk about a problem, that they share their pain together, and share their desires, and share the suffering they may have had, all that is an outlet, a way of being able to free one's self from that pain, and that makes it possible to act better or to function better afterward in society.

Is it or is it not stronger among Aboriginal people, this type of healing? Certainly we refer to it much more in all cases these days. It has been

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discussed ... but that would work for us, too, it would work anywhere.

Because the communities are isolated, and often live in small groups, it is perhaps more important in those communities.

I will give you an example, in the last speech I gave what Chief Billy Diamond in Waskaganish, some very interesting things, seminars on violence, seminars on sexual assault, on alcohol, et cetera. There are all sorts of programs. You have met with the young women from Manouane who have set up a task force.

All of that will bring about this collective healing, if you will. First you have to break out of the circle of violence, and second, break out of the silence. These are two things that have to be combatted and that are very important at present.

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

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1 been our observation that many people who are in
2 that situation are very scared to talk about it,
3 and if they do talk about it they talk about it
4 behind closed doors, or if they do talk about it
5 they leave their own reserves, they leave their
6 own communities, they go to the urban areas where
7 they have more freedom, because then they don't
8 have to suffer the community repercussion.

9 I just wanted to actually talk
10 about the whole issue of healing.

11 As you may know, I was a previous
12 President of Pauktutit (PH), the Inuit Women's
13 Association, so as President of that Association
14 had much opportunity to talk to many women. My
15 own feeling was that many women felt extremely
16 emotional about offenses against children, and
17 they felt that offenders should be, for example,
18 not necessarily healed, but they should be
19 punished, and they should be punished terribly.

20 The reason for that basically is
21 that the communities that they came from are very,
22 very small. If there's an offender, there's
23 possibility that person would offend again and the
24 whole community would be in danger. If they went
25 to the federal penitentiary, for example, they may

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not necessarily get counselling. They would go back to their communities and there's a greater threat.

And then there are some women who were saying actually there should be healing because of that reason. When they go to federal penitentiaries there should be an opportunity for people not only to be punished but also to be healed, and that's something we've been told very clearly that's missing in the federal penitentiary system.

We've heard that from presenters within the institutions, saying: We come here, but we don't leave here better people, and we want to be reintegrated back into our communities. have pointed out a very important problem in the sense that it is apparent that prisons do not heal people, except in exceptional cases. That is one of the advantages of the sentencing circle we are talking about.

It makes it possible both to punish the person but also to work within the community, that's what is important, the return ... first, protection of the victims. I believe that this is the first thing, protection of the

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victims, who feel threatened, and I can give you a very concrete example that I am now dealing with.

And also the person who goes to prison, if that person has not received the care that is required in order for him to change his mentality, to change his way of being, he might also, when he returns, be supervised on site. And that will require a very significant effort from the community.

With the number of assaults occurring I wonder whether the community is going to be able to tolerate it, and also the extent to which society is going to be in a position to take the numbers. We just can't have a social worker in every house. These are fairly extraordinary problems.

Right now I know that there is a man who was sentenced to prison and who is returning to a village. I got some telephone calls yesterday. I will not mention the village. People there are on the lookout. They know that he will be getting out of prison in two weeks. Everyone is afraid. They don't want him to return to the village, and they were asking me to find some way for him

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not to come back.

I have no way of doing this, except, of course, if he makes threats or commits an offence that would make it possible to arrest him again.

It seems that at the last minute there are eight or ten women who are prepared to lay charges against him saying they have been assaulted by that man. This is huge. We really don't know how to deal with this, all these problems. In this village there have recently been more than 100 assaults on children.

Everyone will have to put their shoulders to the wheel, I think: social workers, judges, and the community. If the community doesn't do something, if the men don't change their mentality, we are going to have enormous difficulties.

I was in a village in the North about six months ago. There is an old, very respectable gentleman about 75 years old, 70 years old, who wanted to speak out in public before the community and speak to the judge. He wanted to talk, to say why do you make such a fuss about sexual assault? What is much more important than that is

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that guys with rifles are firing in the air over the village.

This is the sort of mentality. I can't do anything about it myself. I said to the gentleman, listen, I don't make up the hierarchy of crimes but I am telling you that both of them are very important. Ask the ladies who are here, and all the women said yes, what they think about it, this assault on their intimate being. Perhaps they will give you the right answer.

So we are talking from far away, and the justice system is not a panacea for all these ills. We can only be intermediaries in starting to get people thinking and sitting down together so that they can discuss things and try to see life differently.

COMMISSIONER MARY SILLETT: [ENGLISH -
Thank you very much.]

CO-CHAIR RENÉ DUSSAULT: Of course we could spend hours and hours on this subject. We are already late in the agenda.

I would simply like to echo what you are

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saying. It is apparent that the justice system is one part of the solution, but there are much deeper and more important solutions -- economic development, getting self-esteem back in the communities, et cetera -- which depend on a host of factors.

We are extremely happy to have had the opportunity to be given some information about the present status of the work of your committee. As you know, the Commission is very interested in the issue of the justice system in Aboriginal communities and we trust that we will stay in close contact in the months to come, until your committee completes its work next summer.

We are following very closely the sentencing circles experiment that is just starting, essentially, in northern Quebec. We know that arranging these things is a delicate process. There are pilot projects that have failed in terms of diversion, both "non-judiciarisation" and in terms of "déjudiciarisation" or the involvement of communities in sentencing, particularly when we talk about sexual assault on women.

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All we can hope for is that your committee will make a report that plots out a direction for the future that will be effective, and we will try, for our part, coming in a few months later, to put it all together in a way so that, we hope, with the cooperation of groups like yours, we can focus as accurately as possible on what should be done in terms of the justice system in Aboriginal communities.

THE HONOURABLE JEAN-CHARLES COUTU: Just for information, I could perhaps add this, just how important we consider this to be.

On December 21 we have a full day, there are more than 50 people invited who work in the justice field, including deputy ministers and chief justices, for the entire day, to talk generally about sentencing circles in particular and that entire aspect of judges consulting the public.

All the judges who work in the North, in my region, are invited, as are all the lawyers, probation officers and also interested people from the Justice department.

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If you were interested in sending someone to put their face in to see what is going on, we would welcome them. And it's free, so long as they pay their expenses.

CO-CHAIR RENÉ DUSSAULT: Mr. Coutu, we thank you for your invitation. We will see whether we can accept it. We are extremely interested in the possibility. Thank you.

I would like to recess the hearing for five minutes. We will resume with the brief from the Union des municipalités du Québec without further delay.

--- Hearing recessed at 11:29 a.m.

--- Hearing resumed at 11:44 a.m.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on Aboriginal Peoples in Canada is resuming its public hearings with the presentation of the Union des municipalités du Québec.

Without further delay, I would like to ask the representatives of the Union to proceed.

Thank you.

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JEAN-BOSCO BOURCIER, Mayor of
Châteauguay and member of the council of the UMQ: Mr.
Dussault, good morning; Ms. Sillett [English - my respect].

On behalf of the Union des municipalités
du Québec, it is a pleasure for me to be here to present
this brief. This is the third time that I personally have
come to present a brief, and as someone I was just chatting
with said, I am speaking for myself but also for the
municipalities we represent in the Union des municipalités
du Québec.

CO-CHAIR RENÉ DUSSAULT: Perhaps, Mr.
Bourcier, it would be a good idea to identify your team.

JEAN-BOSCO BOURCIER: That is what I am
getting ready to do.

I have with me Pierre-Benoît Forget, who
is the mayor of Deux-Montagnes, and Michel Bédard, who is on
staff at the Union des municipalités du Québec. I am Jean-
Bosco Bourcier. I sit on the executive of the Union des
municipalités du Québec, but I am the mayor of the city of
Châteauguay, which, as everyone knows, we border on the

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Kahnawake reserve, and Deux-Montagnes borders on the Kanesatake reserve.

We are making this presentation, Mr. Dussault, pursuant to a committee that the Union set up of various mayors who are representative of the problems experienced by all municipalities in Quebec, that is, mayors a majority of whom come from municipalities that are close to Amerindian communities.

I would like to go on with the presentation by first providing some background. I did not want to do this at first, but I believe that we will go ahead, we will try to do it as succinctly and quickly as possible without leaving anything out.

Founded in 1919, the UMQ, the Union des municipalités du Québec, is today the principal association of local municipalities, RCMs [regional county municipalities] and urban communities in Quebec. It has about 300 member municipalities which are spread throughout the regions, representing more than 80 per cent of the population of Quebec, and which manage an even more impressive proportion of municipal budgets, 85

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per cent, given the mainly urban nature of the municipalities that belong to the Union. And yet we do not neglect the importance of rural municipalities, except that we are an association of municipalities and RCMs that are urban in nature.

The mission of the UMQ is to represent the interests of its members and their residents, and to promote the municipal institution as the local level of government elected by universal suffrage. The Union also tries to be a meeting place for municipal ideas in Quebec and therefore promotes training of elected municipal officials and the distribution of information through its journal, URBA, and its annual convention.

The Union is anxious to contribute to maintaining and enhancing the quality of life in the local communities, and so it encourages discussion of the major issues in society that have an impact for the immediate and long-term future of local Quebec communities. In this spirit, the Union develops close ties with the various actors on the political, economic and social scene

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in Quebec.

Finally, reflecting in this the evolution of municipal thought and action in the last few years, the Union carries out various mandates for providing services to its members, thereby promoting the proper management of public funds.

The Union des municipalités du Québec would like to thank the members of the Royal Commission on Aboriginal Peoples for the invitation given to us to present a brief on the broad issues of the Aboriginal question.

The Union feels that it is directly concerned in more than one respect. First, the land of some 80 municipalities, mostly members of the UMQ, overlaps or borders on the land of an Aboriginal community. This common border inevitably leads to relations, exchanges and contacts between the residents of the two communities.

Second, these exchanges take concrete form, in some cases, in the provision of services traditionally supplied by the municipality: drinking water,

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garbage collection, public security, local roads, recreation and so on.

Finally, some of the land claims by Aboriginal peoples affect the territorial integrity of several municipalities. Although this last aspect will be addressed only very partially in this brief, nonetheless, it is the view of the UMQ that the territorial right of the municipalities must be preserved. The municipalities should therefore be closely tied in to the process of negotiating any territorial redivision that would operate to change existing municipalities, even if only partially.

It is important to note that the Union deliberately left out of this brief some topics of discussion such as ancestral rights that are existing or derive from treaties, self-government and all questions relating to the judicial system. Not because they are of no interest: quite the contrary. Rather, we wanted to contain the discussion by limiting ourselves to problems that directly affect the community, economic and social life

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of the two peoples and which, in the world of the municipalities, is functional in nature so that otherwise the harmony between our two communities would be illusory and any idea of conciliation and reconciliation might become purely academic.

Need we note that we do not claim, in this contribution, to provide definitive solutions to the disputes that persist today around the claims by various Aboriginal communities. At most, we hope that the ideas discussed in this document will serve as a real beginning for establishing more harmonious relations which carry hope for the future of our two communities.

The municipalities of Quebec, its history and its values: the existence of local communities with real responsibilities creates the possibility of government that is both efficient and close to the public. This movement has been confirmed over the years by the increasing devolution of powers to municipal decision-makers, who have in the last few years in Quebec acquired

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almost absolute fiscal autonomy. A brief review of the history of the municipal institution is necessary to understand its roots, values and democratic traditions.

The municipal institution did not exist during the years under the French régime; all civil and municipal administration was handled directly by the Intendant in office in the colony.

Under the British régime the province of Quebec, which became Lower Canada in 1791, was not equipped with municipal institutions before 1840, except in Montreal and Quebec City. Lord Durham, in his famous report dated 1839, severely criticized the lack of municipal institutions in Lower Canada and proposed that they be created in order to decentralize public services. In his view, municipal institutions constituted the basis of any democratic system and sound community organization.

Governor Sydenham shared Durham's views and in 1840 had two ordinances adopted creating a system of municipalities in Lower Canada. The first ordinance made

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each parish or township with at least 300 inhabitants a municipal corporation. The second authorized the government to create municipal districts which are in fact regional municipalities.

These two ordinances were then repealed by a statute in 1845 which authorized the creation of local municipal corporations only. Thus there could be municipal corporations that were parishes and townships but also villages or towns.

The 1845 Act was repealed by an 1847 Act which terminated the parish and township municipalities and replaced them with county municipalities.

Finally, an 1855 statute laid the foundations for our present municipal system. This Act brought back the parish and township municipalities while maintaining the county municipalities, towns and villages. We then had a two-level structure, that is, the regional municipal corporation and the local municipal corporation. This is the structure that is in effect today, except that the county municipality became the regional county

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municipality in 1980.

In Lower Canada in 1985 there were 428 local municipalities: 394 parish and township municipalities, 29 villages, 3 towns and 2 cities. The increase in the number of local municipalities between 1855 and 1901 provides the most striking evidence of the fact that the creation of municipal institutions was meeting a real need in a Quebec that was in the process of settling the land and developing its resources. In fact, the number of local municipalities doubled during this period, from 428 to 954.

When powers were divided between the federal Parliament and the provincial legislatures in the British North America Act which was passed in 1867, the Legislative Assembly of Quebec lost no time in passing municipal legislation. The first Municipal Code was enacted in 1870. This Code continued the municipal organization set out in the Act of 1855 and at the same time enhanced the powers of municipal corporations.

The Cities and Towns Act was passed in Quebec in 1903, replacing the statute on the general clauses

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of town corporations that had governed town corporations since 1876.

We then had to wait until 1969 to see new municipal structures established, with the creation of the urban communities of Montreal and Quebec City and the Outaouais, which became urban in 1990. Today there are more than 1,500 local and regional municipalities in Quebec, including about 250 towns.

Values: This review of the main legislative milestones provides us with an outline of the evolution of municipalities over the last 150 years. Of course, this evolution may be seen in the number of statutes which, even since 1903, have amended the Cities and Towns Act, but it is also reflected in the creation of municipalities themselves, particularly in terms of democracy.

Today, it is no longer rare to find that mayors and even, on occasion, councillors are elected by a larger constituency than are members of Parliament, Ministers and even the Prime Minister.

The evolution of municipal democratic

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traditions, including extending the right to vote, together with the increasingly close attention paid by the media and the general public, attests to the renewed attraction of municipalities and the form of local democracy they represent. No other level of government in Quebec can boast that it directly elects, on universal suffrage of the entire adult population, the person who chairs the executive.

These aspects of the problem remind us, when necessary, that the municipality represents the interests of the local population, that its elected officials are better equipped than anyone in government to understand the messages sent by the public and to meet the needs expressed locally by that public.

These locally-expressed needs are growing in all municipalities, although the breadth or urgency of the problems varies. Some societal trends explain and underlie these needs: people are increasingly mobile, educated, aware of the services offered by other municipalities or in the private sector in terms of recreation, culture, services for the protection of

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persons or property, transportation services, and so on. These trends create pressure to increase the services provided by the municipality.

After the wave of breakdowns in neighbourhoods and traditional relationships, primarily the family, which has taken place in the last generation or two, the return to community values and concerns is today one reason for the expansion of needs in local populations.

It is easy to transpose these social trends and see them in terms of the evolution of the State in Quebec. The period when the State was taking on ever-increasing responsibility for public services and intervening in the financial or industrial sectors (the 1960s and 70s) prompted and promoted enormous expectations of the centralized State which was then perceived as the source of all the progressive social measures that the public demanded.

In recent years there has been a sometimes brutal awakening for people raised and fed on general principles such as universal free entitlement.

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The State and its service delivery systems are increasingly difficult to communicate with and influence, and so demands are shifted to the local level, where the public has real power to change things if they do not get the hearing and the understanding they believe, quite properly, they are entitled to expect.

Today the centralized State in Quebec is seen by some as incapable of reforming itself, of adapting to the new needs that are emerging everywhere (labour force adaptation, environmental protection, public protection, limits of the tax burden, modern economic policies).

The municipality, which is well established and capable of taking initiatives in its community, and able sustain local efforts for economic and social development, is in a position as an institution to do more for people, provided that the government, grasping the public's interest, helps the municipality to act quickly, better and at a lower cost.

Where relations need improving: This brief historic survey of the evolution of municipal government shows how far today's municipalities have

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come over the years in acquiring the maturity that enables them now to take on more and more responsibilities.

That does not mean, however, that the higher levels of government, provincial and federal, should renounce their responsibilities, particularly toward Aboriginal people, although they have a tendency to do this in crisis periods by allowing situation to deteriorate to a tremendous degree, as is currently the case with cigarette smuggling, among other things.

We believe, however, that some local problems can be solved by concerted action at the local level.

If we briefly return to the events of the summer of 1990 we can see how deep a division had developed in the relations between some Aboriginal and non-Aboriginal groups. Still today no one can state or claim that the wounds have completely healed over. The many

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scars from the past seem to want to stay with us, to change shape and take root, whence the urgency of taking action.

Although deep differences of opinion may persist today, nonetheless the Aboriginal people and other Québécois must learn to live together, to live side by side, and to participate collectively in the future of Quebec society. This is a reality that no one can avoid other than by isolating themselves or taking refuge behind their own inertia.

It is in no one's interest to do this. We must, on both sides, try to develop a common will to heal the divisions that are threatening to become institutionalized. This will not bear fruit unless there is first a manifest desire to build healthy relations.

At present there are agreements, both formal and informal, between a municipality and a neighbouring Aboriginal community, although it is impossible to say how many. However, by consulting our membership we have shed some light on the close cooperation that exists

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in some communities where the municipality supplies the Aboriginal community with services such as drinking water, public security and recreational activities.

The UMQ further proposes, in cooperation with the Ministère des Affaires Municipales, to prepare an inventory of these situations. In our view, these initiatives deserve to be made known to and pursued by other municipalities. This is also an example of a healthy relationship that shows beyond a doubt that it is possible for the two communities to live side by side and conduct discussions on a business-like basis for the good of each community.

The problems: Inequalities that must be corrected.

One would have to be a fool today not to realize that our legislative system, as democratic as it may be, exhibits numerous inequities in addition to concealing major obstacles in the judicial foundations of our society. This seems increasingly apparent to anyone who is close to events.

In 1876, the year in which the first

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general statute covering Indians was enacted, which was then revised in 1951, the authorities were already feeling the need to implant a certain degree of protectionism toward Aboriginal people in the legislation. Despite the fact that a number of agreements have been entered into and numerous treaties recognized, this protectionism seems to persist today despite the great changes in our society and the progress in attitudes that has followed.

We must understand that it is not a matter of denying history or ignoring the historical origins of Aboriginal communities. However, we should ask whether it is still legitimate for the higher levels of government to stand behind specific legislation for a class of persons.

Aboriginal people were placed under the guardianship of the federal government, and so is it not appropriate, or even advisable, to question whether this dependency should be permanent? While we can easily imagine that no Amerindian would want, in the short or long term, to terminate the benefits conferred on him or her by this particular system -- educational, health and housing

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services, tax exemption, et cetera -- we must on the other hand note that the present economic context is compelling the State to rationalize activities, to provide sound, careful management of public finances.

Since the end of the 1980s the annual budget of the Department of Indian and Northern Affairs has been more than 3 billion dollars, two thirds or more of which is paid out in grants or transfer payments to band councils. Is this acceptable when the annual deficit exceeds 400 billion and is approaching 450 billion? The Canadian taxpayer, who pays sales and income taxes, is finding it harder and harder to accept such a situation.

The same is true for municipalities adjacent to an Aboriginal community where a parallel economy is now developing, openly and defiantly, which threatens the existence of many businesses, solely because those businesses obey the various laws and regulations they are subject to. How, and in the name of what right, can we allow ourselves to ignore the government in such

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a cavalier manner?

What can we do, concretely, to resolve this situation? What methods are we prepared to put in place, mutually, so that the rules of the game will be the same on both sides?

Some Aboriginal people are obviously profiting from this parallel market, but at what price? Although we are aware that the image that is presented or is conveyed might be exaggerated through the media by a tiny group, nonetheless the reputation of the Aboriginal community is unfortunately tarnished.

Changes in the Aboriginal approach: Are Aboriginal people satisfied with their situation, dependent on the federal government? We would tend to say no. How could they be demanding self-government and responsibility for their own institutions and at the same time be agreeing to remain subject to other levels of government?

The legal context should, in our view, be prepared for giving Aboriginal communities and the

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individuals in them responsibility, which means taking over, taking control of their destiny, and developing fully on the individual and collective levels.

In this context, it is not at all a question of advocating assimilation. On the contrary, the strict right of Aboriginal people to their own uniqueness must remain fundamental and must prevail.

We wonder, however, whether the premises on which the higher levels of government base their actions, particularly in the Indian Act, still have any *raison d'être*. For example, does the fact that ancestral rights were not recognized and that the white community occupied the territory several centuries ago justify granting Aboriginal people specific privileges, whatever they be?

We are not convinced of this, because the state of dependency and idleness in which they are thereby kept is more an obstacle to their taking responsibility for themselves as a community than a means of development, of self-affirmation and self-motivation as a

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unique entity.

The role of the higher levels of government: It is clear that the solutions to be put forward must come first from the grassroots, the community.

Governments will also have to take on the responsibilities that are properly theirs, and that they seem, deliberately or not, to have neglected in recent years by allowing a situation to fester and grow day by day.

As laudable as they may be, the objectives of reconciling the Aboriginal peoples and Quebec society as a whole cannot be achieved unless the thorny problem of taxation, and its evil consequences, is first solved.

Need we remind the members of this Commission that the level of tolerance has reached its limit among the Quebec public? And it has largely exceeded it in municipalities bordering on some Aboriginal communities. We saw earlier that the local economy,

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hard-hit by illegal trafficking in cigarettes, alcohol and so on, cannot hope to experience any vitality in a non-competitive atmosphere where the rules of the game are loaded from the outset and favour one class of people to the detriment of another because those people do not obey the laws of the land.

Without claiming to want to wash our hands of it, it is not the job of municipal authorities to get involved in these activities. The municipalities of Quebec cannot claim to be able to solve all the problems that arise within the areas under their jurisdiction. They must restrict their activities to matters delegated to them by the provincial government that are not under federal jurisdiction.

The question is therefore not whether, for the purposes of assigning legislative jurisdiction over a particular activity, this should be done within a municipal geographic context, but rather whether that activity is within federal or provincial legislative jurisdiction.

There is no doubt that this

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fragmentation of jurisdiction, as well as all the enclaves and immunities granted to the federal government, frequently causes a serious problem of applicability for municipalities, which are often ill-equipped to deal with such situations. This is why we are sending the clearest possible message to the higher levels of government saying that the legislation in effect must be applied in its entirety to all citizens, Aboriginal and non-Aboriginal.

There is a fundamental principle under the constitutional Charter of Rights and Freedoms that holds that everyone is subject to the law in our society. This principle, which applies universally, must be reflected in Aboriginal communities and, although we must avoid generalizing from the situations that prevail only in some regions of Quebec, cigarette smuggling has now moved beyond borders of some areas. How to remedy this? What solutions can be applied? The higher levels of government must settle the question once and for all, and enforce the principles of fairness guaranteed by our system of justice.

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These are our recommendations.

We do not claim as a group of municipalities to have the definitive solutions to a complex problem which is much larger than the interests of Quebec municipalities alone. Moreover, we have already, in the preceding pages, suggested certain approaches that could contribute to advancing this discussion.

At this point, our proposals will therefore be limited to the essential issues and to informing the Royal Commission on Aboriginal Peoples of initiatives suggested by the Union des Municipalités du Québec in a spirit of respect for and recognition of the uniqueness of the Aboriginal peoples.

First recommendation: Give responsibility to the Aboriginal people.

We believe that it is time for the state of dependency that characterizes the relationship between Aboriginal people and governments to end. It is important to give Aboriginal leaders responsibility, to make them accountable to their constituents.

It must be understood that, like any

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other citizen, Aboriginal citizens have not only rights but also duties, the first of which is to take responsibility for themselves as individuals and as a community.

The concept of taking responsibility implies that Aboriginal people will start paying for the services they receive on the same basis as the people of Quebec as a whole. In order to do this, they must have the resources, the appropriate management tools, which could be expressed as a redefinition of how certain land is held, participation in the management of certain lands, judicious exploitation of wildlife and of its direct and indirect fallout, tourism, promoting resort development, and creating retail outlets.

The facts we described earlier concerning employment in Aboriginal communities confirm the need to find realistic solutions to this problem, which is amplified by a low educational level, among other things.

The provincial government initiative in regional development reform, which is designed to integrate the various Aboriginal nations into the regional

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development process, is in our eyes an original and innovative approach to getting each nation involved in defining the broad lines for development in the region to which they belong.

At the same time as the UMQ is presenting this policy, it has expressed its approval for the creation of a regional body open to all regional decision-makers, including Aboriginal people. While we are still persuaded of the need to involve the various communities in such a structure, we have to date observed that their participation level has been low. The most recent statistics reveal that only nine Aboriginal communities had agreed to join the regional bodies.

We believe that this is an initiative that is designed to bring communities together in addition to giving Aboriginal people the opportunity to take on a significant role in defining their development priorities.

Second recommendation: Reconsider the specific rights conferred on Aboriginal people.

It is clear that the municipalities must

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pursue their efforts and initiate a reconciliation with the Aboriginal communities in order to restore social peace within those communities. This is the kind of approach that should be intensified.

This assumes the establishment of contacts between Aboriginal people and other Québécois and a mutual understanding of the perceptions and concerns of each in terms of how to establish harmonious relations. However, hoping to achieve this objective without there first being a systematic revision of the legislation in force which at present confers special treatment on Amerindians (exemption from income and sales taxes, benefits received in the form of government transfer payments, etc.) would seem to be unthinkable in the present situation.

Third recommendation: Create and develop a mechanism for cooperation.

The Union des municipalités du Québec agrees on the need to emphasize the implementation of mechanisms for developing positive relations between Aboriginal people and Quebec society as a whole and on the

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urgency of finding a mechanism for promoting such relations.

We therefore believe that it would be advisable to pursue the idea of creating a "*Table de concertation*" [joint talks] which would be composed of elected municipal and Aboriginal representatives, who would have the mandate, among other things, of initiating positive relations between the two communities. It would also be given a role in mediating purely local disputes.

In this vein, the representatives of the Union des municipalités du Québec recently had an opportunity to meet with a representative of the Assembly of First Nations of Quebec and Labrador. The discussions, which were considered to be fruitful and profitable, provided us with a better understanding of the aspirations and concerns of Aboriginal people in terms of their vision as a people and as an entity within Quebec society.

On this point, the mandate for the joint talks could be to initiate such ties with the representatives of that Assembly and thus to establish, collegially, the rules for organizing formal meetings

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on subjects of current interest and concern for both
Aboriginal and non-Aboriginal people in Quebec.

You will understand that while we have
had serious discussion on the appropriateness of such an
initiative the results need to be pursued and expanded. We
are persuaded, however, that this is a worthwhile approach
to consider for the future of Quebec society.

It would have the merit at least of
addressing the real problems at their root and of prompting
frank and straightforward dialogue in the spirit of a desire
to find realistic solutions that will respect the uniqueness
of the various Aboriginal and Québécois communities.

In conclusion, we have tried in these
few pages to highlight a problem that is facing the entire
Quebec community. It will be easy for someone to accuse us
right off of having focused on issues that seem to them to
be of no great significance or real impact, or that affect
only a tiny minority. We believe otherwise.

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We accepted the invitation from the Royal Commission on Aboriginal Peoples because we are deeply convinced that the commissioners and the co-chairs want to hear about real problems, problems that people live with in the everyday world, problems that are an obstacle in Quebec to healthy relations between our communities and Aboriginal communities.

The Union des municipalités du Québec believes more than ever in the possibility of a real reconciliation. This is the message we have conveyed. This is the conviction that inspires us.

However, a number of prerequisites are essential to the achievement of this objective. We have discussed most of them. Without claiming that they are the single or only approach that will lead to a breakthrough or a dialogue, we believe that these are at the very least preconditions that require serious thought.

Elected municipal officials are no doubt the front-line actors, being themselves subject to

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the rules of local democracy. Accordingly, they are in a better position than anyone to begin this dialogue, to encourage reconciliation between the two communities.

The openness that we exhibit in terms of establishing joint talks is meaningful and unanimous. In our view, this is a mechanism that should be tried out.

We are open to any discussion that would have the effect of enhancing and even broadening the mission and vocation of such an effort. This is our respectful recommendation.

CO-CHAIR RENÉ DUSSAULT: I would first like to thank the Union des municipalités du Québec for accepting our invitation to discuss the relationship between the Aboriginal peoples of Quebec and the general public. We receive your brief with considerable interest.

Of course I understand from reading and hearing your brief, and you say at the outset, in fact you are focusing this brief on the general concern among the

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public about its relationship with Aboriginal people rather than on the situation of Aboriginal people in urban communities.

I understand, of course, that in the context of Quebec this situation arises more frequently in Montreal than elsewhere, given that in Quebec the geographic situation is such that there are several reserves that are adjacent to the territories of towns or municipalities, which brings up the reality of specific relationships.

We are aware, of course, that the Aboriginal communities or reserves that border on towns do have extensive relations. In some cases, as in Quebec City and Wandake, they are employers of what is largely a non-Aboriginal population, and in others they do business with the institutions in the town for education, health services, financial institutions, et cetera, which, much as it would be desirable, are not found in their own communities, which leads to these relations. So there is a not totally separate life, in a bell jar.

We will have an opportunity tomorrow to speak with the Canadian Federation of Municipalities,

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which is presenting its brief for all of Canada focusing a little more on the idea of Aboriginal government in the cities, and so on the question of harmonizing models of Aboriginal government with the municipalities, or greater participation and influence by Aboriginal people in the cities within municipal institutions, on the boards of specialized institutions.

I say this so as to establish the context for your brief and essentially so as not to come back to this afterward. This is a decision that was made at the Union des municipalités, to address the question from the point of view you have taken.

I know that the Canadian Federation circulated a questionnaire to 200 municipalities throughout Canada, including some in Quebec, and including some of the cities that are represented here.

If you could, at the outset, tell us a bit about why the Union des Municipalités did not go into this aspect of the Aboriginal concerns about self-government, either in the form of a government in urban

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areas, or in the form of an Aboriginal government, or of greater influence on education and health service institutions, et cetera, in the cities, and concentrated more on the broader problem of the relationship and obstacles to reconciliation.

Perhaps you could first give us some additional information on this point.

JEAN-BOSCO BOURCIER: It would have been easy for us, for me in particular, for example, because we encountered a very complex and difficult problem in 1990, we could have, and perhaps Mr. Forget will pursue this later ... personally, I could simply have dissociated myself from that by saying that I have my problems at the local level and my Union should get itself together and present a brief. Except that that would have been playing ostrich.

We must not believe that relations have been restored in Châteauguay and Kahnawake. I am not speaking to Mr. Norton, not because I don't want to speak to him: how do we find an way to together? What position

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should we take, both of us, to deal with these purely local problems?

When we take the example that we have in our community, and Mr. Forget will be able to talk about this for his community, and we try to transpose it to, for example, Sept-Îles, we cannot have a common vision of all the problems.

So we said if we want a common vision of all the problems, we are going to get away from the more specific problems, concentrated around Montreal.

We could have dealt with a very specific aspect of the immediate Montreal region and dealt with all the other problems in Quebec. So it would not be the Mohawks, for example, it would be all the other nations.

We could not agree on this and we preferred to be a bit more all-encompassing in terms of the problem and we said, there are problems at the local level, we have a problem at the local level in getting together and sitting down together. Could we not rather say the message

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we are saying, why not go to a level a bit higher and do it from top to bottom, that is, start the discussion at the grassroots but take it up to the level of the First Nations, and since we represent an association of members called the Union des municipalités du Québec, perhaps we could say yes, now we can go to the local communities and perhaps find some approaches to finding solutions.

At least it has to be possible at the top ... because each time you want to talk at the local level, if the message to go talk to the higher level is not passed on, the effort is wasted. We said it is a better idea to put it to the higher level of the Assembly of First Nations, which will make the demands, and for our part we will put pressure on the higher level, and this will perhaps bring about a better beginning for the dialogue.

CO-CHAIR RENÉ DUSSAULT: Yes, Mr.

Forget?

PIERRE-BENOÎT FORGET, Mayor of Deux-Montagnes: First, in preparing the mandate with the task force, we deliberately avoided making pronouncements and

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mixing in other people's jurisdictions both in terms of the political hierarchy, federal and provincial, which has for decades if not centuries been discussing various Aboriginal claims, and in terms of ancestral rights or land claims.

We do represent about 80 per cent of the population of Quebec living in towns, and so we did, however, have to speak out against what is happening now, what we see, what is largely presented incorrectly in the media, we believe, because where it leaves the most scars is in the daily life of the people around us, the Aboriginal and non-Aboriginal communities who live side by side there.

We really believed, because the only thing we're told about is the extremely nervous situations and insurrections, which I call local, in other words, the 1990 crisis and everything that followed it, the various barricades that might have gone up and the sensationalist activities that we saw there.

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For us, there is before the crisis and after the crisis, and there is before the events and after the events.

In all respect for the rights of Aboriginal people to autonomy to freely assert the claims they make to their rights, nonetheless we have to deal with some very down to earth situations.

The municipalities are the governments closest to the public, we get tired of saying, and yes, they must work within very tight budgets. The only places where there is no deficit is in our municipal budgets. But we still have to live day to day with our Aboriginal communities.

We believe, through the recommendations, including the main recommendation, establishing joint talks, that while the big debate has been going on for decades and decades and will probably continue for decades more in terms of the actual land, we can maintain harmonious relations with the communities that, to date, the Mohawk communities,

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have mostly made the most obvious and publicized representations in this respect, while applying the same scenario in the communities.

For example, Mayor Dion who sits with us, who is unfortunately absent today, who [deals?] with the Montagnais communities of Uashat and Maliotenam, the concerns are so different, but there are situations of conflict with project SEM-3 and the protection of the Ste-Marguerite river, just as Mayor Munjourn (PH) of Roberval, who is close to Pointe Bleue, a Montagnais community, sees things differently again.

We have to deal with day to day life, and in the context of the discussions we are going to have with you today, with the Commission, we cannot express our opinions. We should not express our opinions on the big legal issues that are completely outside our jurisdiction, that are in the hands of the provincial and federal governments on this point.

On the other hand, we have real problems and we must attack them. We want to restore the serene

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atmosphere we had before. It is important to say that we did have it. Myself, I am from very close to the Oka region and I am now Mayor of the town, which has English language educational institutions where most of the Mohawks get their education, and we have always lived in perfect harmony in this, except that today a new atmosphere has settled on us, on both sides, both the non-Aboriginal and Aboriginal side.

We wonder why we could not go back to the serenity that we had before simply because we have to represent something, defend something, wear the hat, defend the great ancestral principles when we talk about them, and the territorial or historic principles when we talk about us and them, here again.

In short, in the everyday things, the municipal activities referred to earlier by my colleague on the right, this is where we must seek harmony today. With the meeting we had with the representative of the Assembly of First Nations, the chief who was just with us, who was here, we proposed, we said here, we are a force, we think we are a force.

We represent 80 per cent of the

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non-Aboriginal population of the structured part of Quebec, if you like, without discussing whether or not some people recognize us. If we support on you, and in exchange we ask for your support for setting up a set of rules, working conditions and relations that could ensure that our children, our women, our men within a societal framework, that both sides must respect our customs and all that can continue to work together. That is the goal. And the big debate goes on.

As for us, we want to restore peace, serenity and harmony in everyday life, in day to day live, in our respective areas. Ultimately, that is the goal. Forgive me, I have gone on a bit.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I would perhaps like to have some discussion on two questions that are central to your brief.

The first deals, and in this you are expressing a concern that is widespread among the general

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public in Quebec, as elsewhere in Canada, on the question of transferring responsibility, the Aboriginal people taking charge of their destiny, being masters of their future. So you ask questions about the special legislation concerning Indians, the existence of specific benefits, et cetera.

I believe that there is a more or less unanimous feeling in Canada, among both Aboriginal and non-Aboriginal people, that Aboriginal people want to escape their dependency on governments, in particular the federal government, and non-Aboriginal people want the same thing, essentially, if only to reduce the share of public budgets and see some light at the end of the tunnel.

The money spent, you refer to that. The Commission is going to try to establish the costs of the present system at all levels of government. Of course this is largely social assistance money and not productive. There is no light at the end of the tunnel. We start over each year and develop a more aggressive relationship.

It is one thing to say this. My question, essentially, and this is a discussion we have had

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with many parts of Canadian and Quebec society, is how do we get there.

We often have the impression, and this is not the case in your brief, that a magic wand will be waved and Aboriginal people are going to be able to tax for services, are going to be able to have economic development to develop themselves in societal, cultural, social terms, et cetera.

What you say in your brief is that there are steps that can be taken so that this will change. One of the big problems in the 1969 White Paper that had been proposed by the federal government at the time was that at the same time as giving Indians, because this related to the Indian Act, Aboriginal people, the right to vote for the first time, it opened up the reserve system and said you are going to be full-fledged Canadians with nothing in return to make the transition in terms of collective rights, in terms of social protection and protection of languages and cultures.

So that brought about a considerable response. It was seen as a final attempt at complete

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assimilation, if not genocide. I think that today we recognize the distinctiveness, the difference, which must be respected.

Yesterday we had the brief of the Forum Paritaire which was to that effect. The issue is to find methods for providing a measure of self-financing, where all the budget doesn't come from the federal government, but there is an economic infrastructure, individual autonomy.

You talk about extending aboriginal lands, a number of proposals, judicious exploitation of wildlife and its direct and indirect fallout, tourism, et cetera.

Fundamentally, because this is where both Aboriginal and non-Aboriginal people agree, there are important things that we are going to have to do as a society if we want to move in that direction.

The United States took some steps in terms of land claims well before us, for the reason, among others, that the Aboriginal people were concentrated more in the south and so the situation arose in a more immediate manner.

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There were also controversial measures, such as the law that permits the establishment of casinos on Indian reserves in the United States which puts pressure on the Canadian situation.

Essentially, has the Union des Municipalités given more concrete thought, for example, we have a discussion on royalties on resources rather than lump sum payments and we go to your community, you are still spectators, we compensate you, in a way, but you are not partners in the resource. That is, in a way, how way we have behaved in respect of mines, forests, electricity.

We have come to the heart of the debate which would, in effect, allow for measures to be taken to give some degree of self-financing to the Aboriginal people, that will allow the public budget to be reduced, and will provide a source of pride.

Could you elaborate on that? You mention it as a principle and in passing a number of points, but do you have any deeper thoughts on this issue,

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which is truly at the heart of the debate, and is a difficult one.

JEAN-BOSCO BOURCIER: Certainly there would be areas which could, in my opinion, be exploited by the Aboriginal peoples. I would take tourism, for example.

As curious as it may seem, since 1990 when European tourists, among others, come they don't come to Châteauguay, they won't see much, or they may want to go to Kahnawake. But there is no tourism infrastructure ... so this is not the way to encourage promoting this idea of tourism.

Myself, I would see that there could be agreements with the Government of Quebec, among others, because we are talking about all of Quebec, where we could have, not on a trial basis, it could be part of a pilot project except that in terms of time it would have to be over a fairly long period to give them time to put these structures in place there.

It is said that tourism is one of the premier Canadian resources, and in fact every country says that without tourism they have trouble meeting their

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financial responsibilities. Would that not be an avenue to explore and which would be recognized, I think, by the white people around it.

If tourists want to go onto Indian land, and in my view they have extraordinary things to teach us and to introduce us to. Myself, when I was young I went onto the Kahnawake land. I was always excited to see how the women and the Indians received us. It was friendly.

That got spoiled with time. I don't want to rehash the past. Certainly when we talk about Mercier Bridge and the St. Lawrence canals, railroads across the land, this is not something that will improve the community itself, except that it is done. We're not going to take away Mercier Bridge and the St. Lawrence canals and take away the railroads from that land. They are there.

Except that there are still, in my view, things that could be exploited and that would be accepted, I am convinced, by tourists, getting to know a people, getting to know their culture and also that will be profitable for

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them, one way or another, because tourism will also bring in another sort of business.

When we met with the band council officials, what they talked about was assistance in terms of the economic approach, how we could do business. There is a port, there is a seaway, there are railroads, there are connections, major communications networks.

They could surely, with the same money, I am not saying that what they have should be taken away, but with the same money, but present it in another form, get them to understand what they could do. The perception is that they are, to some extent, that at present they are bandits who exploit the Aboriginal people. And I think that the Aboriginal people themselves, the real people, the ones who are in the community itself, certainly do not accept this. And that is frustrating, both for them and for us.

I believe that we could give them ... through the Industrial Development Corporation a modern

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industry could be established on Aboriginal lands.

It had been suggested to us, and that came from Aboriginal business men, that General Motors could have a unit for, I don't know, making seats for certain kinds of cars, something that is done. That could be done. And they would certainly make a profit because there are Aboriginal people who are in business. And take the example of that and transfer it to a larger scale.

To start with I think that in terms of tourism there would certainly be an opportunity to make profits.

CO-CHAIR RENÉ DUSSAULT: In your brief, you talk about the initiative of the Government of Quebec in bringing Aboriginal people together in terms of regional development, and that that has worked a bit ...

JEAN-BOSCO BOURCIER: That hasn't worked in our region.

CO-CHAIR RENÉ DUSSAULT: In Quebec in the last year there have been major demonstrations at the regional level, with a certain feeling of alienation.

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In the context of these demonstrations, is there any possible solidarity with the Aboriginal people, or in addition to the regional alienation from certain decisions of the central government, is there also a local division at the regional level in respect of projects? Of course this happened on the north shore.

How can you try, as the Union des Municipalités, to do something so that this reconciliation, in terms of regional issues, will come about and doesn't operate to accentuate the division further?

Have you thought about that?

PIERRE-BENOÎT FORGET: Here, you are kind of asking us to tell you about our thoughts on what government policy should be, particularly the policy that is best known in Quebec, the provincial government policy in respect of negotiations with the Aboriginal peoples on the big energy projects.

We see, I am entirely in agreement with my colleague on the right, that the traditional compensation

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for a community to support a project, apart from pecuniary or monetary compensation, was to give them certain specific rights to operate outfitters, to build recreational and tourist facilities. Today we talk about interpretive nature centres, things like that.

But that certainly didn't mean that before making these concessions on a closing or a settlement there were basic infrastructures and structures in the communities that may agree or be ready to work on this to develop economic working models and so do something like that.

Personally, and I offer this totally gratuitously, so long as there is no real partnership prior to these big discussions where there are settlements that impose things like this, tourism things, which would be extremely valuable sources of income, means of protecting our environment and so on, we will still be working without a plan and we will never be certain that the aboriginal communities that receive this compensation will profit from

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it as much as they can.

This is more or less what we want to get at, when we talk about giving them responsibility, which would give them a sort of legal personality. If I go back for a moment to the brief, when a community, when a town or a municipality makes an agreement with an Aboriginal community or an Aboriginal reserve on, for example, the joint operation of recreational infrastructures such as an arena, let's say, our legal relationship is not the same, that is, our remedies against our Aboriginal colleague in terms of, for example, non-compliance with an obligation under an agreement are not at all the same as they have against us.

They could even, quite properly, rely on the common law while we can only complain to the band council and perhaps appeal to the Minister, and the time it would take would be absolutely unbelievable.

This prompts us to say, again, let's use the joint talks to find some methods or structures that are acceptable to both parties, creating a partnership that

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would not necessarily involve substantial sums of money but services to the community, there we would have a basis for agreement on the partnership that is needed in both communities because today everything called community services costs very dearly, and with the shifting, as you know, of responsibilities from our provincial governments onto the municipalities, it is more necessary still to have sound management, to rationalize, and we clearly need each other.

So this is why we always want to absolutely get away from the wall that has been imposed on us, of non-recognition of our laws, our rights, our lands, and that these facts vindicate ancestral rights and all that because this is not the purpose of our meetings, it is not the essence of our problems, it is not the essence of their problems either.

Social problems exist on both sides, frightening economic problems on our side, no better on theirs. What we say is, create a body of people in the community, people ... we are not political representatives

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authorized to negotiate on the big issues, but rather negotiate everyday life between our different communities.

So yes, lay the foundations for talks that could create a partnership and a base through economic development corporations, it is starting, it is in the embryo stages. But there has been a setback, it must be admitted, in situations and sectors that could be described as nervous, which unfortunately involve only the Mohawk communities.

This may be what is kind of waking everyone up to want to sit down and talk as soon as possible, but strictly at that level. This is the very, very clear message that must be passed on.

So long as the big issue is not settled we cannot ... it is unacceptable for us because it should be unacceptable for them, because they have the same fundamental problems as any society that is living in the present North American context.

CO-CHAIR RENÉ DUSSAULT: I think that the recommendation you are making and the desire that is

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expressed, unanimously you say, in the Union des Municipalités, to cooperate in talks, to participate fully in joint talks is extremely important. As well, I believe that the process that has been undertaken with the representatives of the Assembly of First Nations of Quebec is also a route that should be pursued and explored.

However, you say in your brief that achieving the objective that would to some extent be the goal of such talks would seem almost unthinkable unless there is first a systematic revision of the legislation in force and the things that give Amerindians special treatment. This is something more long-term. This was my first question.

To do this there must be something in return and economic and resource development and autonomy. But in the meantime daily life goes on. You repeated this, you told us in Montreal, there is no mechanism for working jointly, specifically in terms of Châteauguay and Kahnawake, but more generally.

It seems to me that some work is going

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to have to be done on both questions.

JEAN-BOSCO BOURCIER: Yes. We ourselves tried, after the 1990 crisis, we set up community orientation talks with a chairperson whom we said was neutral, with the various leaders of all the communities around Châteauguay, excluding the mayor. We wanted to depoliticize these talks. This was practically three years ago.

The talks went ahead in fits and starts but there was nothing in return. On occasion we had representatives from the Mohawks who came but did not get very, very involved. They came maybe as observers from time to time.

The last incident we had was with the gas stations. There was some rather violent reaction to this, in that on the one hand there was a roadblock again, but on one side of highway 138 and on the other side of highway 132, for three hours.

So then there were media demonstrations, for example, accusing the Chamber of Commerce, which had distributed shop at home pamphlets. We had a permanent

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trailer with red and black printing saying that the Chamber of Commerce is racist and doesn't encourage whites to go and shop on their land, while we wanted them to come and shop in our community.

This problem is an everyday thing. The political power we have is limited in terms of the action we can take.

Other examples that go on regularly and that we attempt to defuse, for example, in respect of draining common land, where there are natural waterways that are blocked by beaver dams on one side and we wanted it to be cleaned up on the Aboriginal side, but they said we won't get federal money or grants to do it. That would have to be additional money. What happens for us is that our houses are flooded.

How to get together on these problems, because they happen every day -- fishing on the St. Lawrence River, hunting on the St. Lawrence River. These are all problems that we would really like to sit down with the

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band council to discuss but we don't have either the will or the necessary mechanism at the top for this to be flexible. It's complicated and it's ...

For example, the last problem we had in terms of irrigating a vast area of land which was flooded by our seasonal floods, it took two years with the Minister of the Environment to solve the problem, and it still cost \$150,000 to solve it.

We have some ties, some relations with certain band chiefs, but with the political institution, in the Aboriginal community or on the reserve itself, it is being challenged as we in our way challenge our government. There are different parties, there are different ideologies.

On the white side we are somewhat surprised that this goes on on the Amerindian side, when it should be understood, it should even be taught in our schools. But what I learned in school, I hope they are not teaching my children and grandchildren that. It was tomahawks and scalping and having fun. I found that aberrant.

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I think we have changed since then. That mentality has changed. But at the political and economic level we will have to make plans, and as we were saying this must not be sporadic, it must be rationalized and accepted. I hope that we are going to succeed in doing this.

CO-CHAIR RENÉ DUSSAULT: I think that you give a very clear picture of everyday experience.

The difficulty at present is that we cannot solve these problems because no one is talking to each other, because of a debate that is broader, more political, in the sense that it goes beyond municipal government, of course.

Perhaps one final question, because we could spend hours on this.

Clearly you raise the question of the applying all legislation in force, in its entirety, to all citizens, whether Aboriginal or non-Aboriginal. This is an important concern.

Of course at present in Quebec, apart from the principle that is expressed to higher governments,

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do you have anything additional to say to the Commission?

JEAN-BOSCO BOURCIER: I consider it to be unfortunate, for example, in terms of taxation. Myself, I understand that Aboriginal businesspeople, and even non-Aboriginal businesspeople, do not want to collect that tax.

Because of the proximity and because the stakes are very high, close to a large centre with 2.5 million people, a rebate when the sales tax is collected, for example, on both sides. If I am Aboriginal and I go and buy something from a white person, a businessperson, who says "show me your band number" and deducts or does not charge the tax, could there not be some rebate for that contract?

And the same thing on the white side. When we go to Aboriginal communities of course the collection of the tax is a non-issue. But if there were some form of rebate, we have never operated at that level, would this not be one way of saying, yes, because of the proximity, because of an area of land that would perhaps be circumscribed there could be a form of rebate, and instead

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of the governments losing a tax, right, it would perhaps cost them a little more to collect it, but at least they would be collecting something. Now, there are losing it all. And what is the result? The result is what we have now, in both the white and the Aboriginal communities, the black market and working under the table and smuggling. This is not going to improve our two communities.

COMMISSIONER MARY SILLETT: Thank.
you very much.

This is our second time meeting
and I remember your first presentation very well.

As we've crossed the country I'm
convinced that there are Aboriginal and non-
Aboriginal world views. There are very different
ways that some Aboriginal people and some non-
Aboriginal people look at the world.

Through the translation what I
heard was, for example, a statement saying that
the taxpayers are getting fed up with this. In
many, many Aboriginal communities we heard
Aboriginal people saying "we're fed up with non-

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1 non-Aboriginal people saying that we don't pay
2 taxes", and they give the rationale.

3 I think particularly if you were
4 to ask the Innu of the Labrador, if you were to
5 make a statement like that to the Innu of Labrador
6 they'd say our history is such that when
7 Newfoundland joined Confederation in 1949 we were
8 looked at as just citizens, like everybody else.
9 We didn't get special status.

10 They are probably one of the
11 poorest Aboriginal groups in Canada. They pay
12 taxes, as do the Inuit. So you hear that as well.

13 Here, for example, yesterday we
14 heard from the NTI, which is the Nunavut Gunngavik
15 Inc. It's a group that's responsible for
16 implementing Nunavut.

17 They talk much about Inuit rights.
18 For example, what is an Inuk right, what are Inuit
19 rights. They are associated with the land.
20 Hunting, fishing and trapping is a right. The
21 ability to make decisions on our own land is a
22 right. The ability to determine our own
23 institutions, the ability to speak Inuktitut, to
24 learn Inuktitut in the schools and to be taught,
25 not by (native language), or white teachers, but

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1 by Inuit teachers.

2 I suspect that there are some non-
3 Aboriginal people who would look at that agreement
4 and say "why? why would they get that?"

5 My question to you at this time
6 is, I think there is a difference -- I don't think
7 you were referring to Aboriginal rights, you were
8 referring to privileges given to Aboriginal
9 peoples. I think that's the word that you used.

10 My question to you is, are there
11 any rights, in your opinion, that Aboriginal
12 peoples in this province have? Do you recognize
13 that there are any rights of Aboriginal peoples in
14 this province?

15 JEAN-BOSCO BOURCIER: One of the
16 problems in reality, I'm sure that Aboriginal are
17 paying taxes but the perception, our perception
18 throughout the population is different, and that's
19 where it hurts. The perception is stronger than
20 reality, and we have to change that perception.

21 At the local level we try our
22 best, but since 1990 even we would we would try
23 again, I don't know by what kind of miracle we'll
24 succeed in changing that perception. That's why
25 we say instead of trying at the local level now

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1 it's try at the higher level with the First
2 Nations, among ourselves try to share that vision,
3 to share that reality, get the proof, get the
4 facts and then on our side at the local level we
5 may change the perception of our population that
6 the Indians have rights and obligations, but they
7 are part of the economy, they are part of the --
8 well, maybe not the case now because we're so may
9 billions of dollars in debt, but to the growth of
10 our economy that they could be part of it.

11 I say that Aboriginal people have
12 so much to share with us only through their
13 culture. It is a fortune that is sleeping there
14 that you may make a fortune out of it.

15 As for myself, for example, I have
16 all kinds of Inuit art. It costs a lot of money.
17 So it is a part of the economy, it is a part of
18 the culture, and that has to be spread, that has
19 to be known amongst the white population.

20 We are actually faced with the
21 same problems as you are faced with. We have the
22 same problems. The difference is that the
23 perception from our point of view towards you and
24 you towards us has to be remodified. We have to
25 talk about it. We have to share that kind of

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1 perception.

2 We say we're right, you say you're
3 right, or we say you're wrong and you say we're
4 wrong. It is wrong to say that, but we have to
5 change that perception. It's a lot of education
6 to be made.

7 COMMISSIONER MARY SILLETT: I
8 think that's our conclusion too. There is much
9 education.

10 You referred to the need for
11 Aboriginal history. I think that's one avenue,
12 but I think having an Aboriginal history in every
13 classroom in this country would probably not do
14 the job of improving the relationships overall.

15 When we went to the hearings last
16 year, we went to Akwesasne and Kahnawaka. We were
17 told that the Mohawks in that area are sovereign
18 people. They have their own laws. They gave us a
19 very extensive lesson in their laws, actually it
20 took a full day.

21 We know, as Aboriginal people,
22 that there are different laws. For example,
23 you're saying that there should be one law for all
24 citizens, that your laws are right. Aboriginal
25 peoples are saying we have our own laws, we're not

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1 going to recognize our laws. There are two
2 different viewpoints.

3 I was wondering if you're
4 advocating that there should be one law for all
5 citizens. I'm having difficulty understanding why
6 there should be.

7 JEAN-BOSCO BOURCIER: Natural law
8 is the same for each and every one. What I said
9 then and I can repeat it again, is that the
10 application of the law, the bylaws, the rules of
11 how this law should be applied belongs to each and
12 every nation, but a crime is a crime, stealing is
13 stealing. But how do you punish belongs to each
14 nation.

15 As far as the taxation is
16 concerned, we have a different point of view
17 there.

18 I'll give you example. Five
19 hundred feet apart there's a gas station that
20 sells gas at 49.4 cents a litre. On the Indian
21 reserve it could be 47.9. Where do you think the
22 people will buy? It will buy at 47.9

23 There should be a mechanism. The
24 service should be the difference, but the price
25 also should be the difference. In that specific

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1 area where it is very, very touchy on a very
2 regular basis, on a daily basis, that you buy
3 these products, something has to be done,
4 otherwise I don't know what will happen between
5 now and then, and then will mean what?

6 That's why I say that there, there
7 should be one law, and the application or the
8 price should be also known that the perception of
9 the taxes should be the same, or at least the
10 return to the government should be the same. If
11 not, bring in a mechanism to make sure that the
12 perception or even the reality of things would be
13 shared at the same level by each and everyone.

14 Now it's really unacceptable for
15 the white population to accept that. We cannot.
16 Why? Because they say there are two ways of
17 looking at things depending on which side of the
18 border you are. So it's hard. We try to do our
19 best but in these specific areas we have to change
20 things.

21 COMMISSIONER MARY SILLETT: This
22 is one issue that has been identified as a problem
23 area, but there are definitely others. What kind
24 of processes have you tried in order to resolve
25 these issues?

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1 JEAN-BOSCO BOURCIER: We tried to
2 talk, but now there's no talking. So we feel that
3 through some experiences, new ideas, new projects,
4 we may get together around the same table but
5 we're not known, the mayors, to be the chiefs of
6 our governments. We're know to be the servants of
7 the higher level of government. It's kind of
8 pejorative towards us but that's how we are
9 perceived.

10 COMMISSIONER MARY SILLETT: You
11 were calling for a regional forum to discuss
12 issues that affect your communities and the
13 province as a whole. I sort of somehow never got
14 it but could you state how this would work and
15 what the mechanisms would be.

16 JEAN-BOSCO BOURCIER: We have at
17 the regional level the Regional Council of
18 Economic Development. The money now comes from
19 the provincial level.

20 For myself in the Région de la
21 Montée Régis, the second largest in the province,
22 we have \$4.5 million to be redistributed in the
23 region. So we have a representative from each
24 area, each municipality, then we have a board of
25 administrators. We've asked Mr. Picotte, who is

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the minister responsible for that development, to include in our committees the Autochtone territories and so far we have not received a positive answer towards that invitation. So they're not part of the decisions, which I feel is not -- well, it's bad, but that's the way it is.

So the monies now are redistributed and it's redistributed to the Indian reserves as far as we're concerned. But it should be worked out in -- we may hear from Mr. Siros tomorrow about it, I don't know.

COMMISSIONER MARY SILLETT: Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Thank you. I believe that one essential point that was raised is the possibility of legal pluralism so long as we are in harmony with the people around us, our neighbours. This is really the issue in terms of municipalities.

We will have the same problem, the same reality, with reserves in urban areas, because increasingly, Aboriginal groups are purchasing land in municipalities and seeking reserve status, and that requires raises the issue of harmonization with the municipal by-laws of the town and

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what happens in reserves that are urban, not adjacent, but actually in the downtown.

This is a matter that essentially requires some relations. The difficulty that we have at present is that there are no relations because there is no mechanism and no communications, and the possibility of dialogue, so that if through the meetings you have begun with the Assembly of First Nations, and so on.

Certainly the idea of these joint talks, we have examined this very closely at the Commission because we cannot, on both sides, continue to sit frozen like that. That is no good for anyone. We find ourselves in a sort of a dead end road, particularly since 1990.

Once again, thank you for your thoughts and your contribution. There are some preconceived ideas on both sides. A lot of public education is needed. Often there are perceptions that completely distort relations.

The Commission is going to try to clarify the facts in terms of quite a number of things.

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We hope to stay in touch with your organization over the next year and please do not hesitate to contact us and provide us with any additional thoughts or concrete action that may take place. We hope that the situation and the climate of relations will improve, not only in Montreal but also more broadly in Quebec.

Thank you.

The Royal Commission on Aboriginal Peoples in Canada will resume its public hearings at 1:45 p.m. with the presentation of the Fédération québécoise pour le saumon de l'Atlantique. Thank you.

--- Hearing recessed at 1:00 p.m.

--- Hearing resumed at 2:04 p.m.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on Aboriginal Peoples in Canada will resume its public hearing with the presentation of the Fédération québécoise pour le saumon de l'Atlantique, Bernard Beaudin.

You may proceed.

BERNARD BEAUDIN, President, Fédération québécoise pour le saumon de l'Atlantique: Thank you.

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Ms. Sillett, Mr. Dussault, I have with me Edmond Malec Lalo, who is vice-president of the Fédération québécoise pour le saumon de l'Atlantique. He is vice-president of the regional council for the lower North Shore.

The Fédération itself, to give you some explanation, is made up of seven regional councils which essentially, I would say, cover Quebec, wherever there is salmon or also wherever there are users of Atlantic salmon.

The Fédération seeks to bring together all people interested in conserving and developing Quebec's salmon resource. As such, it is not solely an association of salmon sport fishermen. It may also include, and it does include, municipalities, RCMs, tourist development corporations, individuals, private companies, corporations and, naturally, representatives of Aboriginal people, and particularly the Montagnais.

The Montagnais are members of the Federation at various levels, as individual members, associate members, managing members and political members

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as well in these structures. As political, I mean like Mamiténuat (PH) or the Conseil Attikamek Montagnais.

There are representatives on the board of directors and also on the executive committee of the Fédération québécoise pour le saumon atlantique. I would say on this point in the Federation there is no Aboriginal problem, nor are there Aboriginal affairs. There are Aboriginal people who look after their affairs within the Federation.

I have the impression that as we go along, of all the talks I have taken part in in Quebec, various talks that were seeking to build bridges with the Aboriginal people, that the Federation seems to be an almost unique example of joint effort and discussion.

I would also like to draw your attention to the dynamics of the Federation itself, which is an organization that is seeking to get people to work together. It organizes conferences, conventions, benefit dinners every year. This year, at present, we seem to be in

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a consultation phase which we call the "*états régionaux*" [regional congresses], and next week we will bring the regional congresses together, and next year the general congress on salmon, at which the Montagnais, in particular, are actively involved.

In our organization, working together is what I would say is the essential dynamic of our Federation. You know, salmon is a migratory fish, it is a fish that travels across the oceans and what we say is that we don't need to manage salmon. Salmon know very well how to manage themselves.

If a salmon is born in a river it knows that after several years it will leave that river, go to the ocean, get fat and come back a year or two or three later. It will find its way. It may be thousands of kilometres from its birthplace, but it will return to its river.

The whole problem that it will encounter will be problems caused by bipeds, essentially by the human species, in large part. And so it is going to be

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subject to a lot of harvesting.

I must say that the light we have shed on this harvesting also has been, I would say, one of the things that has succeeded in eliminating what I think is a very strong prejudice that existed in Quebec concerning Aboriginal harvesting of salmon, simply by reminding you that all the harvesting done by what are called white people represents 95 per cent of the salmon harvested, at a minimum.

Of course the conservation of salmon could not depend essentially on the residual 5 per cent which might represent Aboriginal harvesting. Essentially, when a resource is harvested in so large a quantity by a group I believe that it is that group that must be targeted for action first if we want to solve the real salmon conservation problem.

This is something we addressed head-on, and we had the courage to say to people around us who were arguing that the salmon problem is an Aboriginal problem. Of course we had to tell it like it was. And this is

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something we are still saying, because, you know, prejudices are tenacious and often it is easier to identify an Aboriginal poacher than a white poacher.

If I think about the entire dynamic around Restigouche I could tell you that the village of Ste-Florence has such a tradition of poaching, and the present manager, Victor Tremblay, who is another vice-president of the FQSA, could tell you that more salmon disappear in the Matapédia River from poaching than from sport fishing, and that this poaching is done by whites. So 1,500 salmon disappear every year from poaching.

So that is also a problem, and it is a problem to which we will be attending. It is not just, in other words, the portion of the harvesting done by the Micmacs in Restigouche. Quite apart, I would say, from the claims made by some. But it is something that we have to repeat continually if we want to get any real action on the salmon resource.

We remind you that salmon naturally

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start in Greenland and that there as well there is Aboriginal harvesting of Atlantic salmon which may be born here at home, because there are Inuit who harvest them, but in much smaller numbers, I would say, than the catches made by ships out of Denmark. As well, fishing has been halted in Greenland and this will probably now last five years.

Newfoundland also harvests our salmon in huge numbers, and commercial fishing has also been halted there, in Newfoundland.

In Quebec, there is only a bit of commercial harvesting on the lower North Shore for the present. Most was bought back this year on the North Shore.

Several things are now being done to ensure conservation of the salmon, to some extent throughout the world. There are organizations like NASCO, which is a cooperative organization for North Atlantic Salmon.

So the salmon have forced people to communicate. We also say that the salmon is a species that forces communication.

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As I said, we do not manage the species, we must manage ourselves. Everyone along the salmon's route must manage themselves, and each and every one of us has responsibilities toward this resource.

I would say that it is solely by recognizing the obligations, but also our duties, but also our rights in relation to the resource, that we can decide on real action in relation to that resource.

I would say that in a federation like ours discussions will be undertaken not only with Aboriginal people. Discussions must also be undertaken with the United States, Newfoundland, Greenland, with a whole list of the parties involved pretty much around the world, to ensure the survival of the salmon.

In this respect, the Montagnais wanted to play, and are playing, a fundamental role. Some rivers on the North Shore run through their lands, right through their reserves, or alongside their reserves, and naturally represent to them an entire set of values, traditional values, spiritual values, and also economic values.

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The Atlantic salmon which, through sport fishing, may bring in 500 dollars apiece for the community, because sport fishermen will spend a lot on this, also represents to them a hope of economic development and jobs, and job creation in areas like the North Shore is not something obvious. A job is not created on the North Shore as easily as it can be created in Montreal or Quebec City, of course, and management of the resources, and, I would say, sustainable management of these resources, is essential.

I believe that the Montagnais have demonstrated, demonstrated clearly, their capacity to manage this resource in what I would call an extremely effective manner. I am thinking, among other things, of the Mingan River, a river which has been restocked by the Mingan band ... where the Mingan band has for six years prohibited any harvesting for the period in which, and also we recommend for restocking our rivers that all harvesting be stopped during this phase, the restocking phase, while we allow

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the salmon stock to rebuild and replenish.

What they have done, with tremendous effectiveness, they have gone back to harvesting a certain number of fish either for food or for sport, to create jobs, but also to meet the traditional needs of the people and to manage the whole complex social situation there.

They are doing it in an exemplary manner on the Natashquan. They are doing it, and this must be pointed out, there is a river in Quebec which is co-managed, because there is a sizable white population on the Escoumins and there is a ZEC which is under delegated management, and which is managed by a bipartite committee made up of equal numbers of Aboriginal and white people in a management structure that provides access for everyone, but the two communities both derive equal benefits from this management.

All these activities, I would say that the purpose of what the Federation does is to implement them. I believe that we have to count on everyone's mutual goodwill to establish a genuine dialogue and recognize,

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I would say, everyone's efforts.

I tell the white managers, the Québécois managers, that the problems of an Aboriginal manager are much greater for him or her, because not only must he manage I would say, a business that must provide a tourist with proper facilities, because the sport fishing industry is a tourist industry, but he must also, at the same time, manage cultural change, and a society that wants to preserve its roots, a society that wants to preserve some of its traditions and its ties to the salmon, which means food fishing, and to ensure that this resource remains in sufficient quantities in the river for future generations.

This is essentially what Aboriginal managers are faced with, and this is often what we forget. Everything we are asking for in terms of effectiveness, all of these qualities, the talents that we ask for, often are much more than we ask of the whites in managing an identical situation, if you like.

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So this is something that is very easy for us to recognize and we recognize very well. And it is something that we find it important to say, because it is not easy to find someone who is capable of being both a business manager, but also an agent of change in his community, of being, I would say, practically a social worker, and also a negotiator, because a whole lot of things are negotiated in respect of Atlantic salmon in the reserves in Quebec.

I think that this whole situation, the Aboriginal people find that in the Fédération they get understanding, consideration, mutual respect, and an understanding of cultural differences.

The Federation also recognizes from the outset that the resource must be allocated with a view to conservation. In other words, we must have ... you know, it is important to understand clearly the dynamic of a river because a river may produce 10,000 salmon a year. Of these, 5,000 must be retained for conservation. There are 5,000 others that can be used for other purposes.

So the first allocation is for

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conservation, and everyone is agreed on this.

The second allocation is for food fishing.

So the Federation, which is itself a federation in which a majority of members are sport fishermen, recognizes the primacy of food fishing over the primacy of sport fishing. And after that it recognizes sport fishing and, after that, commercial fishing.

It should be clearly noted that this did not necessarily happen spontaneously, this dynamic and this understanding. Ten years have been invested in it, but it was essential if we wanted to have people and a population and an entire society in the Federation that has a fundamental role because of its location along the salmon rivers, because of its traditions, because of its own role and its own responsibilities toward this resource, and also its hopes.

The question has been asked, is there hope, is there a future somewhere for the Aboriginal people?

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Yes, there is a future. Of course the salmon are not the whole future, but they are a part of the future.

The salmon are a part of the future to which they are entitled, and I think that we must recognize this and share it. But that demands continual effort. We make the effort, and we ensure that this is made clear in the Federation.

I would also draw your attention, and I have brought an example, to the fact that the Federation's promotional pamphlet is in French, in English and in Montagnais. This is something that we thought was essential for a group that is really quite sizeable in the Federation.

The magazine "Saumon Salar" which is published four times a year, and is devoted to salmon, regularly discusses Aboriginal viewpoints. As well, the next issue will be largely devoted to the Aboriginal dynamic and situation.

This magazine, I must say, is very high quality. Among other things, there are specialized issues, like the one you have in hand, which is the entire legal

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situation concerning salmon rivers. We put a lot of time, I would say, into documenting the entire dynamic of everything relating to salmon. So there are not just the social aspects, there are also the legal aspects and the various aspects apart from political aspects.

At our conferences, like that one, that is the proceedings of the conference of the Federation held in 1992, which is a collection of the most significant scientific articles where we had the most important scientists in the field of salmon come from around the world, including addresses by Edmond Malec on what we consider to be essential, salmon cannot be managed by a biological approach, it must also be managed in its social connotation.

I would say that the social dynamic we have explained is, first, the Montagnais dynamic on the North Shore. This document has been distributed throughout the world. To us, this is a part, I would say, of the efforts we are continually making to ensure that ... you know, you can never stop. You must continually break

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down prejudices, and you are continually confronted with prejudices.

To close, because we are going to let you ask all the questions you like after that, and we are ready to answer them, you know, in the Restigouche area, Victor Tremblay, who is an extremely dynamic vice-president, I would say someone who puts an enormous amount of work into the development of his region, Victor is currently trying to establish joint talks, precisely so as to create a regional dynamic, including the Restigouche band, outside the government. This is difficult, because people are reluctant.

You know, the 1991 events in Restigouche did not improve relations around there. As well, the Montagnais on the North Shore would like to set up joint talks on the Moisy River, and the whites refuse to let them.

You know, the doors are not always opened or closed by the same side. I can give you concrete examples of that. Where we go, one, on the one hand asking the Restigouche band to please participate in regional joint talks, naturally with people from the community, but where

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we go and ask people from the Moisy River, the association of managers of the Moisy River, to please agree to having a new member, the Sept-Îles band, essentially from Maliotenam, once again this is unacceptable. But we will approach both cases with the same diplomacy to ensure that the bridges are opened.

I will close with that. There are still efforts to be made, so that the bridges are not closed. I would say from 1990 to 1992, despite everything that happened, the Federation, it is perhaps a question that would arise, I would not say that we have never had any setbacks in our relations with the Aboriginal people. I would say the worst that has happened is perhaps that we marked time for one or two years, but things have started up again even more effectively now.

Thank you for your attention.

CO-CHAIR RENÉ DUSSAULT: Mr. Beaudin, Mr. Malec, we thank you for coming to meet with the Commission and for presenting this brief and the additional information.

I think that you have certainly

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presented us with a success story that is never completely finished, as you say, but it is apparent that if we compare the presentation we had this morning from the Fédération québécoise de la faune and the difficulties experienced in that context, we can put things in perspective and see how, while of course everything is not comparable, nonetheless there are possibilities.

What Mr. Pelletier from the Fédération québécoise de la faune told us is that in addition to the problems at the grassroots there were the events of the summer of 1990 in the media which, generally speaking, they had in a way poisoned things somewhat, poisoned the relations in general between Aboriginal and non-Aboriginal people in Quebec, and that this had had a direct impact at the grassroots in terms of wildlife management, wildlife protection, and relations between Aboriginal and non-Aboriginal people.

You tell us that in your field that might have caused a period of inactivity but no setback, and that things have started up again.

We receive your brief with a great deal

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of interest. I believe that people in Quebec know that there were major problems in the late 1980s, in Restigouche, among other places, with the management of the salmon resource.

I would perhaps like to ask you, in factual terms, how many associations are in the Federation at this point?

BERNARD BEAUDIN: To answer your question precisely, there must be nearly 80 associations of various types at present. I believe that in the Aboriginal bands ... 80 associations, I mean of all kinds. So about forty salmon river managers, and I would say that these 40 salmon river managers must represent 95 per cent of the supply of salmon sport fishing in Quebec.

So I think that the large part of sport fishing activities or sport fishing supply is represented in the Federation.

The bands that are members of the Federation include the Escoumins, the ones in Sept-Îles, Mingan, Natashquan, La Romaine and St-Augustin. So I think

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the main part of salmon sport fishing managed by Aboriginal people.

CO-CHAIR RENÉ DUSSAULT: So the main bands involved, essentially, who are on the salmon rivers or on their land are involved in the Federation.

You talked about co-management. You talked about how many co-management situations where the resource is actually managed jointly? I think that you talked about one case.

EDMOND MALEC LALO, Vice-president (lower North Shore), Fédération québécoise pour le saumon de l'Atlantique: Co-management is with the Escoumins. The Escoumin band is with non-Aboriginal people, and the La Romaine community is also in the process of establishing it, also with non-Aboriginal people, but this is in negotiations at present.

CO-CHAIR RENÉ DUSSAULT: And this co-management is carried out with the non-Aboriginal people from the area who have joined together, and you form a distinct legal entity at that point to manage the resource, I believe.

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BERNARD BEAUDIN: Yes. Normally a non-profit organization is formed. When you have a river that has ZEC status, essentially it has to be managed by a non-profit organization. In fact it is a form of legal status, essentially, a ZEC.

So it has to be managed by a non-profit organization. The organization is made up of equal numbers, in the case of the Escoumins, of Aboriginal people appointed by the band, and in the other case by another committee.

We could also mention La Romaine, in Quebec, on the Grande Cascapédia (PH) River, where there is a management corporation that manages the Grande Cascapédia, in which the Micmac band of Maria (PH) also participates in equal numbers.

So I would say that we have three concrete examples. But in the case of the Grande Cascapédia you must also be aware that there is on site ... a reserve is being managed and on the reserve there are several clubs, some of which belong to people who are fairly wealthy, and so the dynamic and the involvement of the Maria band is

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somewhat lower than for the Escoumins in terms of co-management. I would say this is a partial example.

In the other two examples you have, I would say, one, the Escoumins is true, complete co-management, with all the rights and powers of every kind.

CO-CHAIR RENÉ DUSSAULT: If we take, for example, the Escoumins band, apart from the conservation and food allocations, when we get to sport fishing, how are the benefits shared? What is the formula? Is it shared equally between the Aboriginal partner and ...

BERNARD BEAUDIN: I don't have those details, I would point out, about the entire partnership there, except that I would say that the essential point is that jobs are being created fairly between the two groups, because a non-profit organization, there are no actual profits, the most significant benefits are in jobs and job creation, and the jobs are allocated so that they benefit the two communities equally.

But it is still the two communities that

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manage all decisions. So for that they may sometimes need to hire a general manager who may be white and whose salary will be larger, but they will compensate by having two others of Montagnais origin to have an equal amount. This type of dynamic can easily occur.

CO-CHAIR RENÉ DUSSAULT: It is a board of directors with equal representation.

BERNARD BEAUDIN: That's right.

CO-CHAIR RENÉ DUSSAULT: Of course the main benefit is that there is social peace, the resource is protected, and the profits can be channelled appropriately for the development of the region through jobs, among other things.

BERNARD BEAUDIN: Yes, absolutely, and much more. We are able to go and look and apply for development programs and, I would say, be partners in, among other things, the salmon economic development program, under which 30 million dollars is being invested in Quebec.

Clearly one of the basic criteria, since it is an economic development program, its purpose is the

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economic return in investment.

So there is a return on the investment, and the return on the investment is in the development of the resource for sport fishing purposes.

Clearly, for a group on the North Shore, whether they are Aboriginal or white, it is worthwhile to be able to participate in this sort of program, because they give you the resources you don't have to seed the river, to develop the resource, and there are several Aboriginal bands, whether or not they are involved in co-management, it should be noted, because the Natashquan and Mingan and the La Romaine band are beneficiaries of that program.

But that assumes that they are capable, and they have shown that they are capable, both of managing and also of managing a restocking program.

CO-CHAIR RENÉ DUSSAULT: In terms of jobs created, do you have the statistics?

BERNARD BEAUDIN: I can't tell you about jobs, I would say, as accurately as about ... yes, I think

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that Edmond could tell us about Natashquan, the Natashquan outfitter, how many jobs it may create. I think it is a clear example of an activity.

EDMOND MALEC LALO: In 1983 we signed an agreement with the MLCP [department of recreation, hunting and fishing]. The agreement specifies that it is agreed that 50 per cent of the jobs -- 50 per cent for Aboriginal and 50 per cent for non-Aboriginal people. In the 30 actual jobs we employ 15 Aboriginal and 15 non-Aboriginal persons.

At present there are a few more Aboriginal people in the outfitter. This is an agreement that we said, when we have our work force, then we can meet the demand in the community.

It must also be added that the Escoumins also have an agreement with the MLCP, to meet the needs of the Aboriginal people, that there will be subsistence fishing. There is a net at sea [?] strictly for the Aboriginals. This is not connected with co-management.

We also have, to meet the needs of the Aboriginal people in our community, we have a sector

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where subsistence fishing can be done. Our sectors, we have management. This is how we reached an agreement with the MLCP.

CO-CHAIR RENÉ DUSSAULT: In terms of the nature of the jobs, between Aboriginal and non-Aboriginal people, I understand that the Aboriginal people bring a great deal of experience to this.

Has this led to additional training? In other words, how is it allocated, how are jobs allocated, in terms of the actual jobs, between management, between the various aspects, to operate the outfitter?

EDMOND MALEC LALO: When we took over management of the Natashquan River, we kept the non-Aboriginal work force at 75 per cent. They were part of the guiding activity, and in guiding there are guides for fishing and for cooking, because we had no experience in managing that, and we kept the non-Aboriginal work force.

As we ... we did not really do formal training. Rather we did it through practice ...

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We are also careful not to create distance between us and the non-Aboriginal people. We try to maintain the relations we now have, not to separate these two, cut jobs where they have to be cut.

CO-CHAIR RENÉ DUSSAULT: Mr. Beaudin, you also talked about the Moisy River in relation to Restigouche, where the opposite is somewhat true in terms of resistance to sitting down together and holding joint talks.

In terms of the Moisy River, we know that a lot has been written about the Hydro-Québec development project. Does it play a role in the difficulty you mentioned or is it, in any case, something different in terms of the resistance of the Aboriginal and non-Aboriginal people to sit down together?.

BERNARD BEAUDIN: Clearly the SM3 project represents ... to all of the people who are concerned about salmon conservation, it represents a problem for everyone, whether Aboriginal or non-Aboriginal. It is a project that is disturbing if there is in fact an impact on

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the salmon. I don't want to deal with that, in any event.

Everyone had, I would say, in quotation marks, different interests. And I think that the Montagnais have in this a method of asserting some of their rights at present, to which I believe they are entirely entitled, it is entirely proper that they should benefit from the desire of a non-Aboriginal Quebec corporation to construct a project there, that they should take this opportunity to assert a number of their own rights.

It may be that in fact there are people there who do not agree with that. Of course that may be at work in that dynamic. That is for sure. Except that the position of the Federation in this has been ... of course, I would say, we are keeping our distance from the Aboriginal claims in the sense that it is not our business, it is their business. And I think that they are doing it very well, and they don't need us in any case in that matter.

On the other hand, in terms of the conservation and development of what they may derive from

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the salmon, in that we can play a role with them. And in that we are going to help them so that the people in the community will understand that everyone has an interest in sitting down together to manage this resource, the salmon resource. And this is what we are going to do.

But to tell you that SM3 is not the cause, but beyond that there are a lot of other things. It should be noted that when you are in the Salmon Moisy Club, you own Winchester, I don't know just how interest you are in seeing the Indians move in. And the distance is maintained. I would say that a dynamic has been encouraged where the little Québécois was the barrier between them and the Aboriginal people.

There are clubs that are among the richest in the world with salmon on site. And similarly in Restigouche you have clubs that are among the richest in the world. This is a dynamic that has to be understood. When you own a Nesbit-Thompson, you aren't poor. You have enormous resources, you have a budget that is not far from twice the budget of the Government of Quebec sometimes in

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your own businesses.

And when you have a hundred-storey building in New York, obviously you have unlimited resources. Your financial resources may sometimes be used, I would say, to fund a number of other organizations to act as intermediaries between you and the people you don't want to see too close up.

I think that this dynamic may have operated both in Restigouche and in Sept-Îles, in my view, and that this is a dynamic that has to be unravelled patiently without scaring anyone necessarily, but there is already fear. The fears are felt by the Aboriginal people.

In Restigouche I think that they have been the victims of these big manipulations. Forgive me, but I think that they have been the victims of these big manipulations, but also the little Québécois who were used in it, I would say, as cannon fodder, forgive me, and that is what has to be torn down. I think we have to unravel that whole thing. And so there are also these issues which go well beyond it.

These issues also exist even in the SM3,

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essentially. In any event, we were sufficiently aware of all that not fall victim to it where we are.

CO-CHAIR RENÉ DUSSAULT: Knowledge is a good start for information and being aware of that.

We were in Restigouche in June and it is apparent that the events in the late 1980s left major scars on the Micmac population, but also on the surrounding white population.

Of course I understand that in Restigouche as on the Moisy the challenge is a little more complex, there are mutual fears to be overcome in order to accomplish what you have been able to accomplish in other places in Quebec on the various rivers, Escoumins, et cetera, Natashquan.

If I understand you, you have not thrown in the towel.

BERNARD BEAUDIN: No, you can be sure of that.

I think that we can say that the higher the economic stakes, the more manipulation there is going to be. And so we are going to need a variety of skills to get

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through it and I would say impose on both of them, as partners, because anyone who sees a new partner come on the scene is afraid of losing power, is afraid of losing privileges, and this is essentially what we have to work with. A whole set of fears.

On the one hand, I think, frustration on the part of the Montagnais on the North Shore that they cannot play a more decisive role than they are playing in the management of the Moisy River, and I don't believe they are really interested in excluding all of the non-Aboriginals on that river.

They want to have some rights in the matter, and I think that that is entirely to be expected. On the other hand, listen, the dinosaurs are often really on the other side of the barricade, because in Restigouche, and I am thinking about the big clubs there, I am not sure that they necessarily take a very favourable view of the arrival of the Restigouche Indians too.

As you were saying, the wounds are so deep that I am not sure that we ... in any event, the

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solution is not necessarily going to happen overnight.

CO-CHAIR RENÉ DUSSAULT: At this point
I am going to ask Mary Sillett to continue.

COMMISSIONER MARY SILLETT: I'd
like to thank you both for coming here today.
[I Just two questions.

My first one is, I was sort of
interested in the response given by Mr. Lalo to a
question asked by Mr. Dussault.

I think in your response you said
for example in outfitting there are special rules
which apply to subsistence, fishermen. I was
wondering if you could elaborate on that.

EDMOND MALEC LALO: There is a rule for
sport fishing and a rule for subsistence fishing. You have
to try to respond in a way that satisfies both.

In a river, sometimes the river is long.
But the kilometres must also be divided. From zero to 13
kilometres is subsistence fishing, strictly by Aboriginal
people, to preserve the Aboriginal fishing tradition.

The other part is more or less to meet
the demand from sport fishermen. Whether they are

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Aboriginal or non-Aboriginal, they go there on fishing days, four days, and they pay the price. While in the other sector the Indians do not pay for licences or do not pay to fish there.

That is why their community is satisfied. Certainly the community is not 100 per cent satisfied, but at least 80 per cent are satisfied with this agreement.

COMMISSIONER MARY SILLETT: Thank you very much for that clarification.

My second question is, it was said that there's a six-year moratorium placed on salmon stock so they would have a chance to rebuild the stocks, but have a chance to replenish themselves.

I was wondering, what happens to the salmon fishermen in that instance? Do they fish other species? In other words, how do they make a living?

I know, for example, in Newfoundland with the cod fishery gone essentially there have been special measures introduced to compensate cod fishermen so that they're able to feed their families.

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Has something like that been done
in your area or not?

BERNARD BEAUDIN: I didn't really
understand the question.

--- (Brief pause)

BERNARD BEAUDIN: Concerning the buy-back
of commercial salmon fisheries in Quebec, it is a voluntary
buy-back. Essentially the commercial fishermen were
fishermen who had quotas, catch limits, and the income was
assessed over a period, I believe it was five years.
Essentially, the full value over a five-year period was
assessed, and on that basis they were paid compensation,
essentially, their entire production, their catch over five
years. I even wonder whether it isn't seven years.

Out of that amount, in a sense, they
were also paid for their gear on top of that, their purchase
of gear, their purchase of various equipment, plus the value
of the production over a five- or seven-year period, from
memory, all indexed.

When this was bought the commercial
fisherman simply renounced his right to fish. The fisherman

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sold back his right to fish.

Generally, the amounts, since it was a voluntary buy-back, this year I had been told that probably 50 or 60 per cent of fishermen were selling. But this year it was 98 per cent for fishermen who have sold all of their fishing rights.

Now you must understand that salmon fishing in Quebec is not an exclusive activity, in the sense that for a commercial fisherman it was not a large percentage of his whole income, and a number of them also have other occupations. There were even lawyers among them. There are even people who were managers of big businesses, like Alouette, but many others also were small fishermen.

But everyone was happy, in a period of crisis like we are experiencing, in getting a cheque that was often for \$30,000. Some were as high as \$150,000. I think that this is very welcome, and many people started up other small businesses with that, and essentially that got the economy restarted.

This is how Quebec compensated for

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the buy-back of commercial salmon fisheries.

CO-CHAIR RENÉ DUSSAULT: I think there was another aspect, which was what happened over the six years, for example, when you suspended harvesting, including even for subsistence, what happened for the Montagnais, what was the substitute, what was given in return, in economic terms?

EDMOND MALEC LALO: There is just one community, ours, which harvests from the river in the community of Mingan. It wasn't easy to tell an Indian to stop fishing for salmon.

To compensate for that, the Montagnais in Mingan had a fish plant, which could process groundfish. That made up for a bit.

We haven't stopped and said "you'll never eat fish again". We thought, admit it, that we could take, every festival, in Ste-Anne there is a special festival and everyone gets together ... So we're going to take 20 salmon, admit it, to make a sort of festival, just to preserve the tradition, traditional fishing. It hasn't

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been easy, but we have got through it.

COMMISSIONER MARY SILLETT: [ENGLISH -
Thank you.]

CO-CHAIR RENÉ DUSSAULT: We want to
thank you for having discussed your experience with us, that
you have had for a good ten years now, which has been quite
fruitful.

Once again, we can only wish you good
luck in your work on issues which are perhaps a little more
difficult but which, I think, demonstrate that when we can
explain the medium- and long-term benefits of working
together it makes all the difference in the world, in social
terms as well.

I would just say as an aside that when
we were in Restigouche the Micmacs who are in Maria
communicated to us very clearly in part their satisfaction
with the agreement, even though it is partial, in terms of
what was happening to them before that.

I wish you good luck in your activities,
and we hope to keep in touch with your organization up to
the end of our work. Certainly, the question of fishing,

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not only commercial but also sport, and the co-management of the resource, is something that is of enormous interest to people in Canada, both Aboriginal and non-Aboriginal, and so the Commission is doing considerable work on this issue, and we hope that we may be useful in supporting what you are doing.

So thank you once again, Mr. Beaudin,
Mr. Lalec.

The Commission is going to recess for ten minutes for a health break before resuming with the presentation of the Fédération des pourvoyeurs du Québec. That will be followed by the presentation of the Barreau du Québec.

Thank you.

--- Hearing recessed at 2:51 p.m.

--- Hearing resumed at 3:11 p.m.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on Aboriginal Peoples in Canada is resuming its hearing with a presentation by the Fédération des pourvoyeurs du Québec, Thérèse Farar, representing the Fédération.

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THÉRÈSE FARAR, Representative,
Fédération des pourvoyeurs du Québec [Quebec federation of
outfitters]: Mrs. Sillett, Mr. Dussault.

There are more than 600 hunting and
fishing outfitters scattered throughout Quebec's
administrative regions. There are two types of outfitters:
with exclusive rights and without exclusive rights.

With exclusive rights: These businesses
have exclusive rights over the management of hunting,
fishing and/or trapping in a given territory, through leases
signed with the Ministère du Loisir, de la Chasse et de la
Pêche [department of recreation, hunting and fishing]. They
also have operating permits issued by the same department.
There are 185 of them.

Without exclusive rights: These
outfitters do not operate in specific areas. They are also
issued permits by the MLCP in addition to commercial holiday
establishment permits issued by the MER [department of
energy and resources] for each of their accommodation units.
There are 420 such outfitters.

The outfitters provide services such as

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accommodation, boat and outboard motor rentals, guides for hunting, fishing, trapping, outdoor activities and family-oriented recreation. Each outfitter has forest-based facilities, ranging from basic shelters to luxurious inns; these represent substantial financial investment throughout Quebec (roughly 8 million per year).

All outfitters in the province are subject to a large number of Acts and regulations and deal with different government departments on a daily basis: MLCP, energy and resources, tourism, environment, revenue, regional development. They must abide by the rules and regulations of the regional county municipalities, the Office de la Construction du Québec and the Régie du Bâtiment, to name but a few.

The outfitters also share the forest with other users, such as forestry and mining companies, Hydro-Québec and the Aboriginal people.

The problem with the Aboriginal people stems more precisely from the overlapping of activities and territories. Unquestionably, outfitters with exclusive rights, by being subject to government Acts and regulations

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and pay their leases to the Ministère de la Loisir, de la Chasse et de la Pêche, acquire hunting and fishing rights. By paying permit fees and a number of taxes and providing all the related reports, outfitters play a major role in wildlife and recreational and tourism issues in Quebec.

Aboriginal hunting and fishing activities in areas where outfitters operate have a negative effect on wildlife planning and management. Aboriginal people do not plan or harmonize their wildlife harvesting with outfitters, jeopardizing the availability of the resource.

It must be remembered that outfitters operate in micro-environments and constantly strive to renew wildlife resources, which are their livelihood. They accordingly devote considerable financial, physical and material energy to maintaining and enhancing the wildlife base precisely to mitigate the effects of harvesting.

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They use such methods as seeding, eradicating harmful species, improving spawning areas, and restricting the number of moose killed per group of hunters. In addition, they are required to submit a wildlife management plan to the MLCP every three years.

Another aspect of the problem concerns the loss of income among outfitters as a result of the overlapping of activities with Aboriginal people. This loss of income stems from problems in finding new customers because of the decline in wildlife resources.

Non-Aboriginal big-game hunters are very reluctant to hunt in areas frequented by Aboriginal hunters, because they know full well that Aboriginal hunters take their prey before hunting season begins.

Loss of income can also be caused by the loss of enjoyment of facilities. Indians sometimes "take possession" of parts exclusive outfitters territories and

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settle there. In some cases, outfitters' have been cottages occupied by Aboriginal people or their lands have been left untidy by Aboriginal peoples. Such situations obviously generate conflict, and the social climate is being stretched to the limit in most parts of Quebec.

Without wanting to interfere in talks concerning the ancestral rights of the Aboriginal people, one must obviously take outfitters' rights into account in respect of wildlife management. They are, in a way, the victims of ambiguity between governments and the Indian population, and they suffer the consequences. After all, the outfitters are obligated toward the Government of Quebec.

We feel there are two possible solutions to the conflict between outfitters and Aboriginal people.

The first would involve considering all residents of Quebec in the same way, with the same rights, the same obligations, the same duties and the same advantages, meaning one justice for all. In our opinion,



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Position de la
Fédération des Pourvoyeurs du Québec inc.

sur

les activités des autochtones et la pourvoirie

dans le cadre de

la Commission royale sur les autochtones

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the Wildlife Conservation Act should apply to everyone in the same way.

The second solution would be to settle land claims once and for all. The signing of clear, written agreements between our governments and Aboriginal people would greatly reduce conflicts "in the field".

There is much talk about land that could be granted to Aboriginal people and managed by independent governments, which would have jurisdiction over all the natural resources located there.

This suggestion has generated much concern over, among other things, the size of "Indian" lands and the future for outfitters on these lands. Would they be required to pay hunting, fishing and trapping fees to the local Indian band to obtain *carte blanche* over the area assigned to them and to manage it? This would presume that wildlife resources in the areas subject to the negotiation are already shared.

The Indian problem is very delicate to

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resolve. Proof of this can be found in the never-ending negotiations among the federal and provincial governments and various Aboriginal bands. They are ethnic minorities who are clearly trying to secure their future as a society.

Ancestral activities such as hunting, fishing and trapping are losing their meaning in the modern world. However, Aboriginal people want to preserve their heritage and at the same time assume their place in Canadian society, with all its benefits.

Negotiations are made more difficult by the diversity and lack of homogeneity within Indian bands themselves. One example would be the Montagnais and the Attikameks, who had been negotiating their land claims together since 1979 and who have just recently separated. Such separation clearly means further delays.

The members of the Fédération des pourvoyeurs du Québec, aware of the complexity of the problem, wish, however, to find a lasting and honourable solution to the Aboriginal issue so that they can go

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about their business quietly.

The issue is not ownership of land or wildlife, by Aboriginal and non-Aboriginal people. Rather, the question is how to share them equitably. The urgency to find a solution is reflected in the ever-increasing tension between the two peoples.

CO-CHAIR RENÉ DUSSAULT: Thank you, Ms. Farar, for coming to meet with us and make this presentation on behalf of the Association des pourvoiries de chasse et de pêche du Québec which, as you said, is an association of 600 outfitters.

We had an opportunity this morning to hear André Pelletier of the Fédération québécoise de la faune, who has held that position for five or six years. He spoke at length about his disappointment at not having been able to bring about any meaningful reconciliation with the Aboriginal people of Quebec around the issue of protecting wildlife and exploiting wildlife.

However, we also heard a different tone

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earlier this afternoon, from the representatives of the Fédération du saumon de l'Atlantique, who, on the other hand, have had a considerable degree of success in involving Aboriginal people in co-management of the resource on several of the salmon rivers in Quebec.

I say all of this to indicate that this is obviously a delicate issue, as you say in your brief, but that it is not insoluble.

The problems experienced in Quebec are almost identical with the ups and downs in Canada as a whole, but there is still considerable tension between the non-Aboriginal communities and the various Aboriginal peoples.

I would perhaps like at the outset to clarify some concepts so that we are sure that we are in agreement on the facts.

In your brief, you talk about the Aboriginal people as an ethnic minority. I think that you are not unaware that for the Aboriginal people the reality is that they were the first inhabitants of the country, and so they are different from the various cultural minorities

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who have joined Quebec or Canada over the years, knowing, of course, and in theory not [?] accepting the laws and customs of the country they are joining.

In the case of the Aboriginal people, of course, it is we who joined them at a time which is now long past but which is nonetheless a fact. So I think that it is important to point this out because it facilitates discussion with the Aboriginal people.

Of course they are recognized as peoples who were the first inhabitants of Canada, with, of course, the rights that flow from that recognition.

The other question that I also wanted perhaps to clarify, and it flows from the first, in a way. You say, essentially, and you are certainly correct to say, that the rules of the game must be clear, and there is nothing that poisons the atmosphere so much as when everything is ambiguous and unclear.

You propose two possible alternative solutions.

The first, which is to consider all residents of Quebec in the same way, with the same rights,

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the same obligations, the same duties, the same advantages, meaning justice for all, and the other, which is to define Aboriginal rights clearly and of course to determine the corresponding consequences for development.

On the first alternative, this is perhaps the one on which I would like to ask you the first question, of course before 1973 in Canada the concept of ancestral rights, in terms of popular wisdom, in which all lands necessarily belonged to the Crown or to private interests. Of course, starting when we recognize the rights of Aboriginal people by virtue of their status as the first inhabitants, the question of the same rights and the same situation and one justice for all takes us into the whole debate over respect for differences and whether equality implies respect for differences.

I say all this because I think that the future in the area we are discussing this afternoon lies rather in the second alternative solution, which is recognition of the rights of the Aboriginal people, is clear.

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In this respect, you say in your brief that you absolutely do not want to discuss the question of ancestral rights. In essence, your organization is presenting the brief to say we have problems in operating and we would like governments to attend to this and clarify the situation, essentially.

I can perhaps only return the ball to your court, in a way, and say yes, but in the field, are there relations with the Aboriginal people, between them and the Association des pourvoyeurs du Québec, or even more locally, with various band councils or Aboriginal nations?

THÉRÈSE FARAR: To my knowledge, there are no direct relations. You know, in my view, the outfitters are similar to people who have a farm. On that farm, they are responsible for management of the wildlife in that area.

Certainly when Aboriginal or non-Aboriginal people come onto the land this creates problems. Whether they are Aboriginal or non-Aboriginal, it is not just the Aboriginal people, it creates problems. Say a farmer had a field, and everyone was trapping in it.

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It is somewhat difficult to manage and produce a yield, because we have customers who are increasingly demanding in terms of both wildlife and infrastructure investments. So how do we manage something when we do not have the means to do so? It is very difficult.

Certainly there are places where it is more difficult. Like everything relating to the beaver reserves, certainly the outfitters who are there have many more problems. That is obvious. Now it remains to be seen whether it will be decided in advance.

There are unrestricted areas, there are the ZECs, in fact there are the parks, the reserves, and there are the outfitters, and there are outfitters who operate in unrestricted areas. Certainly the last group does not manage wildlife *per se*, to the extent of those who have exclusive territory and pay the department for a lease and who are obliged to look after the wildlife do. This is why there are major problems on those exclusive territories.

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CO-CHAIR RENÉ DUSSAULT: It is a little like in the forestry industry, where concessions a hundred years old were abolished and supply contracts were entered into for producing the resource, with obligations to reforest, et cetera, but where they didn't take into account the many things that the forest could be used for, which have an impact on the level of production but which could be more profitable in the long term.

There is the entire debate around the forest industry, where sensitive areas, in terms of flora and fauna, are not taken into account. This is what brought us the entire debate that resulted in the Lac Barrière accord, the bilateral accord. There have been mistakes made in implementing the accord.

Similarly, I understand that the dynamic has essentially involved the outfitters who had a lease with the department and obligations in return for the lease.

So this discussion is going to have to be resumed at a broader level in the context of clarifying

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Aboriginal and ancestral rights or treaty rights, but specifically ancestral rights in Quebec.

I should like to ask the question again concerning relations with the Aboriginal people in general. What comes out of your brief is to some extent the desire to say, we operate under a framework with the Government of Quebec and we want to be able to go about our business quietly, and exercise our rights as they were given to us. We would, on the other hand, like the governments to resolve what we call the Aboriginal problem.

I understand that at the local level, at some point, things can become poisoned for an outfitter, but when we are talking about an association like yours, is there a possibility of establishing ties with the Aboriginal organizations in Quebec so that there may be fewer day to day problems and the objectives of both sides can be respected more fully? Is this something that is inconceivable?

THÉRÈSE FARAR: I understand your question. No, it is not inconceivable and I do not believe that there has been any reconciliation of this nature.

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The issue is the land, in fact.

It is difficult for the Federation to establish areas where ... it is essentially a question of land for us. So it is difficult for the Federation to agree on land areas when there is no overall agreement. It is possible that there will be. Of course.

We are just about to have our convention on the weekend, and that will be raised. On the other hand, we can't say we are going to agree on certain land areas when the overall problem has not been defined. We would perhaps have been able to move ahead, but we are waiting for a bit to see what happens.

For instance, in the department, the MLCP, when something affects the Aboriginal people, well, you just have to wait. We'll have to see. So that makes us back off and we wait very passively.

CO-CHAIR RENÉ DUSSAULT: There are two aspects. There is compliance with regulations and Acts, but there is also harvesting on land that has been ceded by leases to the outfitters. If I am not mistake, it is this

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second aspect that is your primary concern.

THÉRÈSE FARAR: In fact, we are concerned with harvesting on land where there are leases. This is the major point.

On the others, certainly outfitters who are on unrestricted land expects and expected that there would be others besides that outfitter, so whether they are Aboriginal or non-Aboriginal there is some tolerance in that respect, although the problems are less severe than for outfitters with exclusive rights.

CO-CHAIR RENÉ DUSSAULT: The leases are generally signed for a period ...

THÉRÈSE FARAR: A period of nine years, renewable every nine years.

CO-CHAIR RENÉ DUSSAULT: You talk about a substantial financial investment, 8 million per year. Can you elaborate on that? Is that the operating budget, or the profits received, the volume of business each year?

THÉRÈSE FARAR: This is the outfitters' investment budget. You know that 30 years ago

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outfitters were little shacks that didn't even have water.

Now, in view of the growing demand from customers for a certain level of comfort, the investment is enormous. It is in the woods, in the forest, so it is not like in the city. You paint a house downtown, but in the woods it deteriorates so quickly. So there are many, many parts of the infrastructure, paths, improving and seeding lakes. There are enormous costs to the outfitters in keeping up with the demand.

CO-CHAIR RENÉ DUSSAULT: The financial return, in other words, it does not necessarily generate profits but the cash flow that is generated by the outfitters' operations each year, what does that amount to?

THÉRÈSE FARAR: It creates additional value, value added if you like, to the land.

CO-CHAIR RENÉ DUSSAULT: In terms of profits, for example, what does it amount to? Do you have those figures?

THÉRÈSE FARAR: I could not give you from the MLCP's point of view because they have to submit a

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financial report every year, and a wildlife report.

It is somewhat like for farmers. A lot has to be put into it. We are not non-profit corporations, so the employees, we don't get them 100 per cent on social assistance. We may get assistance on some programs but given that we have to look after the financial end of it all, it requires a lot.

The general public thinks that outfitters make money hand over fist. But be careful, that is misleading, because it requires a very high level of investment.

CO-CHAIR RENÉ DUSSAULT: This is an industry that accounts for how many employees in Quebec?

THÉRÈSE FARAR: Unfortunately, I could not give you those figures, but I do know it is big business in Quebec.

CO-CHAIR RENÉ DUSSAULT: Nor do you know whether there are Aboriginal employees working for the outfitters, and in what proportion?

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THÉRÈSE FARAR: In some regions there are. It is difficult because there are such major conflicts in some regions, but on the other hand in some regions there are Aboriginal employees, mainly as guides, and that seems to be working very well.

When they use their time to do the job they are asked to do it is excellent. And we would like to have a few more of them because this is also a plus for the fisherman. Whether the fisherman is Canadian or foreign, he always gets the chance to say, I had a native guide. That is a plus in a way. There are still a lot of improvements to be made.

CO-CHAIR RENÉ DUSSAULT: It seems to me that it is in the interest of just about everyone to work on such reconciliation and ...

THÉRÈSE FARAR: Yes, to work together a lot.

Perhaps a lot of effort has not been put into it. It is this waiting that I was talking about that seems to drag on, but I am sure that in a couple of years it will improve.

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CO-CHAIR RENÉ DUSSAULT: Because often we wait for governments to do something about it, but in the meantime life goes on and there are a lot of things that can be done.

THERÈSE FARAR: Rest assured that at the convention that will be taking place on the weekend there will be a lot of questions about such reconciliation and about us not just waiting for the government to settle clearly defined lands. That is easy, it is going to go well.

Before that we certainly have to improve these relations.

CO-CHAIR RENÉ DUSSAULT: One last point.

You note in your brief and perhaps deplore, to some extent ... of course the situation is complex because the Aboriginal people are diverse, that the Aboriginal people who were uniform that is a given.

I think that it is important to recognize this, otherwise it is difficult to function without accepting that fact.

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THERÈSE FARAR: Certainly each sector is quite different from the others. The problems are not the same everywhere.

If we are talking about the North Shore, if we are talking about the Outaouais, the problems are not at all the same.

CO-CHAIR RENÉ DUSSAULT: Thank you for coming to meet with us.

I felt like we were having the same meeting that we were having this morning. I will respond the same way.

As you know, we've heard from well over 2,000 people. We've gone to many, many communities.

In your second paragraph on the final page I just want to say generally that I really am convinced that there are differences in the world view of Aboriginal people and non-Aboriginal people.

In your presentation you say the Native problem is difficult to resolve. We've heard many Aboriginal people that will say that it's a non-native problem that's very difficult to resolve.

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1 You say there are ethnic
2 minorities. We hear a lot of Aboriginal people
3 saying we're not ethnic, nowhere near ethnic.
4 We're Aboriginal, we're original, we're not
5 immigrants. We were here first.

6 You say that ancestral activities
7 such as hunting, fishing and trapping are losing
8 their meaning in the modern world. We've heard
9 from many, many people who will say that hunting,
10 fishing and trapping are not recreational, they're
11 the only way to feed their family.

12 We heard for example from the
13 Nunavut Tunngavik Inc. yesterday about Aboriginal
14 rights. They're on their way to concluding
15 Nunavut, they're on their way to becoming a
16 territory, they're on their way to self-
17 determination. On that road they say we've
18 identified Aboriginal rights. One of them is the
19 ability to determine your own life, your own
20 institutions, the right to hunt, fish and trap. I
21 think there are many people, for example, who will
22 argue with that.

23 As well you say that Indians want
24 to preserve their heritage. We've heard from many
25 Aboriginal groups saying our heritage is not

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1 locked up in museums. That's not where our
2 heritage is. We have a living culture. We're
3 living in our communities, we're practising our
4 languages, we have our values, and yes, they are
5 as good as non-native people's.

6 I guess I'm somewhat discouraged
7 by the second final paragraph which says that
8 there are going to be delays in the land claims
9 because there are differences between the
10 Montagnais and Attikameks. This is an age-old
11 argument.

12 We heard, for example, in the
13 constitutional discussions native peoples can't
14 even figure out for themselves their own common
15 definition of self-government. Why should they?
16 Why should everyone be the same?

17 When you say, for example, that
18 all residents in this province should have the
19 same rights, same obligations, same duties, same
20 advantages, meaning one justice for all, I have
21 difficulty with that.

22 As I said earlier, we've had
23 special consultations in the maximum security
24 prisons of this country, and wherever we go
25 there's too many Aboriginal people, and basically

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1 -- there are just too many. It doesn't work.

2 People have been saying let's do
3 something different. Let us respect, let us make
4 sure that justice exists in this country. Let's
5 do something innovative.

6 As Mr. Dussault said in one of his
7 press releases, the relationships between
8 Aboriginal and non-Aboriginal peoples in this
9 province are very, very -- there's a lot of
10 conflict here. A lot of it is related to land and
11 resources.

12 We witnessed not so long ago the
13 1990 Oka crisis on television. I couldn't believe
14 this was happening in my own lifetime, almost like
15 a war. I could not believe that. I think the
16 government recognized that there's some
17 extraordinary measures had to be taken.

18 One of our responsibilities is to
19 look at how do you heal the relationship? How do
20 you make sure that the relationship between
21 Aboriginal and non-Aboriginal peoples is fixed up,
22 because it needs a lot of fixing up.

23 Having said that, my question is
24 this. Do you recognize, and I've been trying to
25 give, I guess, some of the non-Aboriginal

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viewpoints, do you recognize any validity to some of the things that I've said? Is there a way for reconciliation, and what is that way?

THÉRÈSE FARAR: We can't generalize in all areas. You referred to the far north, the northernmost part of Quebec. We see what is happening in the Outaouais, in Haute-Mauricie, in fact close to southern Quebec. These are two different worlds, if you like. We cannot generalize about Aboriginal and non-Aboriginal people, the same everywhere in Quebec.

We are not opposed, and I am sure that no one is opposed, to the Aboriginal people having land where they can have their own government. Everybody is for that, and we agree.

When we look south, that's where we have problems ... the Aboriginal people, if we take an example, I am familiar with it because I am in Haute-Mauricie, if we go close to Sanmare (PH), the Weymontachie reserve, people do not need to hunt and fish to eat as they need to do in other places, or as they had to do hundreds of years ago.

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They have the benefits, they have all the benefits we have. For medical care, they receive generous, I wouldn't call it welfare, but compensation, in fact, for those who don't work. So they can go to the grocery store. There are a lot of families whom I know quite well who live very well and who look after themselves quite well.

The fact that they say they have to go and hunt moose before moose hunting opens, we don't see that as a necessity. A lot of times it is to sell. We see that. We see what happens.

Certainly when we talk about eating, putting food on the table, and hunting for sale, this is a very different thing. We are mainly in the southern areas, in the middle of Quebec, if you like, and the situation is different from the far north.

COMMISSIONER MARY SILLETT: I'm sorry I misunderstood but in your brief, in the English one it says "ancestral activities such as hunting, fishing and trapping generally". It

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didn't say "ancestral activities such as hunting, fishing and trapping in southern Quebec". I'm sorry.

THERÈSE FARAR: Of course ... as I said, it is difficult to generalize about the Aboriginal people everywhere in Quebec.

If an Aboriginal person hunts and fishes, this is a traditional activity, not a necessity in order to get food. It is a way of going onto the land, land that is very often unrestricted, and looking after their traditions. But it is not a necessity, going and killing a moose to eat, because they can very well buy food with the cheques they receive every month, like everyone in Quebec.

They also have benefits. That must not be left out. All the benefits of the modern world are not the same as two hundred years ago. So that has to be taken into account too.

As for the outfitters with exclusive rights, the MLCP gives us a piece of land to manage. The wildlife has to be improved and harvested. So they have

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obligations to the department and to the customers.

It is difficult, when three moose have been killed just before a hunt, to put people in there who are paying for a sport hunt, if you like, and who arrive there and see the damage done just before hunting opened. Of course I want to believe that not everyone is at fault, or that the fault lies on one side or the other, but it is clear that in modern times, in today's world, there are benefits and there are also rights, but both have to be upheld.

COMMISSIONER MARY SILLETT: I guess the real question that I had was to share with you some of the things that we've experienced, but also to ask the question how can this issue be resolved? What is the answer to resolving this issue?

THÉRÈSE FARAR: In our view it is a land settlement, in our view, for our own business.

If the Aboriginal people are given lands they can go and harvest wildlife, but on the other lands,

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where, in fact, there are Québécois who are managing that wildlife, at some point it [they?] should be prohibited to hunt there. It is minimal, you know. The 185 outfitters with exclusive rights have a minimal portion of the land. It is minimal. I believe that it is 15,000 km². Forgive me, I was assigned to come here two days ago and I should have brought better documentation.

The land occupied is minimal if we compare it to the ZECs, the reserves, the parks. So it is a small land area. What interests us immediately is the land we have, to be able to manage it without there being a war. We have to reach an agreement. For us, the outfitters, it is precisely a question of land.

If in a place where there are outfitters with exclusive rights, or even outfitters with licences, without exclusive rights, who are on Aboriginal land, it could be managed. Instead of paying the MLCP we can give the local band or the Aboriginal band the rights to manage this small portion of the land.

It must not be imagined that this is

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a big thing, the outfitters with exclusive rights, you know. When they have 200 km² they are doing well, and that is not very big.

So the outfitters could manage
Aboriginal land, and we see no major problem with this.

COMMISSIONER MARY SILLETT: [ENGLISH:
Thank you very much.]

CO-CHAIR RENÉ DUSSAULT: In closing, in
light of the discussion that has just taken place, I would
like to return to the importance of mutual understanding.
For example, you come from the Haute Mauricie region, where
the Attikameks are.

We know that the way the forest had been
exploited, for example, is a major concern in terms of
sensitive zones for wildlife in particular, and the
Attikameks have entered into discussions with the forestry
businesses.

It seems to me that this is certainly a
point in common with the 420 outfitters in the unrestricted
zone which is somewhat identical, the concerns in relation

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to preserving wildlife and the impact of a certain type of development on the forest there.

What I am trying to say is that there are points in common. There are not just points of difference. The objectives may be the same.

If we live in parallel worlds, and essentially in relation to the government, while waiting for everything to be settled, during that time there is no relationship. So problems that are relative start growing.

In this sense we can only hope that you will address these questions at your next convention.

You are not alone. We were in Montreal two weeks ago. They all told us, the Caisses Populaires Desjardins, the Association des hôpitaux du Québec, the Corporation des médecins, the Ordre des infirmières, one, if you hadn't invited us, two, if you hadn't twisted our arms a bit, as a Commission, to come and discuss the issue, we would not have started a process. At least we stopped and

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looked a little at what we can do to try to establish a relationship with the Aboriginal people in the context of our own organization.

I think that this is part of that, but it is particularly important because it is a very sensitive question in Quebec, as it is elsewhere in Canada. It is not a problem that is unique to Quebec.

We are going to try, as a Commission, to make recommendations that will clarify the somewhat more macroscopic aspect relating to rights, et cetera, but we are very aware that if nothing is done day to day, a degree of reconciliation and understanding of the conflicts at the grassroots, even by the various elements of society, we will not succeed, in any case certainly not as quickly and probably we will not succeed at all if we rely solely on governments to provide solutions.

To this end we wish you a fruitful convention, and we hope that we will stay in touch over the coming months while we are putting together the information

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that we have collected over two years.

THÉRÈSE FARAR: Thank you, Mr. Dussault.

The Commission's initiative is essentially to make people aware of the situation. There are times when we live our daily lives every day and have no awareness, but I think that this Commission will definitely make us become more and more aware.

There are points where there can be reconciliation. Things are not uncontrollable; they are not insoluble. There are solutions. It is a matter of seeing them together. For us it is a matter of sharing the land, as with the forestry companies, where things have been going much better for the last ten years. It is the same problem.

Both sides have improved in their sharing of the resource. It could be better, but it is much better than ten years ago.

CO-CHAIR RENÉ DUSSAULT: Here, with the Aboriginal people, there is also a major intercultural

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communications challenge, when Mary Sillett was talking about two visions of the world. So it requires greater effort on both sides.

THÉRÈSE FARAR: Absolutely.

CO-CHAIR RENÉ DUSSAULT: Thank you for coming to meet with us.

The Commission will recess its hearing for five minutes. We will resume with the presentation of the Barreau du Québec.

--- Hearing recessed at 4:04 p.m.

--- Hearing resumed at 4:15 p.m.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on the Aboriginal Peoples of Canada is resuming its public hearing with the presentation of the brief of the Barreau du Québec.

I yield the floor to Jean Pâquet.

M. LE BÂTONNIER JEAN PÂQUET, President,
committee of the Barreau du Québec on the law relating to
Aboriginal peoples: Thank you, Mr. Co-Chair.

Mr. Co-Chair, Madam Commissioner, I would first like to thank this Commission, its members,

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for the invitation sent to the Bâtonnier du Québec some months ago, the Bâtonnier then in office, inviting us to participate in the work of the Royal Commission of Inquiry.

We are given a great privilege today, and I say this because this is the first time that the professional corporation, the Barreau du Québec, has had the opportunity to voice its opinion, to state its expectations, to put forward its ideas, the way it sees things, in terms of the Aboriginal problem, if I may use that expression.

The Barreau which I represent today, as you undoubtedly know, is a professional corporation whose powers are derived from a special statute concerning the Corporation and the Barreau. I say this in relation, perhaps, to the difference that can be found elsewhere, the Law Society, for example, or the Canadian Bar Association.

The Barreau has 15,000 members, 15,000 lawyers practising throughout Quebec, Mr. Co-Chair, Madam Commissioner. So it is a privilege for us to be here and to

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present this brief which you had the opportunity to see some time ago, I imagine, and which is entitled "La redéfinition des relations entre les peuples autochtones, l'ensemble des citoyens et le droit" [redefining the relationship among Aboriginal peoples, the general public and the law].

I do not intend at this point to reiterate exhaustively the comments set out in this brief, but perhaps to summarize succinctly the essence of what seems to us to be most important.

To do this, permit me to give you a brief history of the discussions that led the Barreau to present this brief today.

In 1991, we were invited to participate in that great legal adventure, the Sommet sur la Justice, which was, as you know, commissioned by the Quebec Minister of Justice at that time.

This invitation took the place of the great legal assizes, if you will, and there was one very important element at this justice summit, an Aboriginal element. So during these discussions, during this initial discussion, the Barreau du Québec was given its impetus,

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if you will, to consider this problem.

At the justice summit, the Barreau made certain commitments to the Aboriginal communities, and one of the primary aspects of these commitments was, of course, the creation of a standing committee of the Barreau du Québec for the purpose of advising the professional corporation on the Aboriginal problem, or the questions raised by the Aboriginal problem.

This committee is made up of lawyers, members of the legal profession from all segments, if you will, of the legal community. It is made up of non-Aboriginal lawyers, but also of Aboriginal lawyers, men and women. Some of them have come with me today, Mr. Co-Chair, Madam Commissioner, to present this brief to you.

And so this committee said, if you will, in beginning its discussions, that one of the most important aspects of its activities was to have or to continue and make the discussions a permanent process within the professional corporation, the discussions on this issue.

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This was quite consistent, if you will, with the social role which is often discussed in the professional corporation. We talk about the social role of the Barreau, and I think that making this committee permanent gave the Barreau an instrument, ultimately, which fitted in well with its social role, with the inevitable Aboriginal reality.

The committee thus formed said that it would be our share, the contribution that a professional corporation like ours could make to this entire discussion.

We took an approach that I would call humble, a modest approach to the delicate problems posed by this entire reality, and we deliberately put aside, if you will, the issues, and it is curious that the Barreau could use language like this, that is, we deliberately put aside the legal issues raised by this problem.

I say that it is curious because normally we might expect, or should expect, that a

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professional corporation composed of lawyers would focus on those issues.

No, our approach was much more modest, much humbler, and we said that we did not want to oust, if you will, and take the place of the people who have already examined those issues, and who have done a very good job of it, with perhaps more resources than the Corporation has at this time. We took an approach that is a bit more, I would say, pragmatic, more concrete, more realistic, at this point.

We said, during the entire time that, for example, this Commission which you co-chair and on which you, Madam Commissioner, sit, during the time it is doing its own work on the issue, during the time it is collecting, if you will, the representations of the various invited bodies, other individuals and groups involved in this area, the administration of justice would go on about its daily work.

Today, in the courthouses of the province, there were trials. There were trials where there were non-Aboriginal people, and there were trials where

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there were Aboriginal people, who were facing this reality, the justice system.

So we said, what could we do as a professional corporation to help the people who deal with the justice system every day, to improve the lot of the people who have to deal with that system.

In asking this question we had, of course, to do some thinking or make some observations.

These observations made us aware that, first, the Aboriginal communities and Aboriginal reality were often the subject of incomplete information, truncated information, which give rise, if you will, to pernicious prejudices, an attitude, if you will, that is a bit, I would say, in quotation marks, paternalistic, regulations or legislations that govern the Aboriginal communities, among other things.

All of these findings convinced us that there was a sort of climate of misunderstanding, of failed

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communication and difficult relations, a lack of proper communication, of dialogue between the Aboriginal communities and non-Aboriginal organizations, ultimately, in relation, of course, again, to the justice system.

Starting with these findings, we said that our first duty as a professional corporation is, of course, perhaps, if you will permit the expression, to do our chores, to do our own homework. We said, we are therefore going to ensure that our members, the first ones to whom we want to address ourselves, and whom we have already begun to address, make these members aware of the legal situation facing the Aboriginal communities and peoples, and beyond our members themselves, the entire legal community.

We realized that not only lawyers in Quebec perhaps needed to be made aware of or informed about these matters, but there was also the judiciary, our judges, more particularly, all of the people involved in the legal system.

We said, we must therefore work to

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prepare the tools that will enable us to do this training and to give out this information in order to upgrade, if you like, the entire legal community in terms of its perception of the problem or the reality of Aboriginal people and the law.

This reality is closely connected to the history, the culture, the social reality of Aboriginal communities. All that is closely tied to the law.

This is the spirit in which we sponsored, we organized and are continuing, if you will, to work on tools that might provide a better understanding of that reality.

We also said, Mr. Co-Chair, Madam Commissioner, that if that was to be beneficial for our members, for the legal community, perhaps it might also be beneficial for the general public, for people who are part of the public information process, whether immediately or more remotely -- journalists, people in various positions, various information media -- if the expertise, the resources that the Barreau can make available to them were useful,

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so much the better. To some extent this is what we are hoping.

All of this was designed, if you will, to put the problems raised in their proper perspective, to demonstrate perhaps a little more objectivity, to rise a bit above emotions so as to look at the reality of the legal problems that arise, the social reality, the cultural reality, the historical reality, because, I repeat, all of this appears to us to be related. The aim of all this, of course, is to restore better communication, a more serene dialogue, if you will, and of course all of this is in a spirit of positive communication.

You know, it is not complicated. When we no longer talk to one another or when we talk badly or when we talk with prejudices and incomprehension and poor judgment in our minds, of course we are not going to reach very concrete results.

This is more or less what you will find, if you will, in the first three items in the brief that we have submitted to you, and the brief that we draw to your

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attention today.

One thing that is very important in all this, I am speaking of the work done by the Barreau, that the Barreau had realized these things, had decided to combat them and to find the tools I just spoke of, but we also realized, and this is perhaps going to appear a little obvious to you on the Commission, but often, and this is an example I give frequently, often we don't see the forest for the trees.

We realized that in order to meet these objectives we of course needed the contribution and collaboration of the Aboriginal communities themselves, the band councils, the community councils, the Aboriginal organizations, who of course had to participate in all this.

Everything we are presenting to you this afternoon, Mr. Co-Chair, Madam Commissioner, is of course conditional on getting the collaboration and support of and a concrete expression of encouragement from those organizations I have just referred to. It cannot be a one-way street. It must first start out there.

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I can tell you that we have already taken steps in this respect, since our work started, and we are very encouraged and very happy with the results we have obtained to date, in this spirit.

And so this is, I repeat, the essence, if you will, of the first three items in our report. There are two others. Inside the brief you will find a more exhaustive listing of documentation, a description of and justification for all of the tools that the Barreau wishes to adopt.

We said, and this is the fourth item in our brief, that by training, informing and making our own members more aware of this reality, we would then create and we would then develop within our own corporation a body of expertise in the legal profession, people who can serve all their clients more completely, better, it goes without saying, serve all of the people or participants in the judicial process where the Aboriginal problem might arise,

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in every region.

By developing better members, by training them better, we are thereby probably going to succeed in generating a greater demand for the services of these people throughout the regions, throughout the province.

The other item on which I wish to dwell a bit is the item that expresses our desire, again in the spirit of a useful contribution and of collaboration with the Aboriginal communities, to work with them to promote the establishment of non-judicial methods of dispute resolution. There is a lot to be learned in this area and much to be done. Again, we must have the opportunity to work together, in concert, to ensure that these tools, these new approaches, lead to improvements in the administration of justice.

In this spirit, you have certainly, Mr. Co-Chair, Madam Commissioner, heard of the Advisory Committee on the Administration of Justice in Native Communities, chaired by Judge Jean-Charles Coutu of the

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Court of Quebec. We have already establish relations and communications with that committee, and exchanged working documents.

The expertise of the Barreau and the members of the committee that I have the privilege of chairing will be able to provide some constructive contribution, at least so I hope, to that committee. In all of this, I repeat once again, we will seek the collaboration and the essential participation of Aboriginal communities and organizations representing them.

In conclusion, Mr. Co-Chair, Madam Commissioner, how can I put it, this sort of ... let's say things as they appear to us, as we have realized them to be. This sort of unhealthy climate, of misunderstanding, supported, I repeat, by prejudices, by incomplete information, will not, in my view, get us anywhere. It is clear that we will get nowhere that way.

The tools that we have adopted and that you will find in the brief are the means that we, as a professional corporation, the Barreau, have adopted today

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in order, I would say in conclusion, to re-establish the dialogue that is necessary to promote this reconciliation, which is the measure of success, I think, the only possibility for success in terms of all of the difficulties raised by this problem.

If today perhaps the Barreau's project could provide an example for other organizations, and I heard you speaking to the presenter before me, Mr. Co-Chair, if our project could provide an example for other organizations, I repeat, I think that our goal, the objective we have adopted, would already be partially achieved.

And so, Mr. Co-Chair, Madam Commissioner, this is the message that the Barreau du Québec wanted to give to you today.

Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you,
Monsieur le Bâtonnier Pâquet.

Before starting the question period, for purposes of the transcript, I think it would be a good idea to introduce all the members of your committee. Could you,

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please?

JEAN PÂQUET: Yes, of course.

First, on my left, there is Yvon Parent;
on my right, Paul Dionne; Pierrette St-Onge; Serge Tremblay.

Behind us, Myriam Bordeleau, starting on
the extreme right; Robert Pratt; and finally, Marc Sauvé, of
the research office of the Barreau du Québec.

These are some of the members of the
committee of the Barreau du Québec for the presentation of
this brief.

CO-CHAIR RENÉ DUSSAULT: Thank you.

You began your presentation by saying
that the Barreau du Québec decided to take a rather modest
approach rather than to undertake too much, alluding, of
course, to the fact that in your brief you do not deal with
Aboriginal rights as such but with informing the public
about the Aboriginal reality in Quebec, informing your
members, the general public, the legal profession, the
general public.

I would simply say that that is one

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aspect of the mandate of the Royal Commission on Aboriginal Peoples in Canada, to encourage as much public education as possible.

We are well aware, and we have been from the outset, that this is no small task, that it is not a task that can be accomplished in three years by a Royal Commission. It is absolutely essential that organizations like yours essentially follow suit and take over that task.

We will disappear from legal existence, I hope, in about a year, and so fundamentally what I want to say is that what you have hitched yourselves to as a professional corporation is no small task. It is extremely important.

Second, when you say that there is a lot of misunderstanding, often resulting from a lack of information, you couldn't have been more on target, in a way, because we see this every day, even within the legal profession, and also, as you observe, in terms of

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information, as it relates to the judiciary, in Canada as a whole and in Quebec.

I believe that there is an important need everywhere in Canada, which is increasingly being recognized, for information, and to stop and do something a little like what you have done, which was, essentially, to get moving, when the Sommet de la Justice was held. There was a day devoted to Aboriginal issues, and that forced a number of organizations to stop and look at what was being done, the type of contributions they could make.

Having made this general comment, I have a number of questions to clarify what has come out of your brief.

Certainly when you say that the Barreau represents all people who appear before the courts and those who are responsible for protecting the public, and of course that includes the Aboriginal people in Quebec, and so the relationship with the concern of the justice system, the interface between the Aboriginal people and the justice system.

I am going about this somewhat

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backwards. This is the fifth element on your action plan in your brief.

We had the opportunity today to hear a presentation by Judge Jean-Charles Coutu, not only as undoubtedly the most experienced person in the judiciary in Quebec in terms of the dispensation of justice among the Aboriginal people, in particular in the North, but as the chairperson of a task force which has been established in the wake of the Sommet de la Justice.

One of the things that really struck us, and that struck me considerably, for one, is that there has, quite simply, been little thinking done in the legal community in Quebec on the reality of the justice system and Aboriginal people, the entire discussion at present around Aboriginal values and the values reflected by the justice system.

Of course we have had the well-known inquiries in Nova Scotia, in the case of the Indian Donald Marshall, in Manitoba, in Alberta there were task forces, in Saskatchewan there was the report of the Law Reform Commission of Canada on criminal justice and Aboriginal

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people.

The Commission established a National Round Table on justice and Aboriginal people in November 1992. In going around to find participants and legal resources in Quebec who had begun to work on the issues that were suggested at the National Round Table, we found that in the law faculties and in the academic and legal communities, and also to a large extent among the bar, we were relatively invisible. That is of course somewhat understandable.

The rate of incarceration of Aboriginal people in Quebec is nothing in comparison to the high rate of incarceration in terms of what goes on in western Canada. We have heard about 90 per cent of the inmates in provincial prisons in Saskatchewan or 80 per cent in Manitoba, et cetera. It is apparent, to governments as well, it is becoming even more immediately apparent that there is a major problem.

I am saying all this to point out that it is extremely important, from our point of view, that the Barreau get involved in this process.

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There has been a discussion in the justice field for some years not only as to the possibility of a charter of rights that would reflect Aboriginal values at the same time as the basic principles of the United Nations Declaration of Human Rights. Of course this discussion went on in part during the constitutional negotiations that led to the Charlottetown accord. And the discussion is still going on.

There is also an important discussion on Aboriginal values as they relate to the adversarial system and to the concepts of guilty pleas, to the system of trials as we know it. This is undoubtedly the nub of the matter.

A lot of work is being done in the area of sentencing. We are starting to do this in terms of diversion, but of course the nub of managing the trial itself in terms of Aboriginal values is undoubtedly the hardest question.

I say all this to point out that an organization like the Barreau du Québec certainly has an

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important contribution to make over the years to come. We are very happy that this is part of your action program, at point five of your brief on the justice system in Aboriginal communities, including in terms of adoption under of the present system, of course.

It seems clear to us that we must work at both levels, and also on the basic idea of allowing some latitude to permit local initiatives in the justice system.

Judge Coutu gave us a working document this morning on the status of his committee's work. Among other things, there was one point which referred to the possibility of eventually having paralegals, mainly in the northern communities in Quebec, among the Crees and Inuit, who would handle prosecutions.

Of course I asked him whether the committee had had any discussions with the Barreau. He told me they had not, with his usual natural good [?].

What I am saying here is that there are things in the area of Aboriginal people and the justice system that will undoubtedly call on the Barreau as a pool

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of professionals in the years to come.

I would simply draw your attention to a Bill dated June 16, 1993, which was tabled in the Manitoba Legislature, I don't know whether you are familiar with it, which amends the Legal Aid Act precisely to permit work by paralegals in the remote northern regions.

The dialogue has been opened in that area, an invitation, in any case, to actively pursue the dialogue in respect of the justice system and Aboriginal people.

In terms of your plan, when you say that you intend to promote collaboration with the Aboriginal communities, establishing a non-judicial approach to dispute resolution, such as negotiation, mediation, et cetera, could you perhaps elaborate, or if you have opinions to express on the work being done on the application of the judicial system itself and adapting that system.

JEAN PÂQUET: That fits in very well

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with the work and the mandate that our committee decided to carry out.

You referred to the working document that Judge Coutu perhaps presented to the Commission here this morning. It has been brought to our attention, and it is on our shelves to be read and discussed in the near future.

The more precise question that you have raised, Mr. Co-Chair, is the delicate problem of representation, which is within the exclusive purview of lawyers in Quebec at this time.

You also mentioned, correctly, the lack, perhaps, of training we now see, or information and training in relation to Aboriginal law. Unlike some other provinces, perhaps, in Quebec we have unfortunately not until now had a lot of concern about this, particularly in our law faculties, and I am not blaming anyone, and also in our universities. This is changing.

I think that in the relatively near

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future we are going to have more and more people, first in terms of training, who are concerned with the training that Aboriginal lawyers or future Aboriginal lawyers will be able to get through these law faculties, through these universities.

Accordingly, in the relatively near future perhaps the problem may be solved in that way. if there are more and more Aboriginal lawyers they will be able to provide services throughout the communities, including the far north, in full compliance with our laws.

In the meantime it is apparent that there is a sort, if you will forgive the expression, of legal void, which is perhaps temporary. So it is apparent that, in response to the invitation from Judge Coutu and in the same spirit of collaboration as I noted earlier, the committee will consider this and try to find the best solutions to that problem, perhaps temporarily, and perhaps in the long term, who knows. This is where we are.

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CO-CHAIR RENÉ DUSSAULT: There are social promotion programs in civil law in Ottawa and at Laval University that have been operating for two or three years.

Did the Barreau participate in this development or are you rather planning to play a supporting role -- through public education, I think. For example, there is a certain number of positions at Laval. They are not all filled. There are pre-law programs. In fact there is a lot of catching up to do in Quebec in training Aboriginal lawyers.

You note these two social promotion programs at page 2 of your brief.

Do you see a role in interesting young Aboriginal people in taking part in these programs, jointly, of course, with the Aboriginal communities?

JEAN PÂQUET: This is always the basic premise that we must not forget. Of course.

We indicated in our brief that we were hoping to promote that but as our brief also indicates, our first stage is still addressing our members. That is

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what most of our energy and efforts are being put into at this point.

Of course that does not prevent us from seeking broader participation, broader collaboration with the other people involved in the field.

We spoke briefly of the law faculties. We also spoke of universities. You know, in the legal community everyone is a bit jealous, in quotation marks, of their independence.

What we may do is to encourage our law faculties, and encourage the universities, but they must still, themselves, through their own examination of the issues, do something as concrete as what the Barreau is proposing today in terms of its members.

In this sense it is apparent that we are asking no more than to contribute, to promote, even to participate in these initiatives, but our energies are being devoted at the outset to our own members at this point.

CO-CHAIR RENÉ DUSSAULT: Once again, I think that the law faculties have started things in motion.

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JEAN PÂQUET: Yes.

CO-CHAIR RENÉ DUSSAULT: These two programs are extremely significant steps.

One clarification. At page 3 of your brief, when you refer to the events at Oka, you say at that point that the Barreau at that time observed the limitations of the local legal community, when a crisis with numerous civil and criminal consequences must be handled completely and immediately.

Could you perhaps explain more what you had in mind. Do you mean the trials that followed or during the crisis itself, the knowledge of the Aboriginal community? Can you elaborate?

JEAN PÂQUET: In fact, what we mean to say, more precisely, by that, is that we observed that these events generated not only criminal consequences but also numerous civil actions. So all facets of the law were

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involved, and it was not, as we tend to think, reduced, if you like, to the penal or criminal aspect relating to the events.

What we came away with, however, from these events, is that there was little expertise among our members that would have enabled them to assist or contribute to solving these problems or to making the necessary representations in court or elsewhere to represent the interests both of the Aboriginal people and of the non-Aboriginal people in the situation as objectively as possible,

This is one way we came to realize the lack of people or lack of knowledge, and which led us to say that from now on, as quickly as possible, we must develop this expertise among our members, the necessary expertise that was found in part, if you will, perhaps more up to now in the large cities, but that is increasingly being found in every region.

By giving this training and initiating more, promoting awareness or information and training for

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our members, we are going in a relatively short time to develop some expertise that will be useful throughout Quebec, when it may be needed, And this is point 4 in our brief, which is the end result, if you will, of the observation we made as a result of the events to which we have referred.

This is what we had in mind when we included this in our brief, Mr. Co-Chair.

CO-CHAIR RENÉ DUSSAULT: Undoubtedly cross-cultural training is needed for the members of the Barreau in relation to Aboriginal reality and values.

We must understand their vision of the world, which is a different and which has repercussions on a number of legal activities.

This is what you observed at the time of the events at Oka.

JEAN PÂQUET: We are well aware of this, and what we have to see more and more is for all of our members to be aware of it too. And all this is not merely a question of law, as I was saying, but it is a question of

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law that is closely tied to the historic socio-cultural reality of the Aboriginal communities involved.

CO-CHAIR RENÉ DUSSAULT: Returning to the role of public education, you say at page 3:

[TRANSLATION]

The legal community and the general public must be aware that the vast majority of Aboriginal people choose legal means, including the courts, to settle their disputes and assert their claims.

I think that you have put your finger on something extremely important.

Even if very often, of course, people are aware of disputes, in view of the development in the north of Quebec, et cetera, what prevails in public opinion is of course often the inequality in terms of ... be it cigarette smuggling, et cetera. The role of the Barreau in this area is an important one.

We often do not have spokespeople to

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present the issues in a more balanced, fairer way.

You see a role for the professional body. Can you elaborate on that?

JEAN PÂQUET: Certainly, Mr. Co-Chair.

As a professional corporation, if you will, it is not for us to take sides for one of the parties or to set about trying to justify to the public the positions taken by Aboriginal people.

The idea is more to be able to explain, completely objectively, the argument in support, if you will, of the positions taken in respect of the problem.

It is easy, I think, to be able to explain what the arguments of one side are, so that, if you like, their position or their claims, their expectations, can be better understood, without taking sides, and it is in this kind of role, if you like, that the Barreau could have an impact on the public -- on all the parties involved, ultimately.

This was what we had in mind, not fostering, encouraging or justifying one position over

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another; on the contrary, to get it very objectively and to explain that way, with the legal expertise we have.

CO-CHAIR RENÉ DUSSAULT: I think that you are entirely correct. What is often lacking is the facts, the technical explanation of the facts. That in itself helps people -- everyone is free to make up their mind, but to have ...

JEAN PÂQUET: Mr. Co-Chair, there are a lot of beliefs that I would call popular wisdom attached to this whole situation.

The Aboriginal people don't pay taxes, and it isn't quite like that. This is the sort of thing that can easily be explained without being accused of taking sides for one side or the other. Giving objective explanations can contribute, I think, to what is needed, sensitizing the whole legal community and the public, so that we can restore the communication that is needed, the dialogue, to try to find solutions for all of this.

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And that is what we hope to do. And that is what we want to work on, as much as our modest means allow.

You made an observation right at the beginning of your comments, Mr. Co-Chair, on the role of the Royal Commission itself in educating and informing.

Obviously the Barreau doesn't want to duplicate the Commission's work, quite the contrary, but if our contribution could be useful, being made with the same objective, in the same spirit, well so much the better. In my opinion, the more of this kind of participation there is, the better everyone will get on in this discussion.

CO-CHAIR RENÉ DUSSAULT: I have had occasion to say that the Barreau will be here a long time after we are gone, fortunately. I think that there is a lot of catching up to do in this area. A bit of a push has to be given, and we can only be glad that the Barreau has decided to follow suit in this direction.

In your action plan you say that a standing committee on law and Aboriginal people has been

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created, which will be trying to engage in consultations and collaboration with band councils, community councils and Aboriginal organizations as well as with the Governments of Quebec and Canada.

Of course Quebec is a big place, geographically. I assume that you are including contacts with the Inuit people in northern Quebec and not just with the Indian community.

PAUL DIONNE: Yes, in fact. When we refer to community councils or municipal councils, that is what we were alluding to.

JEAN PÂQUET: And the other point, if you will permit me, you were speaking about Judge Coutu. If anyone is particularly up to date on what is happening in this situation, it is him, and I would repeat, his working paper has already been brought to our attention and it reflects the contribution, the collaboration that we also want to show toward for the people in the North.

CO-CHAIR RENÉ DUSSAULT: In terms of native friendship centres, which, as you know, are

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undoubtedly the network and sometimes the only network for providing services to Aboriginal people in cities, does the Barreau have contacts, are you planning to establish relations with these native friendship centres in the context of this standing committee?

I will have a supplementary question on the justice system in urban areas afterward, in Montreal in particular.

JEAN PÂQUET: The answer to that is very definitely yes. Contacts have already been established with Aboriginal paralegal services and my colleague here, Serge Tremblay, who is very familiar with these services, could perhaps add a bit to what I can tell you, Mr. Co-Chair.

SERGE TREMBLAY: In fact, Mr. Co-Chair, these steps have already been taken with the Barreau. We have met with the organization, because it is an organization that is already working in the judicial system, which already has expertise, particularly because it is also already operating more or less throughout Quebec.

Of course in the time to come, in the

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times to come, as Mr. Pâquet just said, the Barreau will consult band councils, and of course after that we will approach Aboriginal organizations that want to collaborate and bring their suggestions to the Barreau du Québec.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Perhaps along the same line, and this relates to point 5 in your brief, which we were just discussing, on the justice system.

Of course the situation is not the same in Montreal as in Toronto, for example. You are not unaware that in Toronto there is a sentencing pilot project, with a council. There is a larger Aboriginal population than in Montreal, although the serious trend is very clear across Canada, with Aboriginal youth, and despite the developments that will be taking place in the North.

I would perhaps encourage you, in a somewhat preventive manner, not to forget the situation of Aboriginal people in terms of the justice system in Montreal as compared to the various regions.

That brings us to page 7 of your brief,

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the second paragraph, and I am fairly sensitive to that, where you note that lawyers in the government must ensure that the Crown's relationship as trustee for the Aboriginal people, which was entrenched in the Constitution in 1982, is not in danger of becoming a dead issue. So this is an additional concern in terms of government lawyers.

We had the opportunity to hear a presentation by the Commission des droits de la personne here in Montreal two weeks ago, and the Commission made a recommendation that there be a new ethic in the negotiations. There is the balance of power which put a lot of emphasis on establishing a new ethic.

Essentially I told the President of the Commission that among the Aboriginal people they have had all sorts of negotiations and most of the time there has been an uneven balance of power, there is a hope that the balance of power can be changed by establishing a base in terms of rights.

I saw an analogy between what you are saying here in your brief and what the Commission des droits de la personne was saying about a new ethic. I don't know

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whether you have anything to add.

I think that we have to cover our bets, but I assume that you don't see that as the panacea for the balance of power that has often in the past been problematic, if not flawed, since it is not always a relationship between equals.

Do you have anything else you would like to say in this respect?

JEAN PÂQUET: Before yielding the floor to my colleague Paul Dionne to address that in more detail, of course, in view of these flaws, in quotation marks, to which you refer, in the past, we must encourage procedural "fair play".

You also referred to a brief presented by someone else. I am not personally aware of it, but perhaps my colleague here, Mr. Dionne, could assist you in this.

PAUL DIONNE: Mr. Co-Chair, I also am not aware of the brief by the Commission des droits de la personne, but on this very specific point that you have

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raised I think that we can add, to clarify matters, simply that the Barreau here is doing nothing more nor less than referring to what the courts, including the Ontario Court of Appeal and the Supreme Court, have said concerning "fair play", concerning "sharp dealing", in respect of treaties.

We believe that in procedural terms, in legal proceedings, these are the principles that must apply. We did not want to cite examples, but I think that for anyone working in this field there are quite enough examples showing that on occasion, unfortunately, this kind of thing happens.

This is what we want to attack, in a modest way, but we believe that it should be remedied.

CO-CHAIR RENÉ DUSSAULT: You are of the same mind as the Commission de droits de la personne and I think that it would be interesting for you to be able to see the report that the Commission filed. Of course the

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Royal Commission is concerned with finding various ways of promoting a better balance in the negotiations between the Aboriginal people and the governments in Canada.

Perhaps if I move on to another point.

At page 16 of your brief, point 4:

[TRANSLATION]

A desire to encourage training for
the legal profession in every
region of Quebec ...

The question occurs to me, this may not be directly related to your brief, but the question just occurred to me. The Barreau frequently makes representations on Bills tabled in Quebec in the National Assembly, for example, sometimes undoubtedly also on federal legislation, House of Commons, through its research office.

Is the concern, looking at Bills but in terms of the Aboriginal concerns and Aboriginal rights, could this be a useful and important role that the Barreau could play. Is this something that you might consider?

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I'll give you an example. We discussed it very briefly with Judge Coutu this morning. Everywhere we have public hearings, in Quebec and elsewhere, we are told about customary adoption in remote communities, Inuit communities in particular, and Indians also.

We have just adopted a new Civil Code in Quebec. I had the opportunity to discuss this issue with officials in the Ministère de la Justice, but the issue was not debated. I think that people are aware of this situation but it was not possible for the debate to take place. The time wasn't ripe and we didn't tend to think about this issue when the new Civil Code was being adopted, and undoubtedly we will have to consider it in future years because it is a fact of life.

In this sense certainly a Barreau that is more sensitive to Aboriginal realities will undoubtedly be able to make a greater contribution in this area.

Could you elaborate on this?

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JEAN PÂQUET: Definitely, Mr. Co-Chair, this is perfectly in line with the thinking of the committee. The Barreau has formed a standing committee, as I was saying, and its role of course is to advise official bodies, through the corporation, about everything that relates, if you will, to the reality of the Aboriginal situation.

All Bills tabled, particularly in the National Assembly, are brought virtually systematically to the attention of the Barreau du Québec.

Clearly there we will not tend, spontaneously, I would say, using the tool that we now have to advise the Barreau, since this committee was formed, since we are now more sensitive to this problem, to ensure that when there is a Bill that might affect the administration of justice, for example, among Aboriginal people, the committee's efforts and wisdom will be made available to the Barreau.

I think that this is one of the good examples of what the corporation can do in terms of its

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committee, particularly. Perhaps a supplementary comment by Mr. Parent.

YVON PARENT: I would like to make a comment.

I am a member of an Aboriginal community, Mastoyach (PH), and the adoption issue is a really concrete problem.

There are things the Barreau can do, but at the same time I would like to not, parenthetically, that we seem to want to train Indian lawyers, but in the law that is enacted by the Parliament of Canada and all that.

We had discussed this at the committee, it was only discussed, but it is one of the things that would perhaps help in solving these problems, that is, to develop Aboriginal law, law in the communities themselves.

In our community there are ways of thinking and things that are not necessarily inconsistent with the legal system or the Canadian justice system. So in the universities these are things that have been discussed with a view to making approaches so that this can be developed. In our communities, people have the feeling

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that they are being assimilated by going to university on the outside, and this is the kind of contact the committee wants to make with the communities.

As to the issue of adoption, there could be discussions and so on, but there really needs to be Aboriginal expertise developed, encouraged. This has been discussed and it is one of the things that has persuaded Aboriginal people who belong to the communities to participate on this committee. It is its openness on all these points.

CO-CHAIR RENÉ DUSSAULT: You are entirely correct. One of the things that has struck us, we have not gone outside Canada much because there is so much to do inside Canada. We went to Greenland and we went to see the Navahos in Arizona. One of the things that has struck us is the emphasis that is now being put on developing a Navaho common law.

They had to start with the rules of the broader society and gradually incorporate traditional rules in the courts, have a body of law that is becoming more distinct and adapted to customs and tradition. So there is

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clearly important work to be done in this respect as well.

Of course we could spend several hours together discussing this issue. I would perhaps like at this point to ask my colleague, Mary Sillett, to say a few words or ask some questions.

--- (Brief pause)

I am told that I have covered the essence of the issues, and as we have another important presentation coming up, and we are already late in our schedule, we can only conclude by expressing our hope that you will persevere.

I think that we understand that this process is intended to be on-going and not ad hoc, and that it is fundamental that it be sustained if it is to bear fruit and produce results.

Thank you, and we hope that over the next year if you have additional ideas, points you would like to present, you will not hesitate to contact us. We will be receptive to ideas that will add to the recommendations of the Commission, right up to the end.

Thank you, everyone.

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JEAN PÂQUET: Thank you, Mr. Co-Chair,
Madam Commissioner. Thank you very much.

CO-CHAIR RENÉ DUSSAULT: We are going
to recess the hearings for five minutes, and resume with the
presentation by the Groupe des vingt-deux [group of twenty-
two], who are young people working with the Conseil
permanent de la jeunesse [permanent youth council].

Thank you.

--- Hearing recessed at 5:12 p.m.

--- Hearing resumed at 5:32 p.m.

CO-CHAIR RENÉ DUSSAULT: The Royal
Commission on Aboriginal Peoples in Canada is resuming its
public hearing with the presentation of the brief of the
Groupe des vingt-deux, who participated in the "Pour mieux
se comprendre" [getting to know each other] meeting that
brought together Aboriginal and non-Aboriginal young people
in Quebec, and which was held in September.

I would like without further delay to
ask the group's spokesperson to proceed with their
presentation.

MICHAEL BETTS: Good afternoon, Mr.

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Dussault. My name is Michael Betts. I am one of the members of the Groupe des vingt-deux, and also a member of the Conseil permanent.

The other people who are with me are Anick Riverin, Julie Bretons and Suzy Basile, who are also members of the Groupe des vingt-deux, and are also responsible for writing the brief we have here.

For those who want to follow our presentation a little, you may get the briefs at the back of the room.

The objective we adopted ... the Conseil permanent de la jeunesse had initiated a meeting with 11 Aboriginal and 11 non-Aboriginal young people who came from all over the province of Quebec. The objective of this meeting was to get to know each other, to manage to be able to have a dialogue, to be able to discuss problems, social problems, economic problems, and to be able to see whether we were capable of getting together and getting to know each other better.

After this meeting, the group of twenty-two people who had taken part in that meeting

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decided to prepare a brief which was to be presented here to the Royal Commission of Inquiry. This is why we are here today.

The objective we set was to get to know each other better, in terms of both Aboriginal cultures and Quebec cultures.

We do not claim to be coming here today with solutions to every problem, but we want to manage to bring some human solutions to some very human problems.

One thing that was very clear and that came out very specifically was the need to communicate, the need to manage to express ourselves and learn about the other. And that came out very clearly and specifically.

This is more or less the objective of this meeting today.

I do not know whether you need to know what the Conseil permanent de la jeunesse is or if that is sufficient for you.

CO-CHAIR RENÉ DUSSAULT: It would perhaps be useful to say something very, very brief about

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the organization, the Conseil permanent de la jeunesse.

MICHAEL BETTS: The Conseil permanent de la jeunesse is a private council. It consists of young people who are elected from across Quebec for a three-year term. Their job is to advise the Government of Quebec on all matters relating to youth. Generally speaking, that is what it is.

CO-CHAIR RENÉ DUSSAULT: There is an Act of the National Assembly which constituted this organization. It is essentially a government agency, but it is called private because ... of course it belongs to the people elected.

MICHAEL BETTS: That's right. It is young people who are elected who represent various youth organizations throughout Quebec.

I will give Anick the floor.

ANICK RIVERIN: To introduce us to the meeting, we started by seeing a play put on by the Parminou company, entitled "À temps pour l'Indian Time" or "À temps pour le temps indien" [Indian time].

This play dealt mostly with prejudices.

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It was an interactive play. So prejudices were mostly what came out of the discussion and the exchanges.

So we started to say ... specifically about cigarette smuggling, those things. So we found that there were a lot of prejudices about Aboriginal people. That is mostly what came out of the play.

If you follow our brief we are going to start by dealing with prejudices.

First we found at the meeting that there was a lot of ignorance and misunderstanding among the Québécois about Aboriginal cultures. We found that the information being presented was often distorted.

We identified as mainly responsible for this, the media, and also history courses. We found that there was a kind of misinformation circulating in this respect.

Particularly with regard to prejudices, we found that these two media accentuated them, that these two conveyors of information often accentuated the prejudices between Aboriginal and Québécois people. The gulf was getting wider.

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In terms of the reality of the Aboriginal situation, we found that, paradoxically indeed, it is the contrary. Since Aboriginal people often have to go and study in town, they associate with a lot of Québécois. So they are familiar with Quebec society, they see it frequently, and as well they often live in it.

So often, they in fact have a lot of knowledge about the Quebec system and about Québécois life, in a way. But we found that things are a little different when it comes to the Aboriginal people. Our knowledge was rather limited, we might say.

In terms of the power structure and young people, we often noted that young people felt that there was no room in that structure, in the sense that they were not consulted in decision-making, that they are not often asked their opinion or how they would go about things. So we decided that there was just no room for young people in the power structure.

We also found that there was often a gap between what people think individually and what is expressed

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by society. So society often does not reflect individual thinking.

We also decided that better communication would grow out of greater knowledge of and respect for differences and cultures. So we recommend that there be better communication, more real communication, more accurate communication between the reality of Aboriginal life and the reality of Québécois life, that the two be brought closer together.

Throughout the meeting we often tried to take this approach, to get closer together, and to establish parallels, with both differences and similarities.

In terms of social issues, we also discussed social problems as they affect young people in society. What we also often noted is again the fact that among young people the fact that it seems that there is no room in society for them caused problems at the individual level also, identity crises, questioning whether there is any room for them in the future or in society.

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Once again, the fact that we are seldom consulted by the decision-making authorities came out. This is something that young people are very aware of.

We also noted that this kind of misunderstanding exists in the family, and this often creates communications problems in terms of the interpersonal relations among young people themselves and among people.

We also found that among Aboriginal people there was also a very important relationship. They attach importance to their relationship with old people, the oldest people.

In terms of young Aboriginal people in society, we also noted that in fact there are problems, like the fact that they are not represented at the decision-making level, which is frequently the case among both Québécois and Aboriginal people. This was a point we had in common.

We also identified the fact that Aboriginal people often have identity problems in terms of

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their place in society, both Aboriginal and Québécois society, we must point out. Often they must become immersed in Québécois society, and they ask themselves where do we fit in, and at the same time, then, they suffer racism, which also devalues us. We feel devalued in our culture, and at that point that is one of the factors that may in fact lead to dropping out of school, which can exacerbate that tendency.

In addition, when they are with Aboriginal people, young Québécois, it is in fact this lack of understanding, this racism, that they are subject to in this way. That gives the Aboriginal young people the impression that there is no room for them in Quebec society, that they are not part of Québécois youth. That leaves them feeling left out, in that respect, in terms of the lack of understanding of their culture.

We also identified that there was a wide gap among young people between needs and resources. This problem was much more acute for Aboriginal youth, but was also true for Québécois youth.

In terms of programs, or just needs,

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young people are often not consulted to ask them their opinion, really, to know what they think about this decision or that program. What often happens is that they are developed and they aren't suitable. They aren't what young people really want or what could do the most for them, they're what people think will do something for them.

We came up with some solutions for this.

So there should be more places for Aboriginal and Québécois youth just to talk, there should be more opportunities for meetings, just so that the two peoples can get to know each other better.

There is also the fact that young people and all of the people affected by various laws and government programs should be able to participate more in the decisions that affect them and take part in developing programs. Just in terms of adapting programs this is what came out again.

It is important to be able to express our views on this and to feel that they are taken into

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consideration. This would perhaps be a more effective approach.

Among the Aboriginal communities there was also to a large extent the fact that we would like to be asked, we would often like to be asked our opinion before implementing programs, which could often then be more effective and better adapted to the reality of the Aboriginal people's situation.

Now July Bretons will talk to us about education.

JULIE BRETONS: I would first like to say, and this will help explain how the brief was written as well, that we concentrated, since our aim was to establish a dialogue, on the common points between Aboriginal and Québécois youth to start with. This is why there are separate parts dealing specifically with the Aboriginal situation, but in almost every part we note that the problems referred to that affect young people in general are most of the time more crucial for Aboriginal youth.

The main problem that springs to mind in education is dropping out. In fact we talked a lot about

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other programs but they are all related to dropping out because they often cause people to drop out.

We know that the dropout rate is higher among Aboriginal youth than among Québécois, for reasons that I will briefly discuss.

First, there is general disillusionment in terms of the concrete relevance of courses, that is, everyone knows that a diploma won't necessarily get you a job, and is no longer synonymous with a job or work. Job security, well, for everyone, even more for young people perhaps, because they don't yet have access to the labour market necessarily. Job security is very fragile. Wages are tough.

So we know about current economic conditions, and that means that there is not necessarily any incentive for young people to stay in school longer or continue their education.

The biggest problem associated with dropping out that we identified, for both Aboriginal and Québécois youth, is that most of the time school is

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not suited to young people's needs. As Anick said, the lack of consultation by the people in charge or the decision-making bodies in general is also a major factor in education.

This is somewhat contradictory because in fact we know that the schools exist for and by the students, but, well, there is seldom consultation when it comes to reforming programs, there is seldom consultation in deciding how to build schools, so that they will be a place where people can develop as individuals.

So young people often feel little connection with the institution, even though it should be made for them, designed to meet their needs.

Not much attention is paid to our dissatisfaction whether in terms of intellectual learning or in human terms, at every level.

So this was identified as a major factor in the dropout rate.

Then there was the question of school being imposed on a lot of young people as a place of coercion and obligation rather than a place where we

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should be going to get the knowledge that provides us with tools for the labour market afterward.

The lack of any connection between course content and the labour market is also important because a lot of young people are studying so that they can then go to work and there is very little practical application related to the theoretical content of the courses. So that was identified as a problem too.

To summarize, we often get the impression as young people that the people making the decisions don't take the needs we may have into consideration, and so we lose interest, and often the effect of that is to lead to dropping out and then going out onto the labour market where there is an immediate sense of self-worth. When you have a job you get paid, and you have responsibilities that go along with it.

For people in the regions, for Aboriginal people as well, the distance factor is important because we know that Aboriginal youth are often compelled to leave their families -- this also happens for Québécois youth in the regions -- to go and study in the large

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urban centres.

We also know that there are few structures in place to help these youth settle, whether to overcome the language barriers or even just to soften the shock of cultural change. This is also a factor that discourages Aboriginal youth and Québécois youth from the regions, that discourages them from studying.

We also noted that there was often a lot of violence in the schools in the big urban centres where they are obliged to go. Violence goes along with prejudice, with racism, which is perhaps more prevalent than we often believe.

To adapt the school system to the needs of Aboriginal youth, and this is definitely more obvious than for Québécois youth because there is, among other things, the language factor, the factor of having to face what is in a way the unknown, another culture than our own, and as Anick said, history courses are pretty poorly designed and so Aboriginal history is hidden away from the history that starts with modern-day Canada and Quebec.

In conclusion, and this goes with the

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broad recommendations that we will make at the end of the presentation, the impact of dropping out of school among Aboriginal youth should not be minimized by simply treating it in the same way as dropping out among youth in general. There are problems that are specific to Aboriginal youth, and there are also problems that are specific to the regions of Quebec.

We do not think that the solutions that are applied throughout Quebec are necessarily the right ones, the ones that can really solve things.

We think that students have to be consulted more, to know what they want, what they need, what they consider important, and to ask them about the quality of the education they are receiving.

The solutions that I am going to list relate fundamentally to humanizing the schools to a greater extent, to taking young people's needs into account, and to proving to them in this way that there is room for them in society, in their community, the community where they spend most of their time, the school.

So the first recommendation is to give

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students more power and more recognition in the various decision-making bodies connected with the school system. For example, the boards of education, when reforms are made, consult us.

Reform the program of history courses taught at the secondary level too, make them more representative of what history really is, from the time history starts, and that way perhaps we could abolish some of the prejudices that have been perpetuated for too long.

And place some value on subject areas other than the mandatory courses, to promote creativity and initiative, which are necessary for social change and for developing entrepreneurship, which is in our view one of the most important employment prospects for young people.

I now give the floor to Suzy, who will talk about employment.

SUZY BASILE: Obviously employment is a major concern for most young people. We are all in agreement on this, that the future is uncertain.

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There is a lot of emphasis on making a profit at the expense of human values, and this contributes to the dismantling of communities and regions.

Our leaders give little consideration to the consequences of economic development for the community and for our natural resources, with the result that fewer and fewer jobs are created, and that we are looking at a dark picture in the years to come.

We have agreed on certain principles, on the necessity to stimulate entrepreneurship and sustainable development.

It is therefore essential in our view that we take responsibility for ourselves on an individual and collective basis in order to expand our present employment horizons.

The main recommendations in terms of the issue of employment were to provide better follow-up for young people who leave the remote communities and regions to encourage them to return to their regions or encourage them to continue their studies so that eventually they will be

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able to get a job.

We also recommend that communities develop more entrepreneurship in small and medium-sized businesses right in those remote communities and regions.

We also emphasized the importance of establishing policies for reorganizing work, both in Aboriginal communities and remote regions and in urban centres.

We also emphasized the importance of stimulating entrepreneurship among young people in order to draw more on their innovative and creative potential.

One final recommendation we considered important is that information on programs relating to creating businesses and jobs and all government information be more accessible and distributed better to young people in the schools and elsewhere.

I am going to let Michael talk to you about economic development and the environment.

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MICHAEL BETTS: The environment was extremely important to the Groupe des vingt-deux. One thing for sure was that overconsumption of natural resources was a flagrant lack of respect for the environment of our planet.

The one thing that must be remembered it is that the Earth is not for sale, and that was clear to everyone.

We young people firmly believe that it is possible to be able to reconcile economic development and the environment, and that we can manage to think about development that preserves nature, which means that we believe that jobs must be developed from this point of view, even if that sometimes goes against the principle of short-term profit.

We believe that if all of society mobilized on this path, we would be capable of getting together and finding avenues and solutions that could be applied and that would be beneficial for all of us.

The main recommendations we drew up, you will note that some of them deal with recycling and

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the use of biodegradable products or products that do not damage the environment.

There is also something that is very important, and you see this in recommendation 6, making ecology profitable so that we reduce the vicious circle that sets profits and the economy up against the environment. This is something that we believe that the government will have to get actively involved in, in order to succeed in reconciling the economy and ecology.

Finally, in the last recommendation, without wanting to set the Aboriginal people up as the saviours and guardians of the environment, promote a partnership with them to better protect the environment, to develop our natural resources, and to promote sustainable development.

We believe that the Aboriginal peoples can manage to make a big contribution to achieving these things, the things that we all as young people expect.

I will now give Julie the floor,

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to conclude.

JULIE BRETONS: So in the conclusion, which is called "Au-delà des thèmes" [beyond the themes], that speaks volumes. What it says that is most important to us in fact is the desire to communicate that we brought to the three days of discussion between Aboriginal and Québécois peoples. We have to develop a new form of dialogue between these two nations, because we cannot operate in the present and the future the way those who preceded us have.

Communication, partnership and consultation must take the place of confrontation.

Starting today, it is of primary importance to go beyond the prejudices that have been perpetuated for too long, and try to understand and take concrete action with a view to making a real improvement in things, in a spirit of mutual respect and listening.

It is essential to us to reform the way politics operates at present, so that it will be more suitable to the needs of society as a whole, including everyone, Aboriginal people, Québécois, young people,

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and everyone generally.

As Michael said, the search for immediate profit, for profitability, must give way to broader consideration for the environment and the humanitarian needs of a society.

Politics must become more flexible and open up to greater cooperation and consultation with the members of society, so that everyone is respected, so that society is fairer for everyone.

As young people, Aboriginal and Québécois, we want to take a greater and more active part in the social changes that are needed. We want to be able to get involved in these changes, because we believe that the health and proper functioning of a society are everyone's business, and particularly ours, since it will soon be our turn to manage that society and keep it healthy.

So ultimately room must be made for young people, more room for Aboriginal youth. Everyone must be able to have a say, or a greater say, in any event, on issues and in decisions, on government policies that

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affect them

We will now move on the three broad
recommendations.

I turn the floor over to Suzy.

SUZY BASILE: We thought it was a good
idea to highlight, if you will, some recommendations that we
consider to be very important. We decided on three, the
first of which concerns a youth council.

In order to work actively on breaking
down the various prejudices that divide Aboriginal nations
from the Québécois people, we recommend the creation of a
joint Aboriginal and Québécois youth council. The purpose
of this council would be to continue and broaden the work
undertaken at the meeting which is the subject of our brief.

We believe that it is essential to
establish a body that could do long-term work on the
relations between the Aboriginal people and the Québécois
people, and at the same time be more representative of young
people representing the various nations of Quebec.

In order to improve communications
between nations, we must get started on this work and

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this cooperative effort.

ANICK RIVERIN: The second recommendation deals mainly with the application of government decisions to Aboriginal people. We are asking for greater autonomy, to have more input into the directions our community, and society at large, are taking.

We believe that the groundwork for building social peace at this time will consist largely of respect, involvement and listening to each community that is a part of the Quebec scene.

We believe that in order to evaluate the benefit of government action and social programs we must seek the opinion of the people who are actually affected by these actions. We must consult them, and this will provide them with a genuine opportunity at that point to have more input into programs, and these programs should be adapted to them, so that programs should not always have to ... you should not always have to find some way of fitting in or find a way to adapt yourself, everything should not be done already, you should not have to do that.

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This input should in fact be sought from both Aboriginal people and other ethnic groups.

I will now turn the floor over to Julie.

JULIE BRETON: So we have already discussed the third recommendation: that more room be made for young people. The importance of that, in fact, is that we discovered that we have a lot of points in common as young people in a society where a lot of young people find it hard to live.

We had a lot of points in common, and so we thought it was important to make more room for young people, and in view of the positions we are taking, looking at the future, because we want to things to change, to take the environment, human values, into account, we think that as young people we may have something to say, more than we do now.

SUZY BASILE: So this completes our presentation.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I would first like to thank you for

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having continued with the work you started at that meeting and around the play, to prepare a brief to the Royal Commission on Aboriginal People in Canada.

We have often had occasion to say, what the Commission produces will essentially be what people put into it, we are very aware of that. In that light, I think that your contribution is very important.

We have had a number of contributions from youth groups in Canada. It has not always been easy to get presentations from non-Aboriginal youth at the public hearings. We have had several presentations from young people in the Aboriginal communities. We have had a lot of meetings in the schools as well, at the primary and also the secondary level, grades 9, 10, 11 and 12, to discuss how young people see the future and the barriers they see to going on to post-secondary education.

We have tried to have regional Round Tables where we had young people come and express their viewpoints to the Commission, both Aboriginal and non-Aboriginal, but I think that this is certainly one of the

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most structured presentations that have been given to us at this point. We would like to thank you.

My first question, and I am very aware that this comes in the wake of the work done in September by the Groupe des vingt-deux. You brought together Aboriginal and non-Aboriginal young people.

How did you decide the make-up of this group of 22 people who spent a weekend in a cross-cultural learning experience? How was that done?

MICHAEL BETTS: This was done somewhat differently on the Aboriginal and non-Aboriginal sides.

On the Aboriginal side, what we did, we produced a poster saying what we wanted to do, and we sent it to each of the Aboriginal communities across Quebec, in the 11 nations and all the reserves.

We also contacted resource people in each of the communities to suggest people to us.

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Starting from there, a lot of names were submitted, and there was a selection committee set up jointly with the Conseil permanent de la jeunesse and the Secrétariat aux Affaires autochtones. And we selected 11 representatives for the Aboriginal nations.

On the non-Aboriginal side, we operated through contacts that the Conseil permanent de la jeunesse has with various youth organizations throughout Quebec, in order to be able to go and find some degree of diversity or some degree of general representativeness. So that operated more through contacts, to get people who came from the North Shore, from Abitibi and from the metropolitan regions, or sometimes who represented the cultural communities in Montreal.

CO-CHAIR RENÉ DUSSAULT: And I assume that you had some funding from the council of the Secrétariat for expenses, because often that is the problem in organizing a thing like this. So you have the support of

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the Conseil permanent de la jeunesse.

A second question, a technical one.

I understand that you did not have enough time to go any further in terms of the structures of the Conseil permanent de la jeunesse. Do you intend to pursue this with the Conseil as a whole in terms of the effort to bring together Aboriginal and non-Aboriginal young people in Quebec?

In other words, this brief is a brief by the group of twenty-two people met, and it was not approved by the authorities at the Conseil, et cetera.

My concern is more to know not so much in terms of the brief, but will your work have any effect on the activities of the Conseil permanent de la jeunesse itself? How aware is the Conseil of the work being done to bring Aboriginal and non-Aboriginal young people in Quebec together? What are your views on this?

I know that you don't speak for the Conseil at this point, but how do you ...

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SUZY BASILE: If I may? I would just like to add something.

What I wanted to say, with respect to funding just now, we had funding for the meeting but not for the rest.

Second, I think that the Conseil will be starting up again in February and I hope that the Aboriginal question will be taken up by a member, whether Aboriginal or non-Aboriginal, it makes no difference, and that will provide some follow-up to what we did on the weekend in September, and also to this brief, and go into the various questions in greater depth.

We cannot give any assurance that there will be follow-up, but we hope there will. Personally, in any case, I think we can say that there will be follow-up.

JULIE BRETON: The first recommendation in the major recommendations we made relates to exactly that. In fact what we would like to see is for there to be a committee that is created apart from the Conseil and for

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it to work strictly on these issues, on inter-nation relations, because this is a very broad issue.

In fact, because we have not been able to pursue our various points of discussion in greater depth, we have been unable to suggest a really appropriate solution for all the problems. We think this will be one way of doing this.

In recommendation one, examples of committee activities would be putting out a newspaper which would, in fact, sort of provide counter-information relating to Aboriginal issues and also Quebec issues. This would be one of the activities that we would like to do separately from the Conseil and it would also be great if the Conseil continued too.

I think that it supports us in this objective of creating a committee, but that remains to be decided.

CO-CHAIR RENÉ DUSSAULT: Thank you.

If I understand you, after the meeting in September, essentially, a group met and put some work into preparing this brief. I think I can see the kind of

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effort that was put into it on a volunteer basis.

You circulated this brief to the 22 participants, is that right?

JULIE BRETONS: We gave it to the six who were on the drafting committee. In fact the Conseil organized a meeting after the weekend, an initial meeting, which brought together the members of the drafting committee that had been elected at the first weekend.

Starting from that, we decided to draft the brief ourselves, the committee of six people, and we circulated it. We each made our own corrections and now we are going to send it to the 22.

CO-CHAIR RENÉ DUSSAULT: Thank you for what I would call that somewhat technical clarification, but it assists us in seeing exactly what the scope and framework of the work you have done were.

I believe that there are a number of groups in society who are concerned with how relations are deteriorating between Aboriginal and non-Aboriginal people. This is true in Quebec, and it is true throughout Canada.

Of course, in terms of youth in

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particular, it is clear that there is perhaps the most reason to hope for something lasting to be built.

One of the things that is often said to us, and you point this out in your brief, is the information gap that exists in the public schools. Of course this is well-known in terms of history, we have corrected the worst stereotypes in the school texts, but there is still a major problem in this area, but also in terms of actual knowledge of what goes on right around us.

My first question, which is perhaps at the same time a suggestion. I know that the Secrétariat des affaires autochtones in Quebec has published a little pamphlet which, for example, very succinctly, sets out the geographic map of the 11 Aboriginal nations, and provides a number of pieces of information about their membership, their numbers, their languages.

It seems to me that if we spent an hour or two in the schools, either at the end of primary school or at the beginning of secondary school, to familiarize the

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students with the purely physical and geographical reality of the Aboriginal situation in Quebec, this would in itself be considerable progress.

In a way I want to point out that in this respect I have the impression that a group like yours in itself, and perhaps through the structure of the Conseil, can get a number of things going. We're not talking about a 45-hour course. We are talking about something that might have a major impact on basic knowledge.

Of course there are a number of recommendations that relate to the various aspects of young people's lives, whether in terms of schools, of jobs, et cetera, but also under the general theme of reconciliation and mutual knowledge, of course we are privileged, we on the Commission of inquiry, to have travelled across Canada, to have seen what we have seen.

Often we would have hoped that what we say could have had somewhat more far-reaching impact, that the benefit of it could be made available to the general public. So the same thing, you had a meeting but there are so many more things to do.

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You of course intend to continue the work you have started, in any event, what I often suggest to you, little things have a greater chance of getting done, doing little things rather than trying to make major changes at the outset. This is an idea which I wanted to have the opportunity to suggest.

JULIE BRETONS: I would just like to say on that point, on the question of the pamphlet specifically, that I tried it when I got back from my weekend because they gave it to us and I did a general test among the people I know, showing them the map, and not one knew that there were 11 Aboriginal nations, first off, and that there were so many Aboriginal communities in Quebec. So that is something that is effective, yes.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I would like to get back to the essence of the question, Aboriginal young people.

There is a much higher proportion of young people in the Aboriginal population than in the non-Aboriginal population, so I think that this is one more

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reason to get together with Aboriginal young people. This is a reality that, again, is not well-known outside the Aboriginal communities.

We have to do some work on making this reality known, because it is certainly a factor that will operate in the future of the Aboriginal communities themselves, but also of all of Quebec society and Canadian society.

Here again I think that in terms of informing the public there is a role for a group like yours to play. The dropout rate is a major concern in society as a whole, and certainly of particular importance for the Aboriginal people.

There are numerous [factors?] in this, both inside and outside the family, but there is also the fact that school programs are seen as irrelevant in relation to real life, and also the coldness of the schools and the systems. Young people have the impression that it is designed somewhere else and we are the ones who have to live with it.

You emphasize, among other things, the

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role of parents, the values attaching to education, to training. One of the things that has struck us, we often have occasion to say that there are no jobs, et cetera, but it seems fairly clear despite everything that, among other things, there has been phenomenal development in the Aboriginal community with the advent of self-government, and so go and get training, even if the job isn't at your door tomorrow morning, it isn't necessarily very far away. Ultimately, to have the choice.

How can we make the connection between the concerns of Aboriginal and non-Aboriginal young people? You spoke about the value in the environment, and I think that this is quite spontaneous, but in terms of the future, to stay in the school system and build a better future as partners, as a team, do you have any thoughts on that?

In terms of the Commission, of course you have the three big recommendations, you have a number of recommendations, but what should the Commission be saying so that both ... of course in Aboriginal societies there is a lot of room for young people. There is the whole relationship with the elders, which is increasingly complex,

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in a way, despite all the respect given to elders in Aboriginal societies.

If you could think, in the weeks to come, the months to come perhaps, in terms of a type of recommendation that the Commission ... if the Commission had one or two recommendations to make which would be broad in scope both on the idea of reconciliation among young people and also to push educational, postsecondary training, this is more or less what we would like.

Often when we are forced to say, well, what is the priority or priorities, then that stimulates the imagination and also the sense of reality.

Have you thought in these terms? I would hope that you will be able to continue your work. The Commission may echo it and perhaps try to have a broader impact. We hope to do this by really connecting with reality, with the people concerned.

MICHAEL BETTS: If there is one big message that I can pass on about this, it is that if we were

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able to manage with young people kind of from over, kind of diverse, and we even had Aboriginal young people, we had stalwart sovereignists, we had federalists.

If we were able to manage to sit down at the table and manage to have a dialogue on social problems and economic problems, if we were able to understand one another, we were able to talk to each other without slinging mud, then I think that the people who make the decisions, the representatives of our governments, whether non-Aboriginal governments or Aboriginal governments, could perhaps manage to sit down and have a frank dialogue, manage try to find real, concrete solutions that could help everyone.

One thing that we know we are here to come and tell you is that we, as young people, we are often called idealists, but more and more we see things as they really are and more and more we are able to manage to find our solutions, our solutions that are often perhaps a bit too innovative, perhaps a bit too creative.

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If people had a bit more faith in us, perhaps we could manage to have a bit more input into what is going to happen to society.

In terms of jobs, there is one recommendation that is very, very down-to-earth. We are saying to the government, something has to be done to reorganize work. We have to get together and take another look at how our systems operate. We are thinking of early retirement, or job sharing. And that is just the tip of the iceberg.

Maybe we can reexamine the whole system, how work is divided up. We know that we are about to become a mechanized society, where machines replace man, and there are fewer and fewer jobs available, and perhaps we are going to have to reexamine the concept of the leisure society.

There are a lot of things that we can manage to sit down, in practical terms, but the main thing is dialogue. If we were capable, young people who were different, of sitting down and having a dialogue without pulling our hair out, I think that the others are also capable of doing it.

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We are asking that you manage to listen to us, and to trust us also a bit.

Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Mary.

COMMISSIONER MARY SILLETT: Thank you very much.

When we began this morning Mr. Dussault said "we're not getting out of this room until 7 o'clock" and, you know, he's right.

I'd like to congratulate you for your presentation.

I'm going to ask you some questions which are not necessarily addressed in your presentation. I hope that somehow through your discussions those issues will have been addressed.

I was sort of interested in saying, for example, that the youth are really concerned about the future job prospects. Yesterday we met with a northern Quebec Inuit group and they've already concluded for many years now a land claims agreement. They were saying that there were more jobs than there were skilled Inuit.

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1 So there are jobs there and many
2 of those positions -- the president was saying
3 basically that in many cases their population did
4 not necessarily have the skills in order to be
5 able to be in those positions.

6 As well we've heard of situations
7 where young people are not necessarily motivated
8 to complete high school or even pulled out
9 university because they're considered to be
10 skilled, to go back to their organizations and to
11 work.

12 Mr. Dussault was saying recently
13 that the Grand Council of the Crees now instituted
14 a policy whereby they make people finish high
15 school or they make people finish their degree
16 before they actually get a job there.

17 Those are the kinds of situations
18 that we've also heard about. I was wondering how
19 the youth view their future. Do they plan to, for
20 example, work in urban areas or is there any
21 motivation to go back to their communities?

22 We're very well aware of the fact
23 that the urban Aboriginal population is growing.
24 In fact the majority of Aboriginal peoples in
25 Canada now live in the cities. Is this trend to

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continue? Have you discussed those kinds of
issues?

SUZY BASILE: If I can try to answer
your question.

Yes, we have discussed them, but still
fairly generally because we had to focus on the four broad
themes. We could have spent a lot of time on them, we could
have talked about the claims, about self-government. These
were also interesting subjects. They are also subjects that
we want to keep for future discussion.

If I can talk to you a bit about
education.

We cannot force people to leave the
communities. We don't want to force them to go and study at
the CEGÉPs and the universities on the outside, in the urban
centres. They are going to have to make their own choice,
as I personally have done.

We need leaders in our communities. We
need a new kind of young people. We also need to find
examples of other young people who have done it, I have an
example. But it is not obvious. You have to make the

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choice.

Myself, I chose to leave and go to university to study, but that was still a wrenching choice in several respects.

When young people in our community and young people in general in the communities all decide to go away and to and study on the outside, after that will come the question of having a choice: Am I going to stay in the city or am I going to go back home, develop something of my own?

In general, that is our main demand, autonomy at the local level in our communities, certainly we need a land base. The Inuit in the North have theirs, and that's fine, that's number one.

As soon as we have a proper land base and feel that we have a home, then development will come with it, economic, social, community development, et cetera.

But all we need is to wake up and leave to go and study, and then we have the choice of coming back or doing what we want.

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COMMISSIONER MARY SILLETT:

[I did notice that one of your members is an Inuk from Guniksuk (PH), so I thought that question may have been addressed by her.

The other issue I wanted to address was the issue of -- we've heard many adults identify that the number of drop-outs from high school is a difficult issue. We've also heard that the reasons why many Aboriginal people drop out from school.

I was wondering if you, from your own example, could tell us how someone, for example, finishes school. How do you make that transition? If students are successful, why are they successful? What's necessary in order to make more students finish high school and continue on with their education?

again, I think, specifically, is to create bridges between the Aboriginal and Québécois people, so that Aboriginal people feel more accepted in urban communities and also in ... in the schools, to inform them, to inform the Québécois about what it means to be Aboriginal.

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Often prejudices, that kind of difficulty in making the transition, it is hard for Aboriginal people to go through, because we know the importance of the family, of Aboriginal identity. For an Aboriginal that is important.

So if we could start to facilitate that transition, probably that would help, and also provide resources for Aboriginal people leaving their communities, to help them settle in urban communities. Often this is the first time you are leaving the community to go to school. To make this passage between the communities and the city easier for them by offering them resources.

Probably this education, between the two nations, the Quebec nation and the Amerindian nation, not only preparing for postsecondary education. It would mean starting to prepare in primary school, that people start to be made more aware of the reality of the Aboriginal people's situation, demystifying, getting away from the mystery.

What would probably help Aboriginal people specifically is to feel that there are jobs in the

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communities that they can get. It is true that there are a lot of jobs available in the Aboriginal communities, but often it is still a matter of expertise, skills, because the people who are already there sometimes do not necessarily, you might say, have the education that goes with it, often, to make room for young people.

If a young person shows up with a diploma, when the position is open, that young person should be able to get the job, that should be encouraged. But don't necessarily cut the young people who are in the city off from their roots. Like the friendship centres, it is important to preserve this kind of organization or else if you cut off your roots you die. It's a slow death. In a way it forces you to go back to the things that keep you alive.

SUZY BASILE: I would perhaps like to add something on this point.

Certainly getting rid of prejudice would help things 100 per cent. That is for certain.

There is also something else. I am

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going to give you an example from my community, which I know particularly well.

There is a secondary school up to Secondary V in the three Attikamek communities. The question is when Secondary V finishes -- I haven't had this experience myself because at that time we were sent to schools on the outside -- then comes the transition. You are 16, 17 years old, you finish your Secondary V and then you have to go to college or university, depending on where you are.

You decide to leave home and you go to the city, and you have no support. There is nothing. So at present there are committees starting to form or people who have already left our communities and are living on the outside facilitate things but when you get off at Quebec City or Montreal and you have to go to the CEGEP and the first thing you run into is prejudice. That is the wall you have to get over, you sometimes have to put blinkers on to be able to get through that.

Certainly there has to be, as Anick was saying, committees, support, programs when you get to the

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city. And particularly around the language question. You did your school in your language with a French component in our community, and you don't necessarily have 100 per cent of the knowledge to study what you want in the CEGEP or in the colleges without having problems. When you get to the city you don't have it either when you start out. We must [not?] forget that.

We have to find ways of doing this, and this would be something else we could look at more closely, to see exactly what the transition is between our community, which is where we go to secondary school, and the CEGEP or the urban communities.

COMMISSIONER MARY SILLETT: Thank you very much.

I was going to ask a question with respect to Aboriginal rights but you did say very clearly that was an issue that you didn't discuss a lot.

My final question is this.

One of the things I find most disturbing is the high suicide rate in many of our communities. Many of our young people are committing suicide.

We're always faced with the

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question, what do you do so that our young people will find more reasons for living than dying?

I'm just wondering if that's an issue that you discussed, and have you got any ideas as to what can be done in order to stop this.

ANICK RIVERIN: Suicide was not really discussed in any depth in the Groupe des vingt-deux, but perhaps I can give you my views and the others can add to what I say.

In terms of suicide what I have found in the communities, as I said earlier, is a lack of resources. People know that there is a problem but there are no resources, you don't get any help, you don't know where to go.

There are no suicide prevention clinics. As young people, we are faced with ... whatever, with no matter what, whether you are Aboriginal, Québécois, you find people like that all over, except we don't know how to respond to that phenomenon.

I think there is also a question specifically of the confrontation that always exists between Quebec society and Aboriginal society, which is

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often repeated in the media and in the schools. So you [don't?] experience that in a very pleasant manner.

Sometimes the impression you give when you are in the city, sometimes you have the impression that you are kind of betraying your Aboriginal side, joining the system. Well this transition is not easy to make. You experience prejudice and at the same time you experience the prejudices that exists in your community sometimes, just because you have gone to study or things like that.

And too when you study or even when you are in the community there should be even stronger value placed on your own culture, you should be told yes, there is room for you, you should be encouraged more.

If we just made it easier to build bridges between Quebec society and Indian society we would perhaps have less difficulty moving from one to the other, feeling that in that world, in that society, there is room for Aboriginal people, we are respected as Aboriginal people, that we have our identity, it is built up, and it is respected. That in itself would be a big help.

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I believe that for all young people or all Aboriginal people in general that might be something of primary importance, something essential, to develop that perception, to develop that knowledge, to be respected. That could solve some problems.

JULIE BRETONS: When we talked about suicide, and this was for both Québécois and Aboriginal young people, one of the causes we discussed, and which touches on all the areas we considered, is the difficulty in affirming ourselves as we are, of developing ourselves in a place where everywhere we get the impression that there is no room for us, in fact.

Aboriginal young people, for specific reasons on top of the problems that Québécois young people experience, but the point is that it's extremely difficult to have prospects for the future in the broad sense, and that means not only a job, not only how to earn a living, and am I going to be able to support my children?

It starts right away. It starts the moment you go to school, where you have to work like crazy

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at the same time as going to school, to succeed. You are doing a B.A., you have to work 30 hours/week at the same time. Something doesn't make sense.

In all areas of life it builds up, and you get the impression that there is no room for you. It won't solve the problem just to put a young person in the House of Commons, to open up a youth seat and put it there so we can take part in decisions. It's much deeper than that.

It cuts across society, and I think that is why we have been able to have broad recommendations like we have here. I am speaking for myself, I believe that I have nothing to lose, in fact, because I don't have anything yet.

The changes that may happen, I have the impression that my own interests are being trampled, I want to see these changes.

I believe that dialogue isn't just talk/listen, talk/listen. It is stopping and taking a hard look at your own personal position, and thinking what is best for a bunch of people, 6 million people. If I just

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think about my job, my own little future, and everyone does the same thing, nothing will ever change.

At some point we have to broaden our horizons, I think. As young people, it is perhaps precisely the fact that we have very little that makes us want to open things up more.

SUZY BASILE: I would perhaps like to add something by coming back to the question of the suicide rate, which is very high in our communities.

It's not apparent [no fun?] when you are young and you have nothing in front of you. All you see is a black cloud.

And then the feelings of inferiority we have had for a long time or that people gave us.

There is also the fact that there are social problems, with drugs and alcohol widespread in the communities. That doesn't help either.

There is also the question of being stuck on a 2 km² Indian reserve. Personally, this wasn't my goal in life. It is really not a nice feeling to feel like that in a whole big country or in one area in particular.

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Myself, I want to take a longer-term view. I tell myself that development in the broad sense will be a big help in having, first, a goal in life, knowing where we are going, and certainly in the long term in lowering the suicide rate.

Just the fact of feeling like we have a home and of being entitled to our own identity, that will be a start and will help a lot.

I say this simply in the broad sense, on its own, but here again I base this on there being development.

ANICK RIVERIN: I also think that it is important not to underestimate the importance of drugs and alcohol in the Aboriginal communities. This is an enormous problem too, and it can often lead to suicide for some young people and other people as well, in other age categories.

Here there is really work to be done in getting appropriate programs, not waiting to send someone to therapy until he or she is just about on the edge of dying because of an overdose or whatever, waiting for people to

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get right to the limit to tell them okay, we're going to help you.

People who need help should be able to get a response that meets their needs. Nor should we always set high standards for that. That might help.

And specifically, adapt drug and alcohol abuse programs to the reality of the Aboriginal situation, to their identity. The fact that if you feel better about yourself you feel better in society can be good. There is a connection.

I think that drug and alcohol problems are often just an expression, before people go out commit suicide or go right to the extreme edge, it is an expression of emotion, of people's feelings of pain.

If there were more solutions that applied more, like therapies, solutions that applied to their identity ... and there are not just therapies. We are not just talking about when people have got deep into it. We can talk about prevention. It would be very important to have preventive action around drugs and alcohol in the

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communities through information clinics, by demystifying and really presenting the reality in their community as well, what it is, getting out the data, and find out about it, and tell them what resources there are.

COMMISSIONER MARY SILLETT: Thank you very much.

I think that when we first started our hearings everyone said that we have to involve the youth because there is a recognition that the youth are our future leaders. Whenever we've had sessions with the youth or with younger people, or with younger people than us, we've had very, very good presentations, we've had very positive presentations, and I think the attitudes are really, really good.

We had a special consultation at Carleton the other evening and the youth coordinator said to me: You know, there are four Aboriginal people, there are three Aboriginal people, you wouldn't know the difference, but their attitude, they're very supportive, their positions are very, very supportive of each other, and we have a good future.

I thank you very, very much for

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CO-CHAIR RENÉ DUSSAULT: I would like to join Mary in thanking you for coming to make this presentation. Once again I think that you have given us a message of hope.

We hope to be equal to our task of what you present as a number not only of concerns but also of solutions for the future.

I can't help thinking, as we are on cable, on Channel 49, and as has often been the case during the Commission's hearings for a year and a half, that it would be a good thing if a large number of people were watching a presentation such as the one you have just given. I think that this would be of great assistance from the point of view of reconciliation and understanding, not only between young people and society as a whole, but also between Aboriginal and non-Aboriginal people.

I would like to thank you for this contribution, and wish you good luck in carrying on your work, your discussions. You know that we are here and

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we are always available to listen to you in the course of the next year.

Thank you.

The Royal Commission recesses its proceedings until tomorrow morning at 9 o'clock.

We will have the opportunity to hear, as the first presentation, the brief of the Centrale de l'enseignement du Québec, followed by the Federation of Canadian Municipalities, the Association of Canadian Universities for Northern Studies, the Canadian Arctic Resources Committee, the Native Alliance of Quebec Inc., the Manitoba Keewatinowi Okimakanak Inc., a group from Manitoba, and the Centre de ressources sur la non-violence.

Thank you, and we will see you tomorrow at 9:00.

-- The hearing is adjourned at 6:44 p.m., to resume at 9:00 a.m. on Wednesday, December 1, 1993.

2206-5



**COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES**

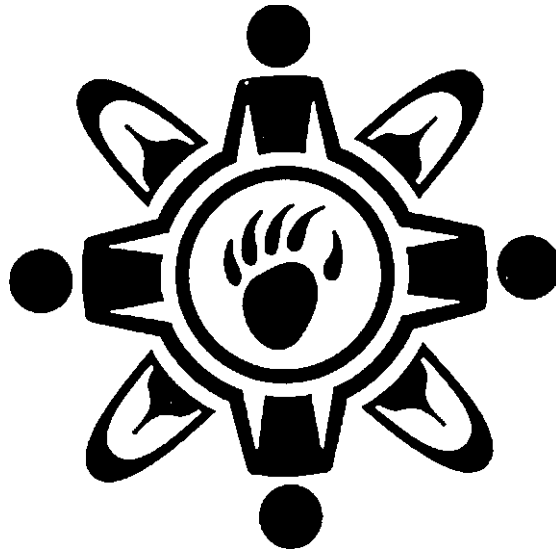
**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

ENDROIT/LOCATION: **LE NOUVEL HÔTEL
1740, BOUL. RENÉ-LÉVESQUE OUEST
MONTREAL (QUÉBEC)**

DATE: **MARDI LE 30 NOVEMBRE 1993**

VOLUME: **2**

"for the record..."
STENOTRAN
1376 Kilborn Ave.
OTTAWA 521-0703



COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

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Montréal (Québec)

--- L'audience se poursuit à 9 h 23 le mardi
30 novembre 1993

COPRÉSIDENT RENÉ DUSSAULT: Je
voudrais souhaiter la bienvenue à tous.

La Commission royale sur les
peuples autochtones au Canada reprend ses
audiences publiques avec une première présentation
de la Fédération québécoise de la faune, M. André
Pelletier.

ANDRÉ PELLETIER, Président,
Fédération québécoise de la faune: Pour vous
situer un peu dans le contexte tout d'abord je
vais me permettre de vous présenter brièvement la
Fédération québécoise de la faune, qui est le
regroupement des chasseurs et des pêcheurs, des
préleveurs fauniques, si vous voulez, du Québec.

La Fédération est composée d'à peu
près 350 associations chasse et pêche plus
quelques milliers, à ma connaissance c'est 4 500
membres individuels de la Fédération, pour une
représentativité totale d'à peu près 250 000
membres.

La Fédération a comme principal
objectif la gestion de la faune, la préservation

le 30 novembre 1993

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1 des habitats, et la représentation, entre
2 guillemets, politique des intérêts des membres et
3 des préleveurs québécois. Il faut entendre que
4 parmi ces préleveurs-là, dans nos membres il y a
5 très, très peu d'Autochtones.

6 La Fédération, à cause de sa
7 position à travers tout le Québec, parce qu'on a
8 des membres des îles-de-la-Madeleine à Hull en
9 passant par certains endroits de la Baie James,
10 est à même de voir et de vivre les conflits
11 grandissants qu'il y a entre les préleveurs
12 autochtones et préleveurs non-autochtones.

13 La Fédération a une politique, et
14 je me dois de l'avouer, très ambiguë sur les
15 droits des Autochtones. Je pense que sa position
16 est à peu près l'image de celle de l'ensemble de
17 la société québécoise, ce qui même m'amène
18 aujourd'hui à vous faire une déposition verbale et
19 non écrite. C'est qu'il n'y a pas vraiment de
20 consensus au sein de notre Fédération quant au
21 traitement qu'on devrait accorder aux populations
22 autochtones, pas plus qu'il y a de consensus sur
23 les droits.

24 Malheureusement on est pris à peu
25 près chaque jour à vivre avec la situation, pour

le 30 novembre 1993

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les peuples autochtones

1 laquelle on ne voit pas, à court terme, de
2 solution.

3 Il y a quand même une résolution
4 qui date de notre dernier congrès de l'an dernier
5 qui dit à peu près en gros ceci. Au Québec il ne
6 devrait y avoir qu'une seule sorte de loi, parce
7 qu'il y a une seule sorte de citoyens, qui sont
8 tous des Québécois. Je suis d'accord avec vous
9 que ça règle pas la situation.

10 Pour vous prouver à quel point la
11 Fédération est plus que divisée c'est que cette
12 résolution-là a été adoptée par une majorité de
13 quatre votes seulement sur à peu près 200
14 participants qui étaient dans la salle. On en est
15 à peu près là.

16 La Fédération compte parmi ses
17 membres des gens qui sont presque pro-Indiens. Il
18 y a des gens qui sont carrément, je l'avoue, qui
19 ont même des réflexes un peu racistes, et cette
20 situation-là va pas en s'améliorant à cause de
21 tout ce qui se passe présentement au Québec.

22 Dans le passé notre Fédération a
23 toujours essayé d'établir des ponts avec les
24 divers groupes autochtones. Malgré notre position
25 plutôt ambiguë on continue ce travail-là. C'est

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1 dans notre intérêt, c'est dans l'intérêt de la
2 faune qu'on travaille.

3 Il faut dire que chez nous
4 théoriquement on ne fait pas de politique. On ne
5 pose que des actions en fonction de la gestion
6 faunique. Je pense qu'il y a peut-être un point
7 sur lequel il y a consensus à la Fédération
8 québécoise de la faune. C'est que tout le monde
9 souhaite que ça se règle le plus rapidement
10 possible dans l'intérêt de nos activités de
11 prélèvement faunique.

12 Je demeure, moi, en tant que
13 président, convaincu qu'il y a moyen de s'entendre
14 avec les groupes autochtones et comme je le dis
15 souvent, s'il y avait moins d'hommes politiques et
16 moins d'avocats dans ces dossiers-là, on s'en
17 sortirait peut-être plus facilement.

18 Je m'excuse mais malheureusement
19 c'est que ça que je peux dire ce matin.

20 COPRÉSIDENT RENÉ DUSSAULT: Je
21 vous remercie, monsieur Pelletier. Évidemment
22 c'est toujours un certain désappointement
23 lorsqu'une organisation ne peut pas faire
24 consensus pour une présentation devant la
25 Commission royale. Cependant je me hâte de dire

le 30 novembre 1993

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1 que vous n'êtes pas la seule organisation dans
2 cette situation.

3 Il est évident que déjà d'avoir à
4 réfléchir sur les relations avec les peuples
5 autochtones et avec les Autochtones et dans
6 l'optique concret de présenter un mémoire à la
7 Commission est souvent pour plusieurs groupes une
8 première où on s'arrête véritablement pour voir si
9 on est capable d'avoir un consensus et prendre une
10 position. Dans ce sens-là on y voit quand même un
11 petit bout de chemin parcouru.

12 Il est évident que pour une
13 organisation comme la vôtre qui est en contact de
14 façon importante avec le milieu autochtone au
15 Québec ça démontre qu'il y a un grand bout de
16 chemin à faire. La valeur de gestion et de
17 conservation de la faune en principe devrait être
18 une valeur qui rapproche les gens plus que les
19 partage ou les divise.

20 Ceci étant dit, on sait très bien
21 qu'entre les principes généraux et le vécu
22 quotidien en région il y a souvent une bonne
23 distance.

24 On apprécie que vous voyez venu
25 nous dire ce que vous nous avez dit. Vous êtes

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1 président de l'Association, évidemment on souhaite
2 que la poursuite du débat et d'une discussion
3 éclairée se fasse. Quand vous parlez d'une
4 résolution adoptée par quatre voix sur une
5 assemblée de 200 membres je pense que ça indique
6 qu'il y a effectivement un partage de points de
7 vue important.

8 La Fédération existe depuis 1945,
9 regroupe 250,000 personnes. Vous avez des
10 associations locales, près de 300.

11 ANDRÉ PELLETIER: Structure
12 régionale aussi.

13 COPRÉSIDENT RENÉ DUSSAULT:
14 Structure régionale aussi.

15 Quel est votre lien avec
16 l'organisation canadienne?

17 ANDRÉ PELLETIER: Là vous m'amenez
18 sur un autre territoire glissant.

19 La Fédération québécoise de la
20 faune est un membre associé. Je siège
21 personnellement au conseil d'administration de la
22 Fédération canadienne de la faune.

23 La Fédération québécoise de la
24 faune représente presque la moitié du membership
25 par la Fédération canadienne de la faune. Nous

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les peuples autochtones

1 sommes, disons, le plus gros affilié de la
2 Fédération canadienne de la faune, le Québec.

3 On a eu là aussi des discusssions
4 très serrées. Je ne sais pas si vous avez
5 rencontré les représentants de la Fédération
6 canadienne mais encore là, comme à l'époque où les
7 discussions étaient faites avec la Fédération
8 canadienne, en tant qu'affilié j'ai tenu des
9 positions qui maintenant sont presque désavouées
10 par mon propre organisme.

11 Je dois vous dire que tout ce que
12 je vous ai dit tout à l'heure, c'est un constat
13 presque d'échec pour moi personnellement. Ceux
14 qui me connaissent savent très bien que j'ai des
15 liens particuliers avec les Autochtones. Je suis
16 un préleveur un peu assis entre deux chaises et
17 j'ai pas honte d'avouer aujourd'hui que si après
18 mon troisième mandat je ne reviens pas comme
19 président de la Fédération québécoise de la faune
20 c'est beaucoup dû au non règlement de ce dossier-
21 là.

22 Je considère comme une défaite
23 personnelle la résolution qui a été adoptée par le
24 congrès chez moi et je suis personnellement pris
25 un peu...je suis presque en train de faire une

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1 confession publique, mais je le prends comme une
2 défaite personnelle parce que j'étais le principal
3 artisan d'une tentative de rapprochement jusqu'à
4 ce que des événements malheureux arrivent et là la
5 vague m'a carrément submergé, étant moi-même
6 moitié autochtone et moitié...parce que je ne sais
7 plus comment m'appeler. C'est un des problèmes.

8 C'est cette imprécision-là dans
9 tout le dossier qui va finir par, je pense, le
10 dégrader complètement. Quand t'es un Métis tu
11 sais pas si t'es Blanc ou si t'es Rouge. Les
12 Indiens te traitent de Blanc puis les Blancs te
13 traitent de Rouge, alors tu finis par ne plus
14 savoir comment t'en sortir.

15 Le débat à la Fédération
16 québécoise de la faune c'est là qu'il commence à
17 être pas clair. C'est que chez nous presque tout
18 le monde est...quand je dis presque tout le monde,
19 99 pour cent des gens de la Fédération sont prêts
20 à reconnaître le droit de chasse de subsistance.
21 Le problème c'est qu'on sait pas où ça commence
22 puis où ça finit, la chasse de subsistance.

23 Quand on parle de Neskapi,
24 complètement en haut, qui se nourrissent carrément
25 des fruits de leur chasse puis de leurs

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les peuples autochtones

1 cueillettes, il n'y a pas un membre de la
2 Fédération qui va dire ces gens-là doivent
3 respecter nos règles du jeu. Mais quand un Indien
4 d'une bande qui vit en banlieue d'un grand centre
5 urbain vient nous dire qu'au printemps tuer une
6 oie blanche il fait de la chasse de subsistance,
7 là je m'excuse mais c'est carrément perçu chez
8 nous comme étant de la provocation. Alors le
9 problème est là.

10 C'est qu'il n'y a plus personne,
11 et j'espère que votre auguste commission va
12 réussir à éclaircir certains de ces points-là.
13 C'est la seule chance qu'on a de sortir vivant de
14 ce débat-là. La chasse de subsistance, c'est
15 quoi? Un Autochtone, c'est quoi? Et à qui
16 s'appliquent les droits qui sont revendiqués?

17 Je suis connu pour mon préjugé
18 favorable envers certains groupes autochtones et
19 en même temps je suis obligé d'avouer que je ne
20 m'y retrouve plus. Je ne m'y retrouve plus. Il y
21 a des choses qu'il faut éclaircir, c'est évident.

22 COPRÉSIDENT RENÉ DUSSAULT: Je
23 pense qu'on est dans le vif du sujet dans la
24 définition d'Autochtone, notion de chasse de
25 subsistance, mais aussi et surtout la notion de

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1 droits autochtones ancestraux et leur portée et
2 leur harmonisation avec des réglementations et les
3 législations des autres niveaux de gouvernement.

4 Il est évident que c'est une
5 question, et vous nous faites part d'une façon
6 très franche et très directe, qui divise beaucoup
7 plus qu'unit les Autochtones et non-Autochtones,
8 au Québec en particulier, et ça se répercute sur
9 une foule de choses sur le plan des relations.

10 Sur ce plan-là encore une fois la
11 Commission va essayer de jeter le maximum de
12 lumière sur le dossier mais encore une fois il y a
13 un certain nombre d'idées reçues qui vont sans
14 doute devoir être mises en cause et tout est dans
15 la façon de le faire. Ce qui est important c'est
16 que les choses soient claires et le pourquoi des
17 choses. Dans ce sens-là je pense que le
18 témoignage que vous faites ce matin parle plus que
19 bien des textes que vous pourriez nous soumettre.

20 Si je comprends bien, vous êtes à
21 terminer votre troisième mandat. C'était des
22 mandats de...?

23 ANDRÉ PELLETIER: De deux ans.

24 COPRÉSIDENT RENÉ DUSSAULT: Donc
25 ça fait six ans.

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1 Mary Sillett et moi avons eu
2 l'occasion d'entendre l'organisme canadien à
3 Toronto, donc je comprends très bien ce que vous
4 nous dites. La position était passablement
5 différente.

6 Vous nous avez donné un certain
7 nombre de pistes, les interrogations, le fait que
8 99 pour cent de vos membres acceptent le principe
9 de la chasse et de la pêche de subsistance, mais
10 comment faire passer un certain nombre de notions
11 d'éducation publique....par exemple, on a publié
12 un certain nombre de documents. C'est la
13 quatrième série d'audiences publiques que l'on
14 termine. Entre chacune d'entre elles on a publié
15 un compte-rendu des audiences.

16 On a abordé à peu près tous les
17 thèmes de notre mandat devant nous. C'est de
18 l'information qui est disponible, un peu ce que le
19 monde pense, comment le monde réagit sur le plan
20 canadien, autochtone et non-autochtone par rapport
21 à ces problèmes-là. Évidemment il y en a d'autres
22 avant nous qui ont fait ce type de travail-là.

23 Comment est-ce qu'on peut faire en
24 sorte que cette information qui est à la base,
25 d'une certaine façon, d'une réflexion, parce que

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1 souvent on a notre vision du monde et c'est
2 presque choquant quand on rencontre quelqu'un qui
3 a une autre vision du monde. Il y a deux façons
4 de réagir: d'en débattre ou de crier des noms.

5 Comment est-ce qu'on pourrait
6 faire sur le plan d'une information de base et non
7 pas pour que les gens prennent leur propre
8 décision mais en s'assurant qu'il y a une
9 information plus équilibrée qui circule dans une
10 organisation comme la vôtre? Vous avez des
11 organes d'information?

12 Est-ce que vous pouvez élaborer un
13 peu plus.

14 **ANDRÉ PELLETIER:** En plus d'un
15 bulletin interne qui paraît tous les deux mois il
16 y a aussi tous les contacts qui se font à travers
17 la structure. Il faut savoir que nos associations
18 sont regroupées en régions et que chacune de ces
19 régions-là tient un congrès annuel. Il y a aussi
20 le congrès annuel de la Fédération. Si vous
21 voulez, ça fonctionne un peu comme une pyramide.
22 Chacune des associations se retrouve dans une
23 région qui elle-même se retrouve au congrès.

24 Le conseil d'administration de
25 toute façon est construit exactement de cette même

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1 façon-là. Il y a les présidents de chacune des
2 régions qui siègent au conseil d'administration.

3 La question que vous posez, je
4 pense qu'elle est à deux volets d'après moi. C'est
5 que, un, il y a un problème d'éducation auprès de
6 la jeunesse qu'il faut faire. Ça c'est un projet
7 à long terme. Et deuxièmement, à l'intérieur de
8 toutes les structures qui existent, que ce soit la
9 Fédération québécoise de la faune ou toutes les
10 autres formes d'organismes, ce qu'il faut
11 absolument qu'il y ait c'est des contacts.

12 À chaque fois qu'on a invité,
13 parce que c'était une pratique courante aller
14 jusqu'à récemment, jusqu'à ce qu'il arrive
15 certains événements qui ont coupé beaucoup de
16 ponts, il y a toujours eu d'invité au congrès de
17 la Fédération québécoise de la faune des porte-
18 parole ou des représentants de groupes ou de
19 nations autochtones qui étaient à chacun de nos
20 congrès, toujours sur des sujets différents, que
21 ce soit sur la gestion forestière, l'implication
22 de la gestion forestière dans la faune, sur les
23 négociations territoriales du conseil Attikamek-
24 Montagnais.

25 Je peux vous dire que depuis que

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1 je suis président, sauf les deux derniers congrès
2 où là ça devenait impossible, mais il y a toujours
3 eu des Autochtones qui ont été invités à
4 participer à nos congrès, pour une bonne raison.
5 C'est que la seule façon que les gens réussissent
6 à partager des points de vue communs c'est qu'il
7 faut qu'ils se rencontrent. Et à chaque fois
8 qu'on invitait des Autochtones on s'est rendu
9 compte que les gens dans la salle se sont rendus
10 compte que ce qui unissait les préleveurs blancs
11 et les préleveurs autochtones, il y avait beaucoup
12 plus de choses qui nous unissaient qu'il y en
13 avait qui nous divisaient.

14 Je vous donne rapidement l'exemple
15 de la forêt. Quand une compagnie forestière fait
16 une coupe à blanc, que tu sois Autochtone ou Blanc
17 c'est bien de valeur mais c'est les mêmes arbres
18 qui viennent de disparaître puis c'est la même
19 faune qui en subit les conséquences. Que tu sois
20 un trappeur autochtone ou un trappeur blanc ça
21 change rien.

22 À partir de ça on avait commencé à
23 bâtir quelque chose. Aujourd'hui c'est devenu
24 très, très difficile. Il faut pas oublier une
25 chose. Il y a un triste constat à faire au

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les peuples autochtones

1 Québec. C'est que presque la moitié de la
2 population du Québec qui vit dans la grande région
3 métropolitaine, si vous faites un cercle de 60
4 milles tout le tour de Montréal c'est la moitié de
5 la population du Québec.

6 Moi je vous dirais que ces gens-là
7 ont bien plus de chance de rencontrer un Haïtien
8 ou un Vietnamien qu'un Indien dans leur vie. Et
9 ces gens-là ont tous une idée déjà faite sur ce
10 que c'est qu'un Indien, mais ils n'en ont jamais
11 rencontré un seul de leur vie. Probablement que
12 ce qu'ils ont vu de plus Indien dans bien des cas
13 c'est moi, puis je vous garantis que je ne suis
14 pas très représentatif, malheureusement.

15 Il reste que c'est une triste
16 réalité de la vie. Un, à l'école on n'a pas
17 appris ce que c'était qu'un Indien puis deux, en
18 règle générale ils vivent très loin de nous, puis
19 ce qui arrange rien c'est que ceux qui vivent
20 près, c'est avec ceux-là qu'on a des problèmes.
21 Comment vous voulez que quelqu'un de Montréal
22 connaisse autre chose des Indiens? Indiens pour
23 eux autres ça veut dire pont Mercier. On en
24 sortira pas comme ça parce que c'est pas les
25 Indiens, ça.

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1 COPRÉSIDENT RENÉ DUSSAULT: Est-ce
2 que, selon votre perception, les événements de
3 l'été 1990 qui évidemment se sont déroulés ici
4 dans la région métropolitaine de Montréal, est-ce
5 c'est ce qui a le plus nuit au dossier dans les
6 régions plus éloignées, sur le territoire, dans
7 d'autres régions du Québec par rapport au dossier
8 de la faune.

9 Est-ce que c'est plus ça ou est-ce
10 que c'est plus des problèmes dans la relation plus
11 immédiate, ou les deux ensemble?

12 ANDRÉ PELLETIER: Le début des
13 refroidissements, puis là je vais essayer d'être
14 plus diplomatique qu'à mon ordinaire, le début des
15 refroidissements des relations entre la Fédération
16 québécoise de la faune et les représentants
17 autochtones, ça a commencé avec les revendications
18 Attikameks-Montagnais.

19 Là il y eu toutes sortes de
20 démagogies. Les gens ont vu des cartes sur
21 lesquelles théoriquement ils pensaient que les
22 Attikameks-Montagnais réclamaient les deux-tiers
23 de ce qui restait du Québec à part de la Baie
24 James sans faire de distinction entre les
25 revendications territoriales et l'occupation

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1 ancestrale. Les cartes, personne comprenait ça.

2 On a réussi jusqu'à un certain
3 point à désamorcer cette bombe-là avec des
4 représentants du Conseil Attikamek-Montagnais lors
5 de nos congrès. Au moment où on pensait réussir à
6 faire comprendre aux gens comment ça pourrait
7 fonctionner, qu'est-ce qui se passerait avec ça,
8 il est arrivé les événements qu'on connaît avec
9 nos amis Nadoway (PH).

10 Tout le monde sait que c'est
11 difficile de gérer le problème autochtone dans son
12 ensemble parce qu'il n'y a pas un problème
13 autochtone, il y a 11 problèmes autochtones.
14 Chaque nation a ses propres revendications puis
15 ses affaires à elle. Ça, je le sais.

16 Il y a jamais eu d'unité politique
17 à l'intérieur des Autochtones, puis je crois
18 encore moins à l'Assemblée des Premières nations,
19 je m'excuse. Ajoutez deux ou trois choses
20 ensemble. Tous ceux qui essayaient de travailler
21 dans l'intérêt de la faune et d'un rapprochement
22 entre les Autochtones et les non-Autochtones se
23 sont senti trahis au dernier degré deux ou trois
24 fois d'affilée. Et j'en suis.

25 Je vous le dit honnêtement, j'ai

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1 plus le goût de me battre pour ça aujourd'hui
2 parce que j'ai l'impression que je travaille tout
3 seul et pour rien.

4 Pendant que j'essaie de convaincre
5 les Blancs un peu trop cow-boy à mon goût les
6 Indiens passent leur temps à faire des choses qui
7 m'enlèvent tous mes arguments et qui donnent
8 souvent raison à ceux qui sont des extrémistes de
9 l'autre côté.

10 Le Pont Mercier, c'était de la
11 folie furieuse, Oka, ça pas plus d'allure. et
12 après ça il y a des hommes politiques autochtones
13 qui viennent ajouter la cerise sur le sundae en
14 déclarant que nous autres, Québécois, on n'est pas
15 un peuple, et on connaît toute la suite de ça. Je
16 m'excuse, mais je suis un Québécois trop rouge
17 pour être blanc et trop blanc pour être rouge,
18 mais quand même nationaliste, ce qui est le cas de
19 beaucoup de Québécois.

20 Ces gens-là sont venus nous dire,
21 écoutez, en plus nous autres de ne pas avoir
22 d'unité politique on ne reconnaît pas la vôtre.
23 Il y a des Autochtones qui des fois on se demande
24 s'ils jouent pas le jeu justement de la
25 provocation pour le fun de la provocation, un, et

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1 deuxièmement je peux vous dire que les Nadoway ont
2 fait reculer la cause du rapprochement autochtone
3 blanc de 20 ans d'un seul coup. Il n'a plus été
4 possible de parler à beaucoup de gens, même pas
5 d'essayer d'imaginer qu'il pouvait y avoir un
6 rapprochement.

7 Je vous dit que pour les deux
8 derniers congrès de la Fédération québécoise de la
9 faune j'ai pas osé inviter un Autochtone, j'avais
10 peur que les gens se comportent envers eux d'une
11 façon qui aurait été inacceptable. J'ai pas osé.

12 Personnellement j'ai peut-être
13 nuit à cette cause-là justement de m'être trop, au
14 début, pas vanté mais d'avoir osé affirmer que
15 j'étais un Métis, parce que tous ceux qui étaient
16 contre la cause autochtone à ce moment-là se sont
17 servis de ce fait-là pour dire que je devenais
18 quelqu'un de partial, parce qu'être à moitié
19 Indien des fois c'est bien trop être Indien.
20 C'est facile d'oublier que l'autre moitié est
21 blanche. Des fois je me demande si je suis pas
22 trop blanc.

23 Je m'excuse, c'est un peu émotif.
24 C'est parce que je suis en train de me défouler de
25 mes frustrations des six dernières années. C'est

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1 un peu mon testament de tentative de
2 rapprochement, je ne sais pas. Il y a des gens
3 dans la salle ici qui savent que j'ai toujours
4 travaillée avec mes tripes. Là, je m'excuse, mais
5 elles sont usées. Elles ont trop traîné sur les
6 tables.

7 COPRÉSIDENT RENÉ DUSSAULT: Je
8 pense que votre témoignage devant la Commission ce
9 matin est important. Vous résumez assez bien ce
10 que plusieurs personnes ont vécu au Québec et pour
11 la Commission c'est important d'entendre les deux
12 côtés de la médaille. L'entendre par quelqu'un
13 comme vous qui a essayé de travailler au
14 rapprochement c'est encore plus percutant.

15 Je pense qu'il est évident que ça
16 démontre l'énorme travail qu'il y a à faire de
17 façon générale mais de façon plus particulière sur
18 le terrain et dans le domaine de la protection de
19 la faune donc également de la gestion de la
20 ressource.

21 Nous avons eu l'occasion il y a 15
22 jours à Montréal d'avoir une présentation du
23 Conseil Attikamek-Montagnais, qui donnait un peu
24 l'état du résultat des négociations. Il est
25 évident qu'il y a beaucoup d'incompréhension

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1 réciproque qui circule dû souvent à une
2 information qui est grossie. On prend les moyens
3 extrêmes pour démontrer des choses mais souvent
4 les nuances ne sont pas faites et ce qui ressort
5 dans le public c'est la partie extrême du message.

6 Pour un ce matin je voudrais vous
7 remercier d'être venu faire cette présentation à
8 la Commission. Je pense qu'elle est très
9 importante.

10 Avant de terminer je voudrais
11 demander à ma collègue, Mary Sillett, de vous
12 adresser la parole.

13 COMMISSIONER MARY SILLETT: Thank
14 you very much.

15 I would just like to thank you
16 very much for making this presentation. I think
17 one of the things that was clear to us even before
18 we began this Commission was that there is
19 definitely a lot of conflict over the issues of
20 lands and resources, and we've heard that i spades
21 throughout the country.

22 As Mr. Dussault said, we heard
23 from the Canadian Wildlife Federation in Toronto
24 and clearly there are many problems, and clearly
25 there are many frustrations, not only by

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1 Aboriginal people but by Aboriginal peoples as
2 well.

3 One of the things that you
4 mentioned in your presentation was the need for
5 Aboriginal history. I always remember the words
6 of one presenter in Davis Inlet, and I shall never
7 forget them no matter how old I live to be. He
8 said, I used to have to go to school, I used to
9 have to go to school in a white school, he said.
10 He said, I learned about how great John A.
11 MacDonald was. He said, I learned about how great
12 Joey Smallwood was, but not once, never once was I
13 taught about the richness of my own people and the
14 richness of my own culture.

15 That's one presenter, but his
16 words were echoed right across the country for
17 Aboriginal history to be taught in the schools for
18 Aboriginal languages to be respected in the
19 schools. So you as well have said that.

20 I guess you're very, very
21 emotional and I was getting sort of frustrated too
22 because there seems to be no light at the end of
23 the tunnel sometimes on many of these issues.

24 Just for clarification, I just
25 wondered if you could tell me within your

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1 organization what are the most contentious issues?
2 You mentioned subsistence hunting. You said for
3 example people shoot waterfowl and say that's
4 subsistence hunting, then you begin to wonder what
5 is subsistence hunting. So that's an issue that
6 you've identified.

7 You've also identified a unifying
8 theme in all of these would be forest management.
9 So I was wondering if you could clarify for me
10 what are the most contentious issues within the
11 Provincial Wildlife Federation. I suspect that
12 the issues are somewhat different maybe at the
13 National Wildlife Federation.

14 If you could clarify for me the
15 unifying things. You mentioned forest management.
16 Are there any other themes that Aboriginal and
17 non-Aboriginal people can see as unifying themes,
18 could see as opportunities for working together?

19 **ANDRÉ PELLETIER:** Si vous me
20 permettez je vais répondre en français parce que
21 je ne sus pas très habile en anglais.

22 Contrairement à la Fédération
23 canadienne de la faune qui effectivement de façon
24 globale à travers tout le Canada a un contentieux
25 beaucoup plus lourd avec les Autochtones que ce

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1 qu'on a au Québec...c'est un peu bizarre. Les
2 Québécois sont peut-être ceux à travers tous les
3 Canadiens qui ont le moins -- je parle toujours
4 dans le domaine de la gestion faunique, j'aborde
5 pas de sujets politiques.

6 Les Québécois sont peut-être les
7 Canadiens blancs qui ont le moins de contentieux
8 avec les Autochtones dans le sens qu'ici il n'y a
9 pas de grand problème, entre guillemets, de
10 pillage de rivière à saumon, il n'y a aucune
11 espèce faunique qui est prélevée énormément plus
12 par les Autochtones que par les... Au niveau du
13 partage de la ressource on n'a pas de problème
14 vraiment ici.

15 Il reste quelques petites
16 questions qui vont se poser comme, exemple, le
17 Québec vient de se doter d'une nouvelle politique
18 de gestion des chappetels (PH) d'originaux où il y
19 a des règles du jeu très sévères. Les chasseurs
20 blancs ont décidé de se serrer la ceinture de
21 deux, trois crans, si vous voulez.

22 La question qu'on s'est posée est
23 est-ce que les préleveurs autochtones vont nous
24 donner un coup de main pour essayer d'assurer
25 encore plus fortement la pérennité de la ressource

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1 originale? On n'a pas de garantie là-dessus.

2 Par contre, ce qu'à peu près tous
3 les Blancs sont prêts à admettre en même temps
4 c'est que le pourcentage d'orignaux abattus par
5 les Autochtones n'est pas significatif dans
6 l'ensemble du dossier. Sauf qu'au niveau du
7 symbole si les Autochtones décidaient de poser les
8 mêmes gestes que les Blancs pour essayer
9 d'améliorer la qualité de leur troupeau, c'est le
10 genre de chose qui pourrait rapprocher les deux
11 groupes facilement.

12 Au Québec il y a eu dans le passé
13 certains contentieux. Ils avaient surtout trait à
14 quelques rivières à saumon. Depuis quelques
15 années ce problème-là s'est réglé d'une façon
16 éclatante. D'ailleurs, moi j'envie fortement à
17 certaines occasions mon ami Bernard Beaudin de la
18 Fédération du saumon de l'Atlantique du Québec,
19 qui a réussi à faire ce que moi j'essayais de
20 faire à la Fédération, à savoir carrément "if you
21 can't beat them, join them".

22 C'est ce qu'il a fait avec les
23 Autochtones et ça fonctionne tellement bien que,
24 comme je vous dit, j'en suis jaloux presque.

25 Sur le territoire même, exception

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1 faite de quelques gestes de provocation, où des
2 Indiens vont chasser avant saison en s'assurant
3 que les journalistes sont sur place, une oie
4 blanche quand c'est pas le temps ou un orignal
5 quand c'est pas le temps. Mais tout ça ce sont
6 des gestes de provocation isolés, qui n'arrangent
7 pas les affaires, en passant, mais qui ne mettent
8 pas en danger la gestion de la faune.

9 C'est pour ça que le Québec était
10 presque dissident à l'intérieur de la Fédération
11 canadienne quant au mémoire qui a été déposé par
12 la Fédération canadienne. D'ailleurs, on a
13 toujours été ou à peu près toujours été des
14 dissidents à l'intérieur du comité autochtone de
15 la Fédération canadienne.

16 Il y a quelques années quand
17 c'était un copain à moi du Yukon qui était le
18 chairman du comité des affaires autochtones à la
19 Fédération canadienne je participais à ces
20 travaux-là et à un moment donné disons que les
21 moderies de la Fédération canadienne ont été un
22 peu tassées au profit de personnes qui avaient des
23 vues beaucoup plus radicales. À ce moment-là je
24 me suis retiré du comité autochtone de la
25 Fédération canadienne, pour finalement me faire

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1 doubler aussi dans ma propre Fédération par des
2 éléments un peu plus radicaux aussi.

3 En clair au Québec on n'a pas
4 l'impression qu'il y a vraiment de contentieux sur
5 le terrain comme tel. Évidemment il y a des gens
6 qui se sentent menacés par les revendications
7 territoriales parce que le territoire est occupé,
8 que voulez-vous. Je veux dire des Blancs, il y en
9 a partout en forêt. Alors quand les Autochtones
10 viennent réclamer des droits, il y a des gens qui
11 ont des chalets là depuis des fois des années ou
12 qui chassent traditionnellement eux aussi, parce
13 que la tradition au Québec, je m'excuse, mais la
14 chasse commence à être longue pour nous aussi.
15 Elle commence à être longue.

16 Je peux même me vanter en tant que
17 Québécois que mes ancêtres aient chassé plus
18 longtemps au Québec que certains groupes
19 autochtones qui sont arrivés après mes ancêtres
20 blancs. L'immigration, ça a fonctionné dans tous
21 les sens. Évidemment je ne parle pas de mes
22 ancêtres algonquins. Là ce serait plus long.

23 J'espère que j'ai su répondre un
24 peu à votre question.

25 COMMISSIONER MARY SILLETT: Thank

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1 you very much.

2 **COPRÉSIDENT RENÉ DUSSAULT:** Je
3 voudrais vous remercier de vous être déplacé et
4 d'être venu rencontrer la Commission pour faire ce
5 témoignage, qui est très éclairant à plusieurs
6 égards.

7 **ANDRÉ PELLETIER:** Meegwetch.

8 **COPRÉSIDENT RENÉ DUSSAULT:** Merci
9 beaucoup. Meegwetch.

10 Nous allons suspendre pour deux
11 minutes. Nous reprendrons l'audience
12 immédiatement par la suite avec la présentation du
13 juge Jean-Charles Coutu.

14 --- Suspension de l'audience à 9 h 51

15 --- Reprise de l'audience à 10 h 06

16 **COPRÉSIDENT RENÉ DUSSAULT:** La
17 Commission royale sur les peuples autochtones au
18 Canada reprend les audiences publiques avec la
19 présentation du Juge Jean-Charles Coutu.

20 **L'HONORABLE JEAN-CHARLES COUTU,**
21 **Juge de la Cour du Québec:** Monsieur le Président,
22 madame Sillett, c'est pour moi un honneur et
23 également un privilège d'avoir été appelé à faire
24 une présentation devant votre Commission, qui est
25 très importante à ce moment-ci de la vie de notre

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1 pays.

2 Comme vous le savez, je suis un
3 vétérane de la justice en milieu autochtone puisque
4 ça fait bientôt 20 ans qu'à un certain moment
5 donné presque à toutes les semaines ou toutes les
6 deux semaines j'étais en milieu autochtone pour
7 aller porter un peu, comme les missionnaires
8 allaient porter l'Évangile, aller porter la
9 justice tant bien que mal.

10 Le constat que j'ai
11 personnellement pu faire après une dizaine
12 d'années c'est que notre système de justice tel
13 que nous l'appliquions chez les Autochtones et en
14 particulier dans l'endroit où je vivais à des
15 occupations, soit le nord du Québec, ne répondait
16 pas souvent aux aspirations des peuples
17 autochtones.

18 D'ailleurs, il ne faudrait pas
19 penser que c'est seulement aux besoins des
20 Autochtones que ce système de justice ne répond
21 pas. Il ne répond pas aussi aux besoins des
22 Blancs. Souvent je dis, à titre d'exemple, en
23 préconisant de nouveaux modes d'administration de
24 la justice et d'une nouvelle réflexion sur
25 l'administration de la justice, il y a dix ans au

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1 Québec il y avait un prisonnier par cellule dans
2 les prisons. Aux États-Unis ils étaient rendus à
3 deux ou trois, eux autres. Aujourd'hui aux États-
4 Unis ils sont rendus à dix, nous on est peut-être
5 rendus à trois. Combien en aurons-nous par
6 cellule dans dix ans? Et ça, je parle dans le
7 territoire blanc.

8 Je pense qu'il y a une profonde
9 réflexion que nous devons faire et ce que j'ai dit
10 à différentes c'est que les expériences que nous
11 voulons faire en milieu autochtone je pense que
12 nous pourrions également les faire chez nous, et
13 peut-être avec succès, et que nous apprendrions
14 également des communautés autochtones à mieux
15 administrer notre propre justice.

16 J'ai déposé certains documents qui
17 sont des réflexions faites au cours des années sur
18 notre expérience. En réalité c'est depuis 1983
19 que nous essayons, au ministère de la Justice, des
20 gens qui travaillent dans le milieu, soit les
21 avocats de la défense, les avocats de la
22 poursuite, les juges, les greffiers, les gens qui
23 travaillaient sur le plancher des vaches, disons,
24 quoiqu'elles soient peu nombreuses dans le Nord,
25 c'est plutôt des caribous, nous avons essayé de

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1 trouver de nouveaux modes d'administration de la
2 justice et travailler ensemble à élaborer ça et
3 évidemment convaincre en même temps les autorités
4 gouvernementales d'améliorer la situation.
5 Également ça m'a amené personnellement à faire
6 certaines réflexions.

7 Alors je vous ai déposé certaines
8 petites conférences que j'ai faites à l'occasion,
9 dont une première à l'Association en avril 1991
10 qui reprenait en gros un peu l'histoire de
11 l'administration de la justice en milieu
12 autochtone au Québec, surtout depuis 1970, parce
13 que vraiment c'est à ce moment-là que ça commence
14 un peu plus suite à la cause de la Reine v.
15 Itoshat (PH), qui avait eu lieu à Montréal, où une
16 cause avait été arrêtée parce que le juge Malouf
17 avait décidé que ça avait aucun sens que quelqu'un
18 soit jugé à Montréal alors qu'il venait de
19 Koodjoirapic (PH), Poste de la Baleine dans le
20 temps, qui était à 2 000 milles de chez lui.

21 Il se demandait comment un homme
22 pouvait avoir un procès juste et équitable à
23 Montréal, ce en quoi il avait entièrement raison.

24 C'est un peu ça qui a été le début
25 de la réflexion du ministère de la Justice et des

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1 Québécois, je pense bien, sur l'administration de
2 la justice en milieu autochtone. C'est à la suite
3 de ça d'ailleurs qu'il y a eu un rapport et que la
4 cour itinérante du Nord a été organisée.

5 J'ai fait un peu cette historique-
6 là et dans ce document on préconise un genre de
7 modèle apparenté à celui qui se retrouve dans la
8 Loi sur les jeunes délinquants, sur des modèles de
9 rechange qui pourraient être mis en oeuvre par des
10 comités locaux de justice.

11 Enfin, ce document se termine par
12 une série de réflexions sur des idées, par
13 exemple, quand on parle de la tradition, est-ce
14 que la tradition peut vraiment répondre à tous les
15 besoins modernes. Il y a également le fait qu'il
16 faut respecter les chartes, qu'on n'a pas à tout
17 réinventer quand même, qu'il y a quand même une
18 tradition qui existe, tant chez les Autochtones
19 que chez les Blancs. Des traditions juridiques
20 qu'il faudrait également respecter, et qu'on ne
21 recommencera pas à bâtir l'univers demain matin à
22 partir de rien.

23 Il y a un deuxième document que je
24 vous ai déposé, qui est une réflexion que j'ai
25 faite en 1972 qui s'intitulait "Le sona à Ovide

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1 Mercredi". C'est un peu accrocheur comme titre
2 mais c'était tout simplement pour...le sous-titre
3 était "Sommes-nous si différents les uns des
4 autres?"

5 Avec plaisir j'ai revu dans le
6 document qui a été publié par la Commission par M.
7 John Giokas on retrouve ces idées-là exactement la
8 même idée dans ce document à l'effet que non, dans
9 le fond tout ce qu'on veut c'est la paix. On veut
10 l'harmonie, on veut la réintégration de ceux qui
11 enfreignent les règles de la société, on veut
12 qu'ils soient réintégrés dans la société et qu'ils
13 s'amendent. Je pense bien qu'on soit autochtones
14 ou qu'on soit blancs on a les mêmes vues, on a les
15 mêmes objectifs.

16 Un autre petit document que je
17 vous ai déposé est une réflexion sur la
18 participation des femmes autochtones du Canada à
19 des modèles complémentaires d'administration de la
20 justice, tout simplement pour souligner qu'à mon
21 avis les femmes autochtones ont un grand rôle à
22 jouer et elles devraient le jouer de façon très
23 imminente et présente dans la mise en place de
24 modèles d'administration de la justice, et ce pour
25 plusieurs motifs.

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1 Le premier motif est qu'elles sont
2 les premières victimes d'une violence qui est
3 présente d'une façon extrême à mon avis dans
4 plusieurs communautés et deuxièmement, elles sont
5 peut-être plus je dirais -- je vais peut-être
6 passer pour un féministe -- je pense qu'elles sont
7 plus présentes aux besoins de tous les jours. En
8 tout cas elles n'ont pas perdu leur vocation de
9 mère de famille et contrairement aux hommes qui
10 ont perdu souvent leur rôle de pourvoyeur, qui ne
11 se retrouvent plus dans cette société-là, qui
12 jouent à la pêche et qui jouent à la chasse à
13 défaut de faire autre chose, ils sont devenus de
14 grands enfants.

15 Je pense que les femmes ont
16 beaucoup plus conservé le sens du devoir
17 journalier en s'occupant de leurs tâches
18 quotidiennes. Dans ce sens-là elles peuvent
19 sûrement apporter, à cause de cette responsabilité
20 qu'elles assument au jour le jour et de ce sens
21 des responsabilités qui est le leur, elles peuvent
22 apporter énormément au système judiciaire. Et
23 dans les rencontres que j'ai eues à date je les
24 engage à participer activement.

25 Enfin dernièrement, en octobre

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1 1993, à l'Association canadienne de justice pénale
2 j'essayais de répondre à des questions que se
3 posait la Commission pour le Québec. La question
4 était assez claire: Est-ce que les Autochtones,
5 les communautés autochtones, l'ensemble des
6 communautés autochtones, la plupart d'entre elles
7 sont-elles prêtes à assumer un système judiciaire
8 complet actuellement?

9 Ma réponse, pour des motifs que
10 vous retrouverez dans ce document-là, c'était non.
11 Ces motifs-là sont exprimés. En particulier il y
12 a celui de cette éthique de non-intervention qui
13 existe que j'ai moi-même constaté lors des
14 audiences de cours que j'ai pu avoir dans le Nord,
15 mais une éthique de non-intervention dans la vie
16 de l'autre qui était peut-être valable au moment
17 où des gens vivaient en petites communautés, dans
18 une petite société, de petits groupes homogènes,
19 dans des collectivités de deux, trois familles,
20 mais qui à mon avis n'a plus son sens aujourd'hui
21 si on veut faire face au monde moderne et à
22 l'arrivée de la technologie, la multiplication des
23 relations entre les gens, qui sont à la fois
24 courtes et multiples.

25 Il faut absolument que cette

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1 éthique de non-intervention, à mon avis, évolue
2 parce qu'elle a beaucoup, et je le dis dans le
3 texte, elle a beaucoup d'effets même sur la façon
4 d'élever les enfants. Je pense qu'il est
5 important que...la discipline, ça s'acquiert.

6 Je disais déjà en 1977, en parlant
7 des Inuits en particulier, lorsqu'il y avait des
8 igloos personne cassait des vitres. Depuis ce
9 temps-là ça a changé énormément. Il y a des
10 vitres dans les maisons, et on casse des vitres.

11 On a multiplié par 1 000 les
12 occasions d'enfreindre les règles de la société,
13 qui étaient peu nombreuses anciennement mais qui
14 sont devenues de plus en plus nombreuses.

15 Ces réflexions que j'ai dans ces
16 documents que j'ai déposés c'est pas des oeuvres
17 d'un grand savant, mais des réflexions de
18 quelqu'un qui travaille au jour le jour avec les
19 gens, qui essaie de comprendre cette réalité-là et
20 qui depuis 20 ans voit une situation se détériorer
21 quand même énormément à cause de l'arrivée de tous
22 les moyens de communication surtout.

23 Quand on pense que la télévision
24 dans le Nord en particulier, en 1981 il n'y avait
25 pas de télévision. Elle est arrivée en 1981, la

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1 télévision. Alors vous comprenez que dans
2 l'espace de 13 ans la télévision, la vidéo, la
3 pornographie, tout ça est entré rapidement dans
4 les communautés et c'est bien sûr qu'elles
5 n'étaient peut-être pas prêtes complètement à
6 recevoir tout ce modernisme, si on peut appeler ça
7 modernisme -- les inconvénients du modernisme.

8 J'ai lu avec intérêt le document
9 préparé par M. Giokas, qui a été j'imagine
10 commandé par la Commission, qui est le rapport sur
11 la table ronde sur les questions judiciaires. Je
12 pense que dans ce document il y a vraiment
13 l'essence même des orientations que devrait
14 prendre éventuellement, et je pense à travers tout
15 le Canada, que devrait prendre l'administration de
16 la justice, comment on devrait s'y prendre pour
17 administrer une meilleure justice à travers tout
18 le Canada et en milieu autochtone.

19 Je pense que l'essentiel est là.
20 Évidemment ce document est très complet, réfère à
21 de multiples commissions qui ont eu lieu à travers
22 tout le Canada. Ça fait longtemps qu'on étudie.
23 Comme disait le Frère Desbiens dans un de ces
24 documents, "j'ai jamais vu un peuple autant étudié
25 au monde", et je pense qu'il a un peu raison.

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1 Je voudrais arriver aux
2 conclusions de M. Gionkas à la page 223 de ce
3 document qui faisait partie probablement d'un
4 autre document.

5 À la fin du document il dit, en
6 parlant des peuples autochtones:

7 "À cet égard ils détiennent
8 une bonne longueur d'avance
9 sur les autres Canadiens et
10 Canadiennes et acceptent de
11 plus en plus difficilement
12 l'hésitation et l'impuissance
13 des hommes politiques, des
14 juges, et des responsables de
15 l'administration de la
16 justice non-autochtone à
17 reconnaître le caractère
18 inévitable de ces
19 changements."

20 Dans son dernier paragraphe:

21 "Il ne s'agit pas là d'un
22 programme irréalisable.
23 L'invraisemblable c'est de se
24 croiser les bras. C'est la
25 raison pour laquelle notre

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1 document s'ouvre sur un
2 paradoxe, pour se terminer
3 par une question.
4 Après une trentaine
5 d'enquêtes et de rapports sur
6 la justice autochtone les
7 Canadiens, autochtones ou
8 pas, sont-ils enfin décidés
9 en 1992 à arrêter de parler
10 du problème et à manifester
11 le courage nécessaire pour
12 commencer comme partenaire à
13 faire quelque chose à ce
14 sujet?"

15 C'est exactement dans cette
16 optique-là que le comité de consultation sur
17 l'administration de la justice autochtone au
18 Québec a été mis sur pied par le ministre de la
19 justice suite au sommet de la justice qui avait eu
20 lieu en février 1992.

21 Il faut dire que ça faisait suite
22 à toute une série de démarches que nous avons
23 faites depuis dix ans et auxquels ont participé,
24 comme je vous disais tantôt, tous les acteurs du
25 système judiciaire dans le Nord, et également ceux

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1 qui étaient responsables à Québec au niveau de la
2 coordination aux Affaires autochtones,
3 responsables du dossier de justice.

4 Depuis ce temps-là mémoire sur
5 mémoire, document par-dessus document, nous
6 essayons de convaincre tout le monde d'en arriver
7 à de nouvelles formes d'administration de la
8 justice. Si bien que vers l'année 1988 et début
9 1989 un genre de politique générale a été acceptée
10 par le ministère de la Justice.

11 Suite à ça ils convenaient, je
12 pense, que nous allions consulter les communautés
13 autochtones sur les orientations que nous croyons
14 bonnes dans l'administration de la justice. Non
15 seulement nos solutions pouvaient être bonnes,
16 mais elles devaient être acceptées par les
17 communautés autochtones et c'est à la suite du
18 sommet de la justice que le ministre de la Justice
19 a accepté de former un comité pour aller consulter
20 les Autochtones.

21 Je vous ai déposé un document qui
22 s'intitule, et je pense que le titre est très
23 clair, c'est "Vers une prise en charge de
24 l'administration de la justice par les communautés
25 autochtones du Québec".

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1 Si dans la dernière conférence que
2 je vous ai soumise je disais non, les communautés
3 ne sont pas prêtes, ça ne veut pas dire qu'il ne
4 faut rien faire. Au contraire, il faut commencer
5 à trouver des moyens pour que les communautés
6 autochtones de plus en plus prennent des
7 responsabilités dans l'administration de la
8 justice.

9 C'est un document de travail qui
10 est très terre-à-terre, qui se situe dans la
11 limite des choses possibles qui peuvent se faire
12 rapidement.

13 Dès le début, dans l'avant-propos
14 de ce document vous remarquerez que nous faisons
15 une mise en garde à l'effet que tout ce qui est
16 proposé là c'est sans préjudice à toute position
17 politique que peuvent adopter les communautés
18 autochtones. Et ça reprend dans le fond ce qu'il
19 y a dans le document de la Commission dans le
20 document de M. Giokas dans le sens que si on
21 attend que les grandes revendications soient
22 réglées, il y a rien qui va se faire.

23 Il faut commencer quelque part, et
24 je pense que ça répond à ces idées exprimées dans
25 le document de la Commission.

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1 Ce que l'on dit au dernier
2 paragraphe de la page 1, et ça c'est peut-être
3 important aussi, c'est qu'en réalité "toute
4 expérience, même partielle, de prise en charge
5 d'administration de la justice par les communautés
6 autochtones se situera dans un processus évolutif
7 et aura l'avantage de préparer les communautés à
8 la prise en charge plus complète mentionnée ci-
9 haut".

10 C'est-à-dire que si éventuellement
11 il doit y avoir une autonomie complète des
12 communautés autochtones, il va au moins y avoir
13 des gens qui seront avertis et qui seront préparés
14 pour prendre charge de ce système. Sauf que je
15 remarque une des conclusions et avec laquelle
16 j'abonde dans le document de M. Giokas.

17 Il donnait quatre conditions ou
18 quatre constats. Le dernier était que la prise en
19 charge de l'administration de la justice par les
20 communautés autochtones ne pourra pas se faire
21 indépendamment de ce qui existe dans l'ensemble du
22 pays. Et je pense que ça c'est une réalité qu'on
23 ne doit pas contourner. C'est incontournable
24 parce que le reste de la population ne disparaîtra
25 pas du jour au lendemain. Il faut qu'il continue

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1 à y avoir une harmonisation, si vous voulez, entre
2 les systèmes qui pourraient exister.

3 Dans le document que nous avons,
4 qui est un document qui est quelques orientations
5 possibles, nous n'en excluons pas d'autres. Dans
6 le fond il n'y a pas grand-chose de nouveau. On
7 parle de médiation, de non-judiciarisation, et de
8 judiciarisation par le juge de paix. C'est pas
9 grand-chose de nouveau. Ce sont des choses dont
10 on parle depuis 20 ans, mais il semble qu'il n'y a
11 pas grand monde qui a commencé à appliquer de
12 façon globale et rationnelle.

13 On voit bien à travers tout le
14 Canada qu'il y a des expériences partielles qui se
15 font, des expériences de médiation, des
16 expériences de déjudiciarisation surtout. Ce que
17 nous présentons ici, ce que nous espérons qui sera
18 éventuellement mis en marche, mis en place au
19 Québec, parce que là on parle pour le Québec,
20 c'est un plan global et évolutif, c'est-à-dire se
21 tenir loin de ces petits programmes qui durent un
22 an ou deux et qui tombent après parce qu'il n'y a
23 plus de fonds.

24 Quand on a un greffier dans un
25 palais de justice, pour vous donner un exemple

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1 simple, c'est quelque chose de permanent. Quand
2 le greffier part, on en engage un autre puis on en
3 met un autre à sa place.

4 Alors il faut peut-être sortir de
5 cette culture des programmes qui sont temporaires.
6 C'est bien sûr que ces programmes temporaires là
7 peuvent être très bons pour des choses
8 temporaires, mais je pense ce qui est important au
9 niveau de la justice c'est d'instaurer des choses
10 permanentes.

11 C'est l'orientation que nous
12 prenons dans ce document-là et nous espérons
13 évidemment comme comité de consultation, on sait
14 que le ministère de la Justice a beaucoup de bonne
15 volonté, sauf que es différents conseils du Trésor
16 du pays, même s'ils ont des bonnes volontés, n'ont
17 pas toujours tous les moyens.

18 Ce que nous préconisons ici ne
19 demande pas des sommes énormes. Ça demande
20 beaucoup plus de bonne volonté de la part des gens
21 qui agissent dans le système judiciaire et
22 également de la bonne volonté de la part des
23 communautés autochtones.

24 Je passe rapidement à la
25 médiation. Je pense que ce n'est pas nécessaire

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1 d'élaborer longtemps sur ça. On est d'abord dans
2 ce document-là toujours nomination, compétences,
3 fonctionnement, comment devrait se prendre la
4 décision. C'est un petit code de procédure
5 succinct mais qui est très précis pour aider les
6 personnes à s'y retrouver. On parle de
7 non-judiciarisation. Je pense que c'est très
8 important de souligner ici au Québec qu'on parle
9 de non-judiciarisation plutôt que de
10 déjudiciarisation.

11 On sait qu'au Québec toutes les
12 plaintes criminelles ou pénales qui sont portées
13 le sont après avoir été transmis au procureur de
14 la Couronne. Les dossiers sont donc évaluées
15 avant. Ce n'est pas la police qui porte
16 directement ces plaintes et le dossier est référé
17 après au procureur de la Couronne, de sorte qu'il
18 y a un genre de tamisage des plaintes qui est
19 faite, et c'est dans ce sens-là que dans les
20 discussions que nous avons eues au ministère de la
21 Justice nous croyons plutôt à une non-
22 judiciarisation.

23 Quand on judiciarise, on
24 judiciarise et on va au bout, mais on décide avant
25 de judiciariser ou non.

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1 Ce que je voudrais ajouter c'est
2 qu'il y a des choix dans ça. Une communauté peut
3 très bien dire moi, je ne fais que de la
4 médiation, en organisant qu'un système de
5 médiation. Une communauté pourra dire nous, tout
6 ce qu'on veut faire, on veut avoir un juge de paix
7 puis on veut judiciariser nos petits règlements,
8 nos choses, nos règlements de bande ou encore nos
9 règlements municipaux si on parle des Inuits, on
10 veut judiciariser ça par le juge de paix, mais on
11 ne veut pas aller plus loin que ça. Libre à cette
12 communauté de choisir ça.

13 En d'autres mots, ce que nous
14 proposons c'est très flexible et ça aussi au
15 rythme de la volonté des communautés, et au rythme
16 aussi de leurs capacités.

17 Lorsqu'on parle de non-
18 judiciarisation on parle d'un comité de non-
19 judiciarisation. C'est quelque chose de semblable
20 à ce qui est développé dans la Loi sur les jeunes
21 contrevenants. C'est le même système, en fait,
22 pour les adultes. Ça fait une justice
23 communautaire.

24 C'est peut-être là qu'on peut
25 retrouver le plus, en tout cas si les communautés

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1 autochtones le veulent c'est dans la non-
2 judiciarisation qu'ils ne pourront le plus
3 retrouver ou mettre en application des coutumes
4 ancestrales ou des traditions parce qu'à ce
5 moment-là ils seront les maîtres d'oeuvre de la
6 sanction, maîtres d'oeuvre de la façon de
7 redresser les tâches.

8 On fait à la page 8, en haut, une
9 liste non-exhaustive des possibilités de décisions
10 que pourrait prendre un tel comité de non-
11 judiciarisation. Vous voyez dans ça que dans
12 beaucoup de cas ça rejoint ce qu'on retrouve déjà
13 dans nos propres lois. Le blâme public évidemment
14 on n'a pas trop souvent ça mais ce sont des choses
15 qui sont essayées qui sont assez bonnes à certains
16 endroits -- la réparation du tort causé, le
17 restitution, les travaux communautaires, don à un
18 organisme ou à la communauté, l'aide aux familles
19 défavorisées.

20 Là on entre dans des choses plus
21 traditionnelles: Un stage axé sur les activités
22 traditionnelles, détentions volontaires de nuit
23 ou de fins de semaine, c'est-à-dire que quelqu'un
24 accepte d'être mis à part pour une fin de semaine
25 sans qu'il y ait nécessairement de prison, mais

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1 par la pression de la communauté il accepte ça.
2 Participation à des ateliers de thérapie où des
3 sujets tels que la violence, l'agression sexuelle,
4 l'abus d'alcool et de drogue.

5 Je dois dire que des choses comme
6 ça il y a déjà des communautés qui ont commencé ça
7 au Québec.

8 La judiciarisation c'est le
9 deuxième modèle, si vous voulez, communautaire.
10 Le troisième c'est la judiciarisation par le juge
11 de paix. Pourquoi est-ce qu'on parle d'un modèle
12 communautaire? Évidemment ce serait le juge de
13 paix local, le juge de paix autochtone. C'est
14 dans ce sens-là que c'est communautaire, ça vient
15 de la communauté.

16 Alors on prévoit sa nomination, sa
17 compétence. On parle aussi de compétences
18 attribuables avec amendement, compétences
19 attribuables sans amendement aux lois. Il y a des
20 remarques importantes et je pense que tout le
21 fonctionnement est prévu. Et on peut aller très
22 loin avec ça avec les juges de paix.

23 Évidemment il y a des problèmes de
24 constitution qui peuvent se poser. Ce n'est pas
25 nécessairement des avocats qui froncent là. Mais

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1 je pense qu'il faut essayer, sinon de contourner,
2 mais de prendre de face ces réalités-là. Donc
3 quand les problèmes se poseront on construira les
4 ponts et on fera les amendements qu'il faut aux
5 lois.

6 Le juge de paix, au même titre que
7 le Tribal Court ou le Tribal Judge aux États-Unis
8 ou ailleurs, peut avoir beaucoup de pouvoirs. Par
9 exemple, en Alaska je sais que les tribal judges,
10 les tribal courts, vont s'occuper par exemple
11 d'adoptions traditionnelles. Il y a trois sortes
12 d'adoptions là-bas qui sont prévues en Alaska,
13 deux ou trois sortes.

14 Ici au Québec on est encore avec
15 notre loi d'adoption du Code civil, mais pourquoi
16 ne pourrait-on pas d'ici quelques années, en
17 travaillant un peu avec les communautés, en ayant
18 plus de connaissances de ce qu'est l'adoption
19 traditionnelle, incorporer ça à nos lois.
20 Pourquoi pas?

21 Je pense que ce sont des choses
22 qui pourraient se faire. Ce que j'ai vu, moi, en
23 Alaska c'était des gens qui n'étaient pas des
24 avocats, qui rendaient des jugements. Mais
25 finalement les formules qu'ils utilisaient pour

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1 rendre jugement étaient exactement les mêmes que
2 moi-même j'utilise lorsque j'ai à rendre des
3 jugements d'adoption. Il n'y a rien qui s'invente
4 nulle part.

5 Aujourd'hui il y a des services
6 sociaux qui existent dans toutes les communautés,
7 alors il y a des paramètres possibles pour assurer
8 que les adoptions se fassent bien, de sorte que le
9 juge de paix pourrait éventuellement avoir un
10 rôle, même dans les affaires civiles, en
11 particulier en matière d'adoption et aussi en
12 matière de protection.

13 Notre loi de la Protection de la
14 jeunesse pourrait sûrement être éventuellement
15 amendée pour permettre aux communautés dans
16 certains cas de s'occuper de protéger les enfants.
17 Et pourquoi les communautés ne pourraient-elles
18 pas s'occuper de leurs propres enfants au lieu de
19 toujours confier ça à des gens de l'extérieur qui
20 n'y comprennent peut-être pas grand-chose à un
21 certain moment donné?

22 De toute façon vous voyez dans ça
23 toutes les approches, toutes les discussions que
24 ça nécessite avec les différents organismes. Je
25 pense qu'on est au début d'un processus qui ne

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1 sera pas facile. C'est un processus qui va
2 prendre 5, 10, 15, 20 ans, mais il faut prendre le
3 temps de bâtir à partir de la base, finalement.

4 À la section B à la page 12 on
5 vous parle d'un comité de justice. Il ne faudrait
6 pas voir une contradiction avec ce qui a été dit
7 avant. Ce qui a été dit avant, on propose trois
8 modèles. Je vous disais que les communautés ont
9 le choix. Ils peuvent décider de seulement faire
10 de la non-judiciarisation ou autre chose.

11 Ce qu'on préconise également c'est
12 l'existence d'un comité de justice local.
13 Quelqu'un m'en parlait tantôt, je ne me souviens
14 pas qui, ici dans la salle on jasant un peu. Par
15 exemple, les juges de paix dans des communautés
16 ici du sud qui reçoivent des menaces et qui ont
17 beaucoup de difficulté à vaguer à leurs
18 occupations ou à remplir leur rôle, et qui
19 démissionnent.

20 C'est un phénomène qui est
21 compréhensif dans des petites communautés et c'est
22 pourquoi nous avons toujours préconisé qu'on
23 devrait avoir un genre de justice communautaire,
24 en tout cas qu'il n'y ait pas une seule personne à
25 supporter tout le poids ou l'odieux de la

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1 sentence, finalement, et que ce soit partagé entre
2 différentes personnes dans la même communauté, que
3 ce ne soit pas seulement une personne qui soit
4 pointée du doigt, et que celui qui commet une
5 infraction sente que c'est toute la communauté qui
6 le condamne, et non pas un seul individu.

7 Et ça c'est très important, parce
8 que je peux vous dire que dans certaines
9 communautés après notre départ lorsque nous
10 voyageons c'est l'interprète qui subit, aussi
11 étrange que ça peut paraître, très souvent c'est
12 l'interprète qui est accusé et qui est blâmé par
13 la famille et les amis du fait qu'une personne a
14 été condamnée à la prison. Et souvent nous avons
15 perdu des interprètes à cause de ce phénomène.

16 Alors il y a vraiment une
17 incompréhension à quelque part du rôle de chacun.
18 C'est pour ça que c'est important, je pense, dans
19 les communautés que ce soit des groupes qui en
20 arrivent à...s'il y a une prise en charge, que
21 cette prise en charge là se fasse de façon
22 communautaire.

23 Si vous avez dans une communauté à
24 la fois un comité de justice de cinq, six ou sept
25 personnes, quelque soit le nombre, vous avez un

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1 conseil de bande ou un conseil municipal à côté
2 qui se tient debout, qui est vigilant et qui
3 accepte les lois, vous avez un ou deux ou trois
4 policiers autochtones, vous commencez déjà à avoir
5 des gens dans une communauté, 10, 12, 15
6 personnes, qui assurent d'une certaine façon un
7 certain contrôle social, contrôle social qui
8 n'existe pas actuellement.

9 J'en parlais un peu tantôt, c'est
10 assez extraordinaire de voir le manque
11 d'organisation sur ce plan-là dans les
12 communautés.

13 Alors quand on parle de comité de
14 justice, finalement, c'est pour regrouper les
15 trois modes, une communauté qu'ils voudraient
16 pourrait très bien avoir un comité de justice dont
17 ferait partie le juge de paix, sur lequel
18 siègerait le DPJ, le directeur de la protection de
19 la jeunesse éventuellement lorsqu'il s'agit de
20 jeunes, qui s'occuperait des causes tant de jeunes
21 que d'adultes, et qui lorsque le temps est venu de
22 signer un document.

23 Par exemple, si on judiciarise
24 quelque chose le comité pourrait être là pour
25 aider le juge de paix à prendre une décision

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1 avertie, et pour la forme de notre système à nous,
2 le juge de paix qui aurait été nommé ferait les
3 signatures, mais dans le fond ce serait une
4 décision communautaire.

5 Le comité de justice c'est peut-
6 être l'organisme qui devrait naître éventuellement
7 dans les communautés. Peut-être pas dans un
8 premier temps, mais dans un deuxième temps, et
9 avoir quelqu'un qui serait formé en médiation à
10 l'intérieur de ce comité-là, et retrouver là en
11 fait ces traditions de médiation et de
12 conciliation qui...on nous dit toujours que c'est
13 ça qui était la façon de régler les problèmes de
14 façon traditionnelle.

15 On pourrait avec ça retrouver ces
16 modes de solution des conflits, que ce soit des
17 conflits civils, que ce soit des conflits
18 criminels ou des infractions pénales.

19 Encore là dans ce document vous
20 avez nominations, compétences, fonctionnement.
21 C'est très concret et, évidemment, c'est pas
22 complet encore. Il y a encore des choses à
23 élaborer mais je peux vous dire que sur le plan de
24 la non-judiciarisation dès 1983-1984 nous avons
25 déjà des formules prêtes pour fonctionner dans ces

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1 systèmes-là et ce sera assez rapide à mettre sur
2 pied.

3 Nous avons ajouté, et ça c'était
4 quelque chose qui n'était pas dans les documents
5 dont je vous parlais de 1988 ou 1989, nous avons
6 ajouté des initiatives possibles dans le système
7 actuel parce que les juges peuvent, et c'est pour
8 ça que c'est ajouté là et je ne me suis pas senti
9 l'obligation de demander la permission à qui que
10 ce soit pour ajouter ces alternatives-là parce que
11 dans le fond les juges ont une certaine discrétion
12 lorsqu'on arrive à consulter les gens pour les
13 sentences, et c'est dans le domaine des sentences
14 où les juges peuvent, avec les communautés,
15 partager une certaine responsabilité.

16 Il y a trois formes: l'audition
17 élargie de témoins assermentés, la consultation
18 auprès du comité de justice -- quand il y a un
19 comité de justice, on pourrait le consulter -- et
20 le cercle de consultation, ce qu'on appelle le
21 sentencing circle, qui est peut-être on dirait la
22 dernière mode en matière d'administration de la
23 justice, dont on parle d'ailleurs dans le document
24 de la Commission, mais qui semble très efficace.

25 Évidemment les juges ont de la

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1 difficulté. Comment on va s'ajuster avec tout ça,
2 je ne le sais pas. Jusqu'où les juges doivent-ils
3 s'impliquer? Jusqu'où doivent-ils être des
4 entraîneurs ou des animateurs? Est-ce que c'est
5 bien leur rôle? Jusqu'où va l'indépendance
6 judiciaire? Il y a toute une série de problèmes
7 qui se posent autour de ça.

8 Moi, je pense, et c'est ma ferme
9 conviction, c'est qu'on doit aller de l'avant. Le
10 juge est investi d'une certaine autorité ou aura,
11 si vous voulez, lorsqu'il va dans les communautés
12 et je pense qu'il peut facilement rendre plus
13 dynamique la communauté par son action.

14 De toute façon j'ai fait moi-même
15 une expérience d'audition élargie de témoins dans
16 un cas à Umiujak, où ce jeune homme avait détruit
17 tout le village. Je peux vous dire qu'à la suite
18 de cette consultation-là, on n'a pas fait de
19 miracle, bien sûr, mais ça a duré six heures.
20 Évidemment il faut prendre le temps aussi de faire
21 ces choses-là.

22 Je peux vous dire qu'en fin de
23 soirée lorsque nous sommes repartis prendre
24 l'avion la communauté était...et on a vécu une
25 expérience assez extraordinaire. On avait

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1 quasiment une haie d'honneur pour tout le
2 personnel de la Cour qui prenait l'avion parce
3 qu'on les avait consultés. On nous serrait les
4 mains, on nous serrait quasiment dans leurs bras
5 même si on amenait le gars en prison, parce qu'on
6 avait écouté la communauté, on avait pris le temps
7 d'écouter tout le monde, tous ceux qui avaient
8 quelque chose à dire.

9 La grand-mère qui avait autour de
10 80 ans nous avait fait un résumé, un Petit
11 Larousse (PH) sociologique très intéressant, le
12 pourquoi de la désintégration des familles, de
13 sorte que les communautés veulent être consultées,
14 veulent participer, et on sent que c'est important
15 pour elles. D'autant plus que ce que nous amenons
16 c'est un système qui est quand même étranger et
17 nouveau pour eux.

18 Alors les cercles de consultation,
19 nous avons fait quelques expériences au Québec.
20 Nous commençons à délimiter des...on ne parle pas
21 de critères, on parle de facteurs qui doivent être
22 considérés. On les décrit déjà dans ce document-
23 là. C'est une approche qui me semble très
24 intéressante.

25 Vous avez le cheminement possible

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1 d'une affaire, et vous voyez par ce petit tableau
2 à la fin, qui est à l'avant-dernière page, vous
3 voyez comment tout ça s'articule de façon
4 ordonnée, globale, et tout ça est évolutif. Au
5 fur et à mesure que des gens prendront de
6 l'expérience, des pouvoirs pourront être ajoutés,
7 et il pourra y avoir une plus grande
8 participation.

9 L'expérience du Yukon est
10 intéressante à ce sujet-là. On s'aperçoit que les
11 communautés, après avoir participé avec le juge
12 pour rendre des sentences, aujourd'hui se
13 réunissent elles mêmes et font même de la
14 prévention suite à cette action-là.

15 C'est ce que nous proposons
16 actuellement comme projet, si vous voulez, aux
17 communautés du Québec.

18 Un dernier mot juste pour vous
19 dire que nous avons commencé, c'est pas une
20 commission royale comme la vôtre, c'est un petit
21 comité de consultation qui a un petit budget mais
22 qui va de communauté en communauté. Je ne sais
23 pas si nous pourrions faire tout le tour de toutes
24 les communautés. Je ne crois pas.

25 Nos travaux se termineront très

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1 probablement au cours de l'été. Je ne pense pas
2 qu'on doit éterniser cette consultation-là.
3 Actuellement je peux vous dire que nous avons un
4 accueil excellent de la part des communautés
5 autochtones. Elles sont très intéressées.

6 Je sens qu'elles découvrent des
7 choses qu'elles ne savaient pas avant, comme par
8 exemple la juridiction du Québec sur
9 l'administration de la justice. Aussi étrange que
10 ça puisse paraître, les communautés semblent
11 toujours référer à la Loi sur les Indiens et
12 penser que tout droit ne vient que de cette loi
13 alors qu'on sait bien que pour nommer un juge de
14 paix l'administration de la justice provinciale
15 peut nommer les juges de paix avec beaucoup plus
16 de pouvoir que ce qui peut être prévu sur la Loi
17 sur les Indiens. Et cela semble être une
18 découverte de la part des communautés.

19 À date on s'aperçoit que très peu
20 de communautés ont des règlements administratifs
21 mis en vigueur soit devant une Court, soit devant
22 un juge de paix. Alors cela est quand même
23 l'enfance, le début de tout, commencer à avoir des
24 règlements dans sa communauté et être capable de
25 les faire sanctionner par un organisme étranger et

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1 indépendant.

2 Ça n'existe pas pour cinq
3 communautés rencontrées à date et je pense qu'on
4 est loin de l'autonomie là. Quand on est très
5 loin on commence, on est vraiment au début de
6 tout.

7 Dans le document à capital je
8 terminais cette allocution-là en disant que
9 l'autodétermination ça commence au niveau de la
10 communauté, et je pense encore la même chose à la
11 lumière des expériences que nous vivons
12 actuellement.

13 Très peu de communautés, sauf
14 peut-être celles du Nord, qui ont eu un peu plus
15 d'argent, qui ont pu s'organiser et qui ont eu des
16 avocats, poursuivre devant les tribunaux pour
17 leurs règlements locaux. Il y a peut-être
18 certaines localités du sud ici qui font ça
19 également.

20 C'est un travail de défrichage dès
21 le départ et ce qui m'étonne c'est qu'on en soit
22 seulement là. Le ministère des Affaires indiennes
23 a préparé des beaux documents sur comment faire
24 des règlements, mais il ne semble pas d'après ce
25 qu'on sait qu'il y ait de budget pour engager un

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1 avocat, ne serait-ce que 5 000 \$ ou 10 000 \$ par
2 année pour rédiger des règlements et faire quelque
3 chose. Ça ne semble pas être dans les budgets,
4 ça, et je me demande si ça ne découle pas de cette
5 façon de voir les choses où si c'est le seul qui
6 peut réglementer ou régir, le tuteur, le ministre
7 des Affaires indiennes, le grand tuteur, le grand-
8 papa de tous les Indiens et de tous les
9 Autochtones. J'imagine que ça procède de cette
10 culture qui existe depuis au-delà de 100 ans chez
11 nous.

12 Voilà ce que je voulais vous dire,
13 et vous dire quelles sont les actions que nous
14 entreprenons concrètement. Ce que nous espérons
15 c'est de s'inscrire au budget 1994-1995 pour faire
16 des choses concrètes, des petites choses, des
17 petits pas, parce qu'on ne révolutionnera pas tout
18 demain matin. Il faut que les communautés aussi
19 soient prêtes à prendre ces responsabilités-là, et
20 ça c'est pas toujours sûr parce que c'est très
21 difficile de prendre ces responsabilités, et
22 certaines ont beaucoup de réticences à le faire
23 également.

24 En dernier lieu, à part toutes les
25 vélléités d'autonomie et tenant compte de ça aussi

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1 nous avons rencontré les femmes autochtones à date
2 et elles aussi ont un discours qui est beaucoup
3 plus prudent vis-à-vis la prise en charge
4 d'administration de la justice, et avec raison je
5 crois.

6 Ce que nous proposons ici, je le
7 répète, c'est un système évolutif -- global, mais
8 évolutif.

9 Je vous remercie, et si vous avez
10 des questions il me ferait plaisir d'y répondre.

11 COPRÉSIDENT RENÉ DUSSAULT: Je
12 voudrais vous remercier d'avoir accepté de venir
13 faire cette présentation devant la Commission
14 royale sur les peuples autochtones au Canada.

15 Je pense qu'elle est intéressante
16 à deux titres, en raison de votre expérience de
17 près de 20 ans maintenant dans la dispensation de
18 la justice dans le Nord, justice, comme vous
19 l'avez mentionné, fort imparfaite dans des
20 conditions difficiles, mais également de par votre
21 rôle comme président du groupe de travail, du
22 comité sur la justice en regard des Autochtones au
23 Québec, qui couvre l'ensemble du Québec mais qui
24 évidemment a une portée particulière du côté
25 nordique. Et c'est là peut-être ma première

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1 question.

2 J'aimerais vous demander, quels
3 sont les membres du comité?

4 L'HONORABLE JEAN-CHARLES COUTU:

5 Le comité a trois membres. Il y le président, il
6 y a M. Jacques Auger, qui est le coordonnateur aux
7 affaires autochtones au ministère de la Justice,
8 et M. Régis Larrivée, coordinateur aux Affaires
9 autochtones au ministère de la Sécurité publique
10 du Québec.

11 Nous nous sommes adjoint, comme
12 membre délégué au comité, un représentant du SAA,
13 qui est M. Laviolette --

14 COPRÉSIDENT RENÉ DUSSAULT: Le SAA
15 étant le Secrétariat aux Affaires autochtones?

16 L'HONORABLE JEAN-CHARLES COUTU:

17 M. Laviolette ne m'aimera pas là s'il est ici
18 parce que je viens toujours pour dire Latullippe.
19 C'est Laviolette. C'est parce qu'on est toujours
20 pris avec Larose, Latullipe, Laviolette, avec les
21 fleurs. Alors c'est une fleur dans notre comité.

22 Également lorsqu'on a discuté du
23 mandat du comité j'avais personnellement tenu à ce
24 qu'il y ait des représentants du gouvernement
25 fédéral sur ce comité-là et un représentant du

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now. We have had four constitutional conferences on the aboriginal question, we went through the stage of Meech and we went through the stage of Charlottetown.

I believe that the time has come to do much more along the lines of concrete action although this should not lead us to leave everything else hanging. It is not because we're going to establish a forum that we will stop the negotiations that have been going on with the nations, we are not going to put an end to our relations with the communities, but to some extent we must broaden the space we have in which to work with each of the nations; and the political space that we have to broaden centres on the concept of self-government.

It is rather as if at this time we were to some extent limited by the rules of the game which do not give us much room for manoeuvre. So we must succeed in reaching a political agreement, for example, to give ourselves a little more space. Within that space we can deal with the communities and the nations concerning concrete problems and so on, while establishing a real self-government where we can create

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1 ministère de la Justice, qui est M^e Rita Dagenais,
2 et un représentant du Solliciteur général ou du
3 ministère de la Sécurité publique maintenant, M.
4 Marc Voinson (PH).

5 Ceci parce que, évidemment, et ça
6 je tenais à ce que ce soit dans la mandat du
7 comité, que nous soyons autorisés à rencontrer les
8 autorités fédérales pour discuter de partage, de
9 financement partagé d'administration de la
10 justice. On sait qu'au niveau de la police
11 actuellement il se fait des partages, 48-52, au
12 niveau de l'organisation policière. Alors il
13 faudrait peut-être en venir à quelque chose comme
14 ça à cause de la juridiction conjointe des deux
15 paliers de gouvernement sur les communautés
16 autochtones.

17 COPRÉSIDENT RENÉ DUSSAULT: Il n'y
18 a pas de représentant du Barreau du Québec?

19 L'HONORABLE JEAN-CHARLES COUTU:
20 Non. Sauf que dans notre mandat nous allons
21 consulter le Barreau du Québec. Nous avons des
22 propositions et des choses à leur présenter. Par
23 exemple, dans notre document on parle de
24 parajuristes.

25 COPRÉSIDENT RENÉ DUSSAULT: C'est

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political institutions, identify jurisdictions and where we can bring some harmony into the way in which these autonomous jurisdictions interact, where we can identify the territory on which we can develop mechanisms for access to and use of this territory and we must do so on the basis of a political forum that brings together aboriginal peoples and governments on an equal footing.

CO-CHAIR RENE DUSSAULT: I have two quick supplementary questions on that point before we move on to other things.

If I understand you correctly, that is a position that you are advocating. Are you prepared to get this forum going within the next few months, quickly, in the next few weeks or in the next few months? Are you prepared to act quickly?

CHRISTOS SIRROS: We are prepared to act quickly. I think that the invitation has been issued so that we can also have the parties with whom we will be able to go into greater detail and cast further light on the mandate, constitution, time frame and so on. We are ready on our side.

I know that there is another stage where we will be seeing one another again, in a month and a half

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1 ce que j'ai vu, et comme le Barreau vient faire
2 une présentation à la Commission cet après-midi...
3 Est-ce que vous avez fait une discussion avec le
4 Barreau sur ce point?

5 **L'HONORABLE JEAN-CHARLES COUTU:**

6 Pas encore. Ils ont reçu nos documents. Nous,
7 à l'instar de votre Commission, nous ferons
8 probablement des rencontres sur une semaine ici à
9 Montréal à un moment donné pour rencontrer tous
10 les gens que nous avons à rencontrer. Ça,
11 évidemment, on touche à la profession légale, et
12 il y aura des discussions avec eux à ce sujet-là.

13 Je ne sais pas ce que ça donnera,
14 parce qu'on propose cette option-là que dans les
15 communautés éloignées surtout, où il y a des
16 parajuristes, comme ça existe dans d'autres
17 provinces, ce qu'on appelle les paralegal, pour
18 représenter les gens surtout sur des plaidoyers de
19 culpabilité devant les juges de paix, et caetera.
20 Il n'est pas question de faire des procès pour
21 l'instant pour ces gens-là.

22 **COPRÉSIDENT RENÉ DUSSAULT:** Et on
23 sait que c'est toujours quand même une
24 question...je comprends que votre proposition va
25 s'échelonner sur 5 à 20 ans d'une certaine

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approximately, with the other provinces and the Royal Commission again, on February 2. This is a follow-up to the meeting that the premiers had in Baddeck in Nova Scotia in August. That is another point at which we shall be able, I really think, to make some progress along those lines.

CO-CHAIR RENE DUSSAULT: Since the forum will involve the federal government, will you start discussions with the federal government on the idea proposed by you for this forum in Quebec?

CHRISTOS SIRROS: It's already scheduled.

CO-CHAIR RENE DUSSAULT: And, obviously, with the aboriginal peoples?

CHRISTOS SIRROS: Indeed.

CO-CHAIR RENE DUSSAULT: Also, as my second question -- and I think that you have pointed this out -- we had the Atikamekw-Montagnais, who described the state of current negotiations on their land claims two weeks ago in Montreal. Also, it is well known -- and it is of great concern -- that there is the issue of the Mohawks generally at both Kanesatake and Kahnawake as well as at Saint-

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1 façon...

2 **L'HONORABLE JEAN-CHARLES COUTU:**

3 Écoutez, on ne peut pas régler ça rapidement.

4 **COPRÉSIDENT RENÉ DUSSAULT:** C'est5 évident qu'il va être important que le Barreau
6 soit associé à la réflexion sur ce processus-là.7 Je pense qu'encore une fois cet après-midi ils
8 nous présentent un mémoire qui est un point de
9 départ, dans le fond, d'une réflexion par rapport
10 à la réalité autochtone au Québec.11 Je voudrais vous demander une
12 seconde question technique. Votre comité couvre
13 l'ensemble des Autochtones au Québec -- Indiens,
14 Inuits, Métis...15 **L'HONORABLE JEAN-CHARLES COUTU:**16 En principe nous devrions les rencontrer et
17 consulter les 54 communautés autochtones du
18 Québec.19 **COPRÉSIDENT RENÉ DUSSAULT:** En
20 pratique...?21 **L'HONORABLE JEAN-CHARLES COUTU:**22 Il y a des grandes organisations, comme le Grand
23 Conseil des Cris qui recouvre huit communautés,
24 qui ont déjà une réflexion d'amorcée en matière de
25 justice et qui sont dans une deuxième étape de

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Regis down near Akwesasne.

If I understand correctly, that forum would not be a substitute for the settlement of the very concrete and very immediate problems that are there, but would it be something that would be an umbrella for those dealings or would it run parallel?

CHRISTOS SIRROS: In effect, it is not a substitute for settling concrete problems. If I may describe it a little bit, it would be to say that, when we look at the aboriginal question as a whole, there is an element that is to some extent horizontal; that is the area, if your like, of self-government, the political relations between the aboriginal peoples and governments or the society surrounding them. That issue is common to everyone. That is what I was referring to earlier when I said that it seemed to me that the space we have to work in is limited at the present time. So first of all we must act on this space that is defined by self-government in order to broaden it so that we can, within this space, leave our hands more or less free to deal with the concrete problems.

When I said, for example,

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1 consultation de leurs communautés.

2 Il est probable que nous ferons
3 pas le tour étant donné que nous allons respecter
4 cette consultation-là qu'eux mêmes font.

5 Ce matin, justement, sur l'avion
6 je rencontrais le directeur de cette organisation,
7 le Grand Conseil des Cris. Probablement ce que
8 nous ferons c'est que nous ferons une rencontre
9 avec les gens qui font cette consultation pour
10 qu'ils sachent ce que nous proposons. Comme ça il
11 va probablement y avoir un échange.

12 Déjà nous avons une demande d'une
13 communauté crie pour aller les rencontrer après
14 Noël.

15 Nous ne nous imposons pas. Nous
16 avons envoyé les documents, nous avons dit si vous
17 voulez nous rencontrer, nous sommes prêts à vous
18 rencontrer.

19 Les Algonquins, les communautés
20 algonquines, comme il n'y a pas de grande
21 organisation nous allons probablement toutes les
22 rencontrer.

23 Nous avons déjà rencontré deux
24 communautés Micmacs, Restigouche et Maria (PH),
25 Gesgapegiak, Sept-îles, Maliotenam, et

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that it was imperative for governments or for the government to abandon what may have been seen in the past as an approach involving "hegemony", in the sense that the laws apply everywhere in exactly the same way in all situations, that involves a negation of the recognition of our differences.

We should ... and we have done so; I gave the example of Kateri Memorial Hospital in Kahnawake, which is not subject to the general law governing health and social services in Quebec, but we have a specific Act designed to deal with a specific situation. So to the extent that we can negotiate or reach agreement on the principles we share, on a way of operating that is in harmony with the surroundings, there is no reason not to contemplate specific approaches. That, it will depend to a large extent on the agreement we succeed in negotiating at the concrete level, on self-government.

CO-CHAIR RENE DUSSAULT: Along another line of thinking, when we spoke of a junction with the wider society and Quebec institutions properly speaking, beyond self-government, there are recommendations that have

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1 Betsiamites.

2 Il est probable que nous irons
3 rencontrer quatre communautés ensemble, les
4 Montagnais sur la côte nord, un peu plus haut,
5 dans le bout de Mingan après Noël.

6 J'imagine que nous en aurons
7 suffisamment vu pour avoir une idée assez précise
8 de ce que veulent ou sont prêtes à faire les
9 communautés autochtones.

10 COPRÉSIDENT RENÉ DUSSAULT: Nous
11 avons eu hier une présentation de la Société
12 Makivik, qui faisait état du document sur la
13 justice qu'ils ont publié au mois de mars de cette
14 année, 1993. Je présume que là également vous...

15 L'HONORABLE JEAN-CHARLES COUTU:
16 Nous sommes en train de faire traduire ce
17 document-là en Inuktitut et dès que ce sera fait
18 nous allons prendre contact avec le Inuit Task
19 Force on Justice. Nous allons discuter avec eux.

20 Également il y a des problèmes à
21 un autre titre. Comme coordonnateur de la Cour
22 itinérante du Nord on va probablement essayer
23 d'accélérer le processus en milieu inuit pour
24 faire des choses plus particulières d'ici deux
25 ans.

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been made over the last many years -- by the Cree in 1983, by the Inuit to the Bélanger-Campeau Commission and we had the Makivik Corporation earlier this week who told us: "For us it is a recommendation that is very important" -- a recommendation that the Quebec Electoral Act be amended to provide for northern electoral ridings to provide the people from that area with representation.

Obviously, because of the population numbers, ridings could be created without taking into account the mathematics that are at the basis of the existing Act and that would enable the Inuit, for example, and the Cree to have a chance to be represented in the National Assembly. I think that everyone has witnessed the impact that the aboriginal presence has had on the Manitoba Legislative Assembly.

So I raise the question because it has cropped up before us again this week: Is this an issue that is likely to end by giving the aboriginal peoples a sense of participating in the National Assembly? We have heard the same discussion concerning the senate of Canada.

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1 COPRÉSIDENT RENÉ DUSSAULT: Une
2 dernière question.

3 Sur ce plan-là est-ce que vous
4 avez eu ou vous envisagez avoir des contacts avec,
5 par exemple, les Mohawks à Kahnawake, qui ont un
6 juge de paix nommé en vertu de la Loi sur les
7 Indiens? Est-ce que c'est une relation possible à
8 ce moment-ci?

9 L'HONORABLE JEAN-CHARLES COUTU:
10 La documentation, que nous avons envoyé à la
11 Commission d'ailleurs je pense le 23 juillet
12 dernier, a été envoyée à toutes les communautés
13 mohawks. Nous avons reçu une réponse, de
14 Kahnawake, nous disant qu'ils ne participeraient
15 pas à notre consultation étant donné qu'ils ne
16 reconnaissaient pas la juridiction du Québec sur
17 leur communauté. Alors c'est très clair.

18 Nous leur avons quand même dit que
19 nous étions prêts à les rencontrer s'ils le
20 voulaient éventuellement, que quant à nous, nous
21 ne fermions pas les portes. Nous n'avons eu
22 aucune autre communication de la part des autres
23 communautés.

24 Il faut dire, connaissant les
25 communautés autochtones, elles ont énormément de

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CHRISTOS SIRROS: I think this is an idea that I would greatly welcome, that is beginning to be spread around. However, we must be careful. We should not take an issue of representation or the possibility that the aboriginal peoples could have one or two or any number of seats in the National Assembly as a substitute for self-government. However, it is one of the elements on which we could come together and it is very plausible and should be encouraged, from my point of view.

The fact that positions, points of view, approaches that reflected or represented currents of thought in the communities with which we have to live could be expressed in the National Assembly in that case, I feel that this is the very purpose of democracy. In that sense, to the extent that we create aboriginal self-governments, there would also be room to review the representation of these entities in the National Assembly without making them subject to any extent to the National Assembly.

CO-CHAIR RENE DUSSAULT: Moreover, their presentation is in addition to

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1 boulot actuellement. Tous les gens, tous les
2 conseils, sont débordés. Ils ont des appels de
3 tous côtés sur le plan économique, social, et
4 caetera.

5 Nous sommes obligés un peu d'aller
6 cogner à la porte et dire "êtes-vous prêt à nous
7 rencontrer?", et dès ce moment-là ça va très bien.

8 COPRÉSIDENT RENÉ DUSSAULT: Une
9 des questions qu'on se pose beaucoup comme
10 Commission c'est un peu la suivante.

11 Il y a plusieurs études, plusieurs
12 enquêtes dans le domaine de la justice, que ce
13 soit du côté du Manitoba, en Nouvelle-Écosse, en
14 Alberta, la Commission de réforme du droit. La
15 plupart s'étendent de façon importante sur des
16 ajustements au système actuel, largement au niveau
17 des sentences avec les cercles de consultation.

18 De plus en plus on commence à
19 s'intéresser avant la portée des accusations en
20 matière criminelle, donc non-judiciarisation, et
21 caetera.

22 Il y a aussi cette pression par
23 des systèmes distincts de justice, comme vous le
24 savez, dont plusieurs commissions ont parlé. Il y
25 a peu de documentation sur les modes

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the whole reality of self-government, but in order to participate more extensively in Quebec society as a whole.

I have perhaps one last question before handing the microphone to my colleagues; it is the whole question of resources, in Quebec and elsewhere in Canada, but in Quebec specifically the exploitation of the forests, hydro-electricity and the mining sector.

The message we are getting from the aboriginal peoples is one that says: "We want to be partners. We do not want simply to have a situation where there are sums of money and where the companies pass through and do business on our land, where we are simply on-lookers but not part of it." That is a question that I feel was considered in a very specific way in the case of Lac Barrière with the trilateral agreement to allow first of all multiple uses of the forests.

On that question in particular there are highs and lows in the start-up and operation of the whole thing; at this point we seem rather to be in a period where things are up and running and I must say that this is an agreement

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1 traditionnelles de justice au Canada. On fait
2 beaucoup de travail là-dessus, et c'est difficile.

3 En fait ma question est, est-ce
4 que vous êtes au courant de l'existence, souvent
5 c'est la tradition orale et au fond il faut faire
6 le tour et faire des enregistrements, mais des
7 documents sous quelque forme orale ou écrite qui
8 existeraient au Québec sur les traditions en
9 matière de justice chez les Autochtones?

10 L'HONORABLE JEAN-CHARLES COUTU:

11 Il n'y a pas grand-chose qui existe. Chez les
12 Inuits il y a des documents qui ont été faits. Il
13 y M. Norbert Rouland (PH) qui a écrit un gros
14 document sur ça, sur les modes traditionnelles de
15 règlement des conflits chez les Inuits.

16 En milieu autochtone il n'y en a
17 pas beaucoup. En tout cas moi, j'en connais pas
18 énormément.

19 Un des livres qui m'a le plus
20 frappé c'est celui de Rupert Ross, qui a été
21 "Dancing with a Ghost", mais encore là c'est pas
22 nécessairement des modes traditionnelles de
23 solution. Il essaie de faire partager un état
24 d'âme, quelle est l'âme autochtone, finalement, sa
25 façon de réagir.

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that is regarded elsewhere in Canada at this time as a model, if it is successful. It's a bit like the income security program for the Cree and Inuit hunters and trappers in James Bay. Everybody is extremely jealous of that program, which has been universally acclaimed in Canada and I think that this needs to be pointed out.

I shall conclude by saying that the debate we had with the Cree and Hydro-Quebec was extremely revealing in that respect in May and we continued it last week. In essence, Hydro-Quebec has a training centre in James Bay with 50 positions for young Cree, among others, training them in hydro-electrical technology. Recruitment causes enormous problems. The aboriginal leaders told us officially, both Billy Diamond and Matthew Coon Come: "Generally, the young Cree who go to that centre in order to be able to work for Hydro-Quebec in our communities are considered to be traitors", because Hydro is the enemy.

We can only be very moved by a reality like that

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1 Quand on le demande carrément aux
2 Autochtones, ça a été perdu, finalement, ces
3 traditions-là à cause de la sédentarisation, et
4 caetera.

5 Dans le document présenté par les
6 Cris M. MacDonald, qui a fait un des volumes,
7 parle du règlement des problèmes chez les Cris,
8 mais c'est quand même limité.

9 COPRÉSIDENT RENÉ DUSSAULT: Comme
10 vous le savez, on a tenu une table ronde nationale
11 à laquelle vous avez participé en novembre 1992
12 sur la justice et les Autochtones, justice
13 criminelle en particulier.

14 On est ressorti de cette table
15 ronde là avec un peu le sentiment que ce qui
16 ressortait davantage comme consensus c'était de
17 laisser une certaine marge de manoeuvre à
18 l'évolution de projets à la base au niveau des
19 communautés, de justice, sans nécessairement
20 établir un grand système, et de trouver une marge
21 de manoeuvre pour que des expériences se fassent.

22 Dans le cadre de votre comité,
23 évidemment il y a des marges de manoeuvre en
24 regard du système actuel et il se peut que la non-
25 judiciarisation soit exactement...

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because we are talking about jobs in the North. There is something that is not working in our system. It is the whole concept of partnership and so we have an adversarial system rather than a partnership.

My question is broad but I simply have to ask you it: How do we arrive, when we are talking about partnership, at involving the aboriginal people of Quebec in the development of resources and in all other areas?

CHRISTOS SIRROS: I shall begin by saying at the outset perhaps that there are times when rhetoric has gone beyond reality. That is one of the problems that arise. If we come to the point where we regard the other as the enemy or people who do a specific job as traitors, it seems to me that there are times when rhetoric has truly created its own reality without really corresponding to the situation that we actually experience on the ground.

This having been said, there is still a real problem with respect to the notion that

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1 En parallèle au système que l'on
2 connaît dans la société principale, est-ce que ça
3 a été exprimé au comité, ce désir
4 d'expérimentation, d'avoir une marge de manoeuvre
5 pour aller de l'avant dans un contexte distinct?

6 L'HONORABLE JEAN-CHARLES COUTU:
7 Complètement parallèle?

8 COPRÉSIDENT RENÉ DUSSAULT: Oui.

9 L'HONORABLE JEAN-CHARLES COUTU: À
10 date, non. Je serais surpris qu'on ait de telles
11 propositions. On a cinq communautés de
12 rencontres. À date on n'a pas eu ce désir-là.
13 Les gens sont sédentarisés, vivent à travers le
14 reste de la population, et sentent bien qu'ils
15 doivent s'adapter à la situation qui est la leur
16 actuellement.

17 Je pense bien qu'inconsciemment
18 ils sentent que la tradition ne pourrait pas
19 s'appliquer de but en blanc comme ça pour aider
20 tous les problèmes sociaux qu'ils rencontrent. Je
21 me dis même qu'il y a beaucoup de ces modes-là qui
22 ont été perdues également.

23 Je pense que ça va revenir, ça.
24 Une fois qu'on va avoir pris charge à l'intérieur
25 du système actuel, il y a de ces modes-là qui vont

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hitherto we have had development of resources. The fact that you mentioned the Lac Barrière agreement as a model -- and it is one; it is a first of its kind in Canada and probably in North America, from what I have been told -- when you look at that, it seems so obvious that this is what we should be doing. Not only that, but it should also be expanded.

The approach that must be developed is to stop talking, as I said earlier, in terms of opposition to ownership of the land. Personally, I repeat that it is our territory, using the word "our" to mean that it belongs to everybody. When I hear the aboriginal peoples say: "It's our land", it causes me to react along the lines of: "No, no, no, it is our territory".

If we take a few minutes to think quite simply of how this can become a concrete reality, we will understand immediately that we must accept the fact that we share it, the land, and that what we must do is to develop access to and use of the land. We must

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1 revenir, où on va essayer de les appliquer un peu
2 plus de façon indépendante, si vous voulez. Mais
3 encore là je pense qu'il faudra toujours faire
4 attention, est-ce qu'on a toujours des
5 responsabilités vis-à-vis du respect de la Charte
6 des droits, et caetera.

7 Il ne faudrait quand même pas
8 reculer à des pratiques qui pour nous ne devraient
9 pas...comme le bannissement perpétuel ou des
10 choses comme ça. Je pense bien qu'on ne peut plus
11 accepter ça en vertu de la Charte des droits.

12 Dans l'expérience des Navahos aux
13 États-Unis aux États-Unis on prend souvent un
14 modèle chez ces gens-là et ce qui me frappe c'est
15 qu'eux ce qu'ils ont fait, finalement, ils ont
16 pris la loi de l'État ou d'un des états où ils
17 sont et l'ont appliquée carrément dans leur
18 communauté, et ils ne sont pas rendus plus loin
19 que nous autres, finalement.

20 Ils commencent seulement à adopter
21 des modes traditionnelles après avoir mis en place
22 tout un système. Ils ont leur propre barreau, ils
23 ont leur cour d'appel, et caetera, mais ils
24 commencent à redécouvrir des modes traditionnelles
25 aux mêmes actuellement.

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develop it in ways that take into account the multiple uses that are made of the land.

That is what I was advocating when I said that what we are in favour of is the development of a general code that will take the lands where the aboriginal peoples have a substantial presence ... and once again there are huge differences in these areas; that may correspond to what can be called the traditional lands, they can be identified. For these lands we can develop a general code of all the uses that are made of the land and, in the spirit of the Lac Barrière Agreement, develop these uses so that in effect use X will necessarily take use Y into account.

The example that I often give is this: If you go back only nine years in history, in the exploitation of the forests in Quebec there was only one imperative: the needs of the forestry companies, period. The only criteria they applied to the use of the land was their needs. It is not that nine years ago the notion was suddenly introduced that, yes,

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1 On vante ça mais finalement c'est
2 une copie de ce qui se passait dans les états
3 américains qu'on a fait, tout simplement.

4 COPRÉSIDENT RENÉ DUSSAULT: Mais
5 c'est en évolution. Il semble que vous avez
6 raison. Ils sont à développer un commandement
7 navaho propre qui intègre les traditions, mais ils
8 ont dû commencer par un cadre qui était plus
9 connue.

10 L'HONORABLE JEAN-CHARLES COUTU:
11 L'autre facteur est qu'ils sont 250 000 à 300 000.
12 Ça c'est une autre échelle.

13 COPRÉSIDENT RENÉ DUSSAULT: Juste
14 une dernière question technique.

15 Le taux d'incarcération des
16 Autochtones au Québec, est-ce que votre comité l'a
17 examiné? C'est évidemment très bas par rapport à
18 des situations qu'on connaît dans l'ouest du pays,
19 où on a 80 pour cent des détenus dans les prisons
20 provinciales qui sont Autochtones et donc
21 carrément ça interpelle le système de justice de
22 façon massive.

23 La Commission travaille là-dessus
24 et c'est toujours une question de s'identifier
25 aussi comme Autochtones.

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we agree with the needs of the forestry companies but those needs cannot exceed the sustained yield of the forests; that is to say that the forest must be able to regenerate itself. Now that was new nine years ago.

We have just introduced another element with the Lac Barrière Agreement: yes to the needs of the forestry companies, yes to a sustained yield, but it is also necessary to introduce traditional activities of hunting and fishing. What is there to prevent us from extending that to other areas? What is there to prevent us from sitting down with the aboriginal peoples so that we can identify precisely what actions are being taken, what is the future that we jointly want for ourselves, what are the projects in which we can identify a possibility of partnership, what are the spin-offs that may occur on both sides from the resource exploitation in which we are involved?

I feel that it is simply a question of wanting to do it. It's complicated, it's complex, as we have seen, because we are breaking new ground. In the Lac Barrière Agreement, for example, we spent several months trying to

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1 Est-ce que votre comité a des
2 informations additionnelles?

3 L'HONORABLE JEAN-CHARLES COUTU:

4 C'est-à-dire qu'au fur et à mesure qu'on rencontre
5 les gens on voit les situations du milieu. Je
6 vous dirais, par exemple, puis ça on parle par
7 expérience personnelle, on ne fera pas
8 d'évaluation scientifique de ça, nous. C'est pas
9 notre boulet.

10 Disons que de façon générale,
11 globale, au Québec, je pense bien qu'on peut dire,
12 si on parle des Indiens à l'exclusion des Inuits,
13 le taux d'incarcération n'est pas supérieur à ce
14 qu'il y a chez la population blanche.

15 En territoire inuit je dirais oui,
16 il est sûrement le double et peut-être le triple.
17 Sur ça je n'ai pas de statistiques mais ça a
18 augmenté de façon effarante depuis une dizaine
19 d'années.

20 Par ailleurs, quand on va
21 rencontrer des communautés les unes après les
22 autres on leur demande...beaucoup de gens en
23 prison, et caetera, alors dans certains cas c'est
24 supérieur à la moyenne régionale ou à la
25 population voisine, et dans d'autres cas c'est

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understand each other and in the end we succeeded in this. I don't know what the future has in store for us, but in any event we have taken an approach that allows us to be optimistic.

CO-CHAIR RENE DUSSAULT: I thank you for your answer. It is certain that the whole idea of royalties on resources and shareholders receiving royalties on resources in the business in order to be partners is worth exploring and examining very closely so that we avoid having situations of stoppages, holding auctions to obtain the best possible bid to get things moving but without ever really being, in essence, partners in the resource. That is essentially the situation that we witness too frequently in Canada; it is true in the forests, the mines and in hydro-electricity.

At this point I should like to pass the microphone to my colleagues, Mary Sillett or Viola Robinson.

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1 inférieur.

2 Ça varie beaucoup d'une communauté
3 à l'autre, mais on ne fera pas d'étude exhaustive
4 sur ça, je ne pense pas. Ce qui est important
5 c'est d'éviter à tout le monde d'y aller, à la
6 prison, Blancs ou Autochtones. Alors à partir de
7 là...

8 COPRÉSIDENT RENÉ DUSSAULT: Des
9 fois ça aide, ça stimule les pouvoirs publics sur
10 les plans de budget...

11 L'HONORABLE JEAN-CHARLES COUTU:
12 Absolument.

13 COPRÉSIDENT RENÉ DUSSAULT: ...de
14 se rendre compte, dans le fond, que les fonds
15 peuvent être affectés plus efficacement que
16 d'entretenir un taux excessif de détenus dans les
17 institutions. Donc c'est plus dans ce sens-là
18 que...

19 L'HONORABLE JEAN-CHARLES COUTU:
20 C'est sûr qu'on le soulignera mais pour vous dire
21 qu'on n'a pas les moyens techniques pour faire
22 toutes ces évaluations-là.

23 COPRÉSIDENT RENÉ DUSSAULT: Je
24 vais demander à ce moment-ci à ma collègue, Mary
25 Sillett, de vous poser un certain nombre de

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1 written down, but, as I read the document and as
2 Mr. Dussault had his question period, some of
3 those were answered. But I still would like to
4 say that I was really interested in your section
5 on re-establishing the facts. I think that
6 clearly there are certain conflicts between
7 Aboriginal and non-Aboriginal groups, and one of
8 the challenges that we have been faced with is how
9 to eliminate racism.

10 As you said, you should take every
11 single opportunity to re-establish the facts, and
12 we as individuals have done that. For example, we
13 have heard that native people don't pay taxes. We
14 say as you do, but we say more than you do by
15 saying, "Yes, there are native people who pay
16 taxes." We heard from the Inuit of Nunavik who
17 say that they have a combined GST-Quebec sales tax
18 of 15.56 per cent, and they say that this is
19 really, really high considering the high cost of
20 living in the North. We also hear from Métis,
21 whom you haven't included, that they do also pay
22 taxes.

23 So I think that it is very, very
24 important, in the position that you are in, in the
25 position that we are in, to always take the

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1 questions.

2 COMMISSIONER MARY SILLETT: Thank
3 you very much.

4 I think it's well known that there
5 are many studies, particularly on the aboriginal
6 justice system.

7 What has really impressed me is
8 that we've been to at least some penitentiaries in
9 this country. We have had special consultations.
10 I think whenever we go in there it confirms for us
11 that clearly the justice system does not work for
12 anyone. Clearly the justice system does not work
13 for Aboriginal people.

14 I think there's an urgency
15 attached to addressing the issues that we have
16 heard about, that have been told to us.

17 When I look at your timetable I
18 think that there has been a lot of work put into
19 it. I also hear very loudly from you that the
20 timetable for implementation is 5 to 20 years.

21 The question that faces me is,
22 what can we do now? As you know we've had a
23 round-table on justice issues. There have been
24 studies and studies and studies done with respect
25 to justice issues and Aboriginal peoples.

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1 opportunity to re-establish the facts, and I am
2 really glad that that kind of leadership was
3 demonstrated.

4 One thing that we have also heard
5 is that that's not enough to improve
6 relationships. Sometimes you can have a dialogue
7 with someone across the table, and sometimes your
8 answer fall into deaf ears, because they are not
9 listening to you. We have heard from many, many
10 people that what is necessary in order to improve
11 and encourage better relationships between
12 Aboriginal and non-Aboriginal people are Aboriginal
13 histories in as many classes in this country as
14 possible.

15 We heard from a Canadian teaching
16 federation union yesterday saying that the
17 teaching of history in schools is actually very
18 effective in terms of changing attitudes, in terms
19 of bettering relationships overall, in terms of
20 eliminating racism.

21 I know that you are responsible
22 for Native Affairs generally, but I am sure that,
23 in the context of your dealings with the Crees and
24 the Inuit, the school boards, education has been
25 an issue that you have addressed. I was wondering

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1 Having said that, we've been told
2 very often that Aboriginal people want self-
3 determination, they want self-government. That's
4 an ideal.

5 Not having reached that, in the
6 interim there are some things that are necessary.
7 For example, adjustments to the justice system.
8 There should be more at the community level, more
9 judges who are very sensitive to Aboriginal
10 issues. There must be greater education of the
11 people who hold the highest kind of power to make
12 decisions about whether people essentially go to
13 jails or stay out in society, whether people live
14 or die, whether people's children are taken away
15 from them or not.

16 They have a lot of power, so there
17 is I think a great responsibility on behalf of
18 everyone in that justice system to serve the
19 interests of the people well, and that includes
20 educating yourself about the people that you are
21 trying.

22 I guess that there a whole host of
23 questions that I have. This is an issue that has
24 interested me very greatly and I'm sure you're
25 well aware of the kind of treatment that Inuit

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1 if you have discussed the whole issue. I am sure
2 that you have heard about it. You are a political
3 leader, after all, but I was wondering what your
4 government has been doing. Have you thought about
5 doing anything to address this particular issue?

6 CHRISTOS SIRROS: Yes. In fact, I
7 think we transmitted to the Royal Commission a
8 series of documents, pamphlets, booklets that are
9 used in our elementary schools in particular at
10 the present time, and I think that, without
11 wanting to sort of "péter les bretelles", I think
12 we have done well in Quebec. "Péter les
13 bretelles" means to sort of pound my chest and
14 say, "I am proud." Now I will work as translator
15 also.

16 I think we have done well in that
17 regard, and we recognize, as you say, that the
18 base for eliminating the kind of racial tension,
19 difficulties such as we have been describing, is
20 at the school level. We have had a particular
21 problem here ever since 1990 because -- I feel
22 like saying we have been given a bum rap, if I can
23 use that expression, in Quebec in particular
24 following those events, because if you take the
25 time to just look at various indicators, like what

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1 women have suffered under the NWT justice system.

2 I'm sure that you're aware of the
3 well publicized case of Kitty Nudluk-Reynolds
4 (PH), who is an Inuk from Iqaluit, who was treated
5 very badly. Why? Because she's an Inuk. As a
6 witness.

7 The RCMP recently -- well, whoever
8 the agency is that's responsible for it, decided
9 that this clearly should never have happened. This
10 woman deserves compensation for the suffering that
11 she had. Recently she was awarded 100 000 \$.
12 These are only two of many, many stories that
13 we've heard.

14 I was wondering, first, if you
15 would be able to shed some light on the questions
16 and issues I've identified, then I will continue.

17 THE HONOURABLE JEAN-CHARLES COUTU:

18 I never encountered similar -- excusez-moi, je
19 vais vous parler en français plutôt, ça va être
20 plus facile.

21 De telles situations aussi
22 difficiles, j'en ai jamais vécues ou eu
23 connaissance au Québec, sauf que ça arrive, tant
24 pour des détenus blancs que des détenus
25 autochtones qui vont faire le tour de la province

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1 is done to preserve native languages, there isn't
2 another jurisdiction in North America that has
3 done as much as Quebec is doing and will continue
4 to do to preserve native languages, for instance,
5 and to not only preserve them but to develop them.

6 That's tied to what I was saying
7 before: There is a particular sensitivity in
8 Quebec around the question of cultural identity,
9 one's own identity as a distinct people. That
10 finds expression in fact. If one takes the time
11 to look at all those indicators, from native
12 languages to the socio-economic levels, there is
13 still a lot of work to be done, but a lot of work
14 has already been done.

15 We are the only province in the
16 country -- and, yes, there are difficulties with
17 it and it is not perfect -- that has negotiated
18 modern-day agreements with native people that lead
19 us to play a direct role with those groups.

20 These are things that we share
21 with you in terms of the need to accentuate them
22 and to act even more in terms of education in
23 particular. If, in your work across the country,
24 you have things that you can send to us, we would
25 appreciate it.

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1 avant d'arriver à une prison. Ça, ce sont des
2 choses qui arrivent et qui sont présentes.

3 Ce que je voudrais souligner, dans
4 la tournée que nous faisons actuellement c'est que
5 non seulement nous rencontrons les communautés
6 autochtones, mais à chaque endroit nous essayons
7 de rencontrer les juges de la région, les avocats
8 de la région, les avocats de la poursuite, les
9 avocats d'aide juridique, les agents de probation,
10 pour les sensibiliser au travail que nous faisons
11 et leur faire comprendre qu'éventuellement c'est
12 eux dans les régions qui auront à mettre en marche
13 ou en oeuvre, en autant que les communautés
14 autochtones le voudront bien, ce que nous
15 préconisons dans notre document d'orientation.

16 Vous dites d'avoir des gens plus
17 sensibles. Je suis d'accord avec ça sauf qu'au
18 Québec vous avez un certain nombre de juges, un
19 certain nombre d'avocats, et c'est dans tout le
20 territoire que vous avez des gens.

21 Il faut essayer de trouver dans
22 chacune des régions des gens qui sont plus
23 intéressés, et c'est pas tout le monde qui est
24 prêt à s'asseoir, à discuter et avoir la
25 sensibilité nécessaire pour faire évoluer la

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1 **COMMISSIONER MARY SILLETT:** I
2 think we fully recognize that in certain areas of
3 northern Quebec certainly there are children who
4 speak three languages: the Aboriginal language,
5 French and English. We recognize that. They are
6 very privileged children when compared to the rest
7 of the country. We have heard for the most part
8 that Aboriginal people do want their Aboriginal
9 languages back. They should get, for example,
10 some recognition by the provinces and by the
11 federal government of programs that would put
12 resources into retaining those. So we do
13 recognize that.

14 Having said that, I think that it
15 goes without saying that whenever we visit this
16 province particularly, there is always at least
17 maybe 10 or 20 references to Oka. Clearly, it was
18 very, very traumatic and it was proof of the kinds
19 of difficulties in relationships between
20 Aboriginal and non-Aboriginal people over lands
21 and resources and other issues.

22 I guess as an Inuk I am sort of a
23 peaceful person, and I was personally shocked by
24 the kind of violence. When I was watching all
25 those events, I was wondering, what

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1 situation sur le plan de la justice.

2 D'autre part, pour faire écho à ce
3 que vous disiez tantôt, la justice c'est pas une
4 panacée à tout non plus. On aura beau avoir le
5 meilleur système de justice, les meilleurs juges
6 de paix autochtones, les meilleurs juges
7 autochtones, tant qu'il n'y aura pas de
8 l'éducation à la base, qu'il y aura pas des
9 emplois, des jobs pour les gens, tant qu'il y aura
10 pas un futur pour les jeunes ou quelque chose, une
11 perspective d'avenir pour eux, je pense que la
12 justice ne pourra pas seule régler les problèmes
13 de société que vivent les Autochtones.

14 L'exemple que je donne souvent, le
15 jeune, vous ne pouvez pas empêcher le jeune de
16 Povungnituk de rêver d'avoir une belle Mazda Miata
17 comme vous voyez à la télévision quand c'est
18 annoncé. C'est superbe, cette belle petite
19 voiture. Vous ne pouvez pas l'empêcher de rêver
20 d'avoir cette petite voiture-là ou d'avoir une
21 belle Harley Davidson ou une belle grosse Honda,
22 sauf que probablement qu'il n'en aura jamais, lui,
23 à Povungnituk. Donc son avenir est handicapé
24 d'une certaine façon.

25 C'est pour ça que je dit c'est pas

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1 responsibilities do various governments have in
2 making sure that there is no violence in resolving
3 those kinds of issues, because it is clear to me
4 that, ever since, it hasn't done anything to
5 improve the relationships; you know, it is like a
6 sore wound.

7 **CHRISTOS SIRROS:** We are very
8 keenly aware that it is like a sore wound and we
9 are very keenly aware that we have to come to some
10 kind of resolution that addresses the issues
11 beyond the circumstantial -- if I can say that --
12 events that are going on now in terms of cigarette
13 smuggling and those things. Those need to be
14 addressed also, because if we don't get those
15 under control -- and that's where we need co-
16 operation from the native leadership in those
17 communities that are most affected -- it risks to
18 create impediment for advancing on the fundamental
19 issues.

20 These are important issues but
21 they are not the fundamental ones. The
22 fundamental ones are the ones that we have been
23 talking about. But these issues could obscure the
24 work that needs to be done and impede the work
25 that needs to be done on those fundamental issues.

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1 seulement nous, la justice, qui allons régler ces
2 problèmes-là.

3 En ce qui concerne la violence
4 faite aux femmes, je pense que nous sommes très
5 conscients de cette dynamique-là, de cette
6 problématique-là. Nous consultons avec notre
7 comité l'Association des femmes autochtones du
8 Québec. Nous allons être bientôt en communication
9 également avec l'Association des femmes inuites du
10 Canada.

11 En particulier dans les cas de
12 violence conjugale si nous devons faire des
13 cercles de consultation on a déjà déterminé qu'on
14 ne le ferait pas sans alerter des associations,
15 comme l'Association des femmes inuites, pour
16 qu'elles viennent nous aider à faire ces choses-
17 là.

18 On veut vraiment qu'elles
19 participent à l'élaboration des nouveaux modèles
20 ou des expériences que nous allons faire. Il ne
21 faut pas qu'elles soient étrangères à ça.

22 Je dois vous dire que c'est
23 surprenant de voir au Québec le nombre de femmes
24 qui prennent le leadership dans plusieurs
25 domaines. Pour moi c'est encourageant, ça. Pour

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1 I want to repeat that I believe
2 very clearly that the native leadership within
3 those communities has to come to terms with that
4 also. It is not something that can go on and on
5 and on. It is something that needs to find
6 hopefully political solutions; that's what we need
7 to find. But we need to start getting that kind
8 of support from within those communities as well.

9 I know for a fact that the Mohawk
10 communities do not unanimously support this kind
11 of activity. You know that as well. I want the
12 public to know that; I think it is important.
13 There is a situation where it is perhaps asking a
14 lot of people within those communities to come
15 forward -- and I will stop there; the inferences
16 can be drawn.

17 But it is like a sore wound, and
18 we need to get back to normal. That's why, again,
19 I want to repeat how important it is to bring
20 taxes down jointly between the federal government
21 and the provincial government. It is not true
22 that a reduction in taxes for instance will
23 increase the amount of smoking; people are smoking
24 anyway: they are smoking contraband cigarettes.
25 It is not true that a reduction in taxes will

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1 moi c'est très encourageant, et de plus en plus
2 elles prennent des responsabilités. Elles ne sont
3 pas étrangères au système, elles sont partie
4 prenante.

5 COMMISSIONER MARY SILLETT: That's
6 sounds encouraging.

7 Actually, the Inuit Women's
8 Association has done a lot of work, very
9 progressive work I think, in this area. They've
10 written "The Inuit Way", which is a cultural guide
11 and is being used by many many associations who
12 deal primarily with Aboriginal people.

13 I think it takes much more than
14 reading a book to understand the people that
15 you're supposed to be working with, but at least
16 that is a start and that is a contribution that
17 organizations like the Inuit Women's Association
18 are making.

19 My second question deals with a
20 question that was raised by Mr. Dussault, but I
21 want to raise it another way.

22 When we have met with many
23 Aboriginal presenters we have heard orally what
24 their traditional justice systems were. I suspect
25 that some groups have more written documentation,

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1 increase smoking. We have passed the limit in the
2 taxation; that had its effects. I quit smoking
3 five years ago when the taxes went up; I am not
4 going to go back to that.

5 What I mean is, we went beyond
6 something that is reasonable and we need to bring
7 that down. We need to absolutely decrease the
8 incentive for that trade. We need to increase our
9 measures, and we are giving ourselves the tools
10 right now in the National Assembly, and so is
11 Ontario, to do some of that, to increase our tools
12 with which we can act on the distribution network,
13 the consumers, the importers. We have to act much
14 more vigorously on the police front, and we are
15 giving ourselves the tools to do that.

16 But we need to do that with a
17 reduction in taxes and, at the same time, we need
18 to have with the communities in question a
19 discussion that allows us to replace the kind of
20 approach we have had so far with them with a new
21 relationship that can be based on some principles
22 that we share. If we don't share a certain number
23 of fundamental principles, then we are condemned
24 forever to be confronting each other. Ultimately,
25 it is going to be a question of just raw political

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1 other groups have less. You mentioned that.

2 I was wondering, what we've heard
3 very often from Aboriginal groups is that the past
4 models concentrated or focused exclusively on
5 healing. There was really no punishment.

6 I was wondering if based on the
7 information that you have had access to, is that
8 consistent with what you've learned?

9 THE HONOURABLE JEAN-CHARLES COUTU:
10 Could you please repeat the last words you said?

11 COMMISSIONER MARY SILLETT: Is
12 that something that you've heard as well, or have
13 you heard differently?m What have been the past
14 traditional Aboriginal models of justice?

15 THE HONOURABLE JEAN-CHARLES COUTU:
16 I have heard about that reconciliation, healing
17 and things like that, it's okay, mais je pense que
18 ce n'est pas seulement ça qui existait
19 traditionnellement.

20 À un moment donné la conciliation
21 ou ces modes de guérison, avec certains individus
22 ça ne fonctionne pas. Et carrément quand on ne
23 pouvait pas, les gens étaient expatriés, étaient
24 bannis, ou étaient tout simplement mis à mort, un
25 peu comme dans notre propre société, avec une

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1 power at some point.

2 COMMISSIONER MARY SILLETT: Thank
3 you very much.

4 CHRISTOS SIRROS: You're welcome.

5 CO-CHAIR RENÉ DUSSAULT: Viola
6 Robinson.

7 COMMISSIONER VIOLA ROBINSON:
8 Thank you.

9 This is a very interesting
10 proposal that you have here today. To begin, I
11 think I just want to talk a little bit about the
12 kinds of things you are proposing here on how to
13 develop a new relationship and how to get
14 Aboriginal people in Quebec more involved at the
15 political level and more involved in resolving
16 their issues; and you certainly do this.

17 But, when I look at this paper, I
18 just have to draw your attention to -- I think it
19 is right on the second page. Your paper sounds
20 good, but there is this whole basic perception of
21 Aboriginal people and how they perceive themselves
22 that has to change; it has to change and it has to
23 be accepted by non-Aboriginal people -- to accept
24 the change. Here you have, "whether they have
25 been here for 4,000 years or 400 years, natives

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1 façon différente.

2 Tout le processus de guérison des
3 communautés, je pense que c'est un processus
4 important actuellement. Est-ce que c'est
5 traditionnel ou non, je ne le sais pas. Il me
6 semble que c'est plus psychologique qu'autre chose
7 et que n'importe quelle communauté qui est prise
8 avec les mêmes problèmes, si elle passait par ce
9 mode de guérison, de discussion collective, et
10 caetera, peut arriver à atteindre cette guérison-
11 là et à trouver une voie dans l'avenir.

12 Pour moi je ne trouve pas que
13 c'est nécessairement plus autochtone que moi
14 autochtone, ça. C'est tout simplement
15 psychologique. Le fait que les gens commencent à
16 parler d'un problème qu'ils partagent ensemble
17 leurs peines et partagent leurs désirs et
18 partagent les souffrances qu'ils ont pu avoir,
19 tout ça est un exutoire pour arriver à se libérer
20 de cette peine-là et ça permet d'agir mieux ou de
21 fonctionner mieux après dans la société.

22 Est-ce que c'est plus fort chez
23 les Autochtones ou non, ce genre de guérison-là?
24 Sûrement qu'on y fait appel beaucoup plus en tout
25 cas actuellement. Il y a eu un discours...mais ça

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1 and non-natives have developed a feeling of
2 belonging to the territory".

3 Maybe the writer made a mistake or
4 something, but natives did not develop a feeling
5 of belonging, they belong to the territory.

6 CHRISTOS SIRROS: You are
7 absolutely right.

8 COMMISSIONER VIOLA ROBINSON: So I
9 think you have to be very careful when you say
10 something and it is there on paper; that would be
11 very offensive, if you were starting something, if
12 I were the person sitting across the table from
13 you.

14 I think one of the problems that
15 we heard two weeks ago -- we met with most of the
16 Aboriginal groups that came forward here. One of
17 the problems that we hear -- and we hear this from
18 Aboriginal people from Quebec no matter where we
19 listen to them -- there are complaints about the
20 Quebec government, there are complaints of course
21 about the federal government, but more so is the
22 kind of recognition. Surely, you have given
23 recognition to Aboriginal people, but it is the
24 basis of that recognition that is important.

25 When they came here and talked to

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1 marcherait chez nous aussi, ça fonctionnerait
2 n'importe où.

3 Comme les communautés sont
4 isolées, souvent vivent en petits groupes, c'est
5 peut-être plus important dans ces communautés-là.

6 Je vous donne l'exemple, dans la
7 dernière conférence que j'ai faite ce que le Chef
8 Billy Diamond à Waskaganish, des choses très
9 intéressantes, des séminaires sur la violence, des
10 séminaires sur les agressions sexuelles, sur
11 l'alcool, et caetera. Il y a toutes sortes de
12 programmes. Vous avez rencontré les jeunes femmes
13 de Manouane qui ont mis en place un groupe de
14 travail.

15 Tout ça va déboucher sur cette
16 guérison collective, si vous voulez. Il faut
17 sortir d'abord du cercle de la violence, et
18 deuxièmement sortir du silence. Ce sont deux
19 choses qu'il faut combattre et qui sont bien
20 importantes actuellement.

21 COMMISSIONER MARY SILLETT: This
22 is supposed to be a dialogue, not necessarily
23 question, question, question, answer, but on the
24 issue of violence I think we've encountered that
25 so often in our public hearings. I think it has

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1 us, they said, "We have been consulted most of the
2 time after the fact." We talk about the James Bay
3 Crees going to international resources to try to
4 get support for their claim. When we asked them
5 about that, they did that as a part of a
6 reactionary process, because it is being done all
7 the time by other levels of government in Canada:
8 They use the international arena to promote
9 themselves all the time. It is fine for them to
10 do it, but if an Aboriginal group does it, it is
11 seen as being derogatory. This was very clearly
12 stated to us. This is not my view, this is the
13 view of the people. I think that has to be
14 corrected.

15 Having said that, one of the
16 things that keep coming up to us is the fact that
17 they are not seen as equals, as a nation, in the
18 same vein or in the same light as Quebeckers are
19 seen; they are somehow set aside as something
20 less. We are not really sure who is responsible
21 for them, and when they come to the table they are
22 not seen as -- equals I guess is the word to use.

23 You talk about bringing that
24 about, but I think what is important is how you
25 bring it about. I would be interested to hear on

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1 been our observation that many people who are in
2 that situation are very scared to talk about it,
3 and if they do talk about it they talk about it
4 behind closed doors, or if they do talk about it
5 they leave their own reserves, they leave their
6 own communities, they go to the urban areas where
7 they have more freedom, because then they don't
8 have to suffer the community repercussion.

9 I just wanted to actually talk
10 about the whole issue of healing.

11 As you may know, I was a previous
12 President of Pauktutit (PH), the Inuit Women's
13 Association, so as President of that Association
14 had much opportunity to talk to many women. My
15 own feeling was that many women felt extremely
16 emotional about offenses against children, and
17 they felt that offenders should be, for example,
18 not necessarily healed, but they should be
19 punished, and they should be punished terribly.

20 The reason for that basically is
21 that the communities that they came from are very,
22 very small. If there's an offender, there's
23 possibility that person would offend again and the
24 whole community would be in danger. If they went
25 to the federal penitentiary, for example, they may

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1 how you propose to change that whole perception
2 and thinking. I don't think they want another
3 token kind of a gesture that is not going to bear
4 fruit in the end. I think they are looking for
5 something that is going to be of very clear
6 substance.

7 They have gone through a lot in
8 Quebec. We have had a lot of agreements, which
9 you alluded to yourself. With a lot of those
10 agreements there are a lot of problems because of
11 a lack of enforceability and implementing,
12 jurisdictional things. This one, I would think,
13 has to be a lot clearer, more clear than these
14 past processes.

15 Could you just tell me a little
16 bit more on how you are going to change this one
17 so that is going to look very, very attractive and
18 it is going to entice them to come forward and
19 really move? Because I think you really have a
20 selling job here to do.

21 CHRISTOS SIRROS: Are you going to
22 help?

23 First, I will start by making sure
24 my translations are better done. And let me just
25 tell you what it really says. It says that, first

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1 not necessarily get counselling. They would go
2 back to their communities and there's a greater
3 threat.

4 And then there are some women who
5 were saying actually there should be healing
6 because of that reason. When they go to federal
7 penitentiaries there should be an opportunity for
8 people not only to be punished but also to be
9 healed, and that's something we've been told very
10 clearly that's missing in the federal penitentiary
11 system.

12 We've heard that from presenters
13 within the institutions, saying: We come here, but
14 we don't leave here better people, and we want to
15 be reintegrated back into our communities.

16 L'HONORABLE JEAN-CHARLES COUTU:
17 C'est un problème très important que vous
18 soulignez là dans le sens que c'est évident que
19 les prisons, ça ne guérit pas les gens sauf de
20 façon exceptionnelle. C'est un des avantages, ça,
21 du cercle de consultation dont on parle.

22 C'est qu'il permet à la fois de
23 punir la personne mais aussi d'aménager dans la
24 communauté, c'est ça qui est important, le
25 retour...d'abord, la protection des victimes. Je

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1 of all, there are distinct cultures here, native
2 and non-native, that each have their own historic
3 roots, and those roots are here to stay because of
4 their strength. Be it for 4,000 or for 400 years,
5 natives and non-natives have developed a sense of
6 belonging -- have a sense of belonging to the
7 territory, or have developed. That's a minor
8 point.

9 But you are right to say that
10 there is a sense that there is a lot of work to be
11 done here. Obviously, there is a lot of work to
12 be done. That's one of the reasons why I believe
13 that the approach has to be an evolutionary one.
14 We have to evolve into things. We can't expect to
15 bite off the whole piece in one shot and solve it
16 all.

17 I believe it is a lot better to
18 have agreements that have difficulty in their
19 application than not to have agreements at all,
20 because at least we have the chance to try to work
21 out those difficulties. That's what we are doing
22 with the Cree right now. We have been engaged, we
23 just went through a process we called pre-
24 negotiations with the Cree that has allowed us,
25 with them, to look at the issues that have gone

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1 pense que c'est la première chose, la protection
2 des victimes, qui se sentent menacées, et je peux
3 vous donner un exemple très concret que je vis
4 actuellement.

5 Et également que la personne qui
6 va à la prison, si elle n'a pas reçu les soins
7 qu'il faut pour changer sa mentalité, changer sa
8 façon d'être, puisse aussi, lorsqu'elle revient,
9 être encadrée sur place. Et cela va demander un
10 effort très important de la communauté.

11 Avec le nombre d'agressions qui
12 existent je me demande si la communauté va être
13 capable de supporter ça, et jusqu'à quel point
14 aussi la société va être en mesure d'avoir le
15 nombre. On est quand même pas pour avoir un
16 travailleur social dans chaque maison. Ce sont
17 des problèmes assez extraordinaires.

18 Actuellement je sais qu'il y a un
19 monsieur qui a été condamné à la prison et qui
20 revient dans un village. J'ai reçu des téléphones
21 hier. Je ne mentionnerai pas le village. Là on
22 est aux aguets. On sait qu'il va sortir de prison
23 dans deux semaines. Là tout le monde a peur. On
24 ne veut pas qu'il revienne dans le village, et on
25 me demandait de trouver des moyens pour qu'il ne

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1 wrong.

2 We signed an agreement in 1975
3 that each of us held at the time as important,
4 generous, innovative and establishing a very good
5 basis for the future. Fifteen years later there
6 are problems with it. But at least we have an
7 agreement that we can try to sort of get back on
8 track with.

9 The agreement with the Inuit is
10 working, and we are at a stage where we are
11 talking with them about taking it one step further
12 and defining with them a regional form of
13 government. So that allows us to progress.

14 We don't have any problem with
15 people going and using international forums if it
16 is to put forward things that help advance the
17 cause of relations or say what they are doing.
18 The problems we have had at times have been the
19 feeling that events have been presented in a
20 rather construed way or in an exaggerated fashion
21 for a particular political purpose. We have a
22 problem with that. I think anybody would have a
23 problem with that.

24 I think that if there is a
25 willingness on the part of natives also to work in

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1 revienne pas.

2 Je n'en ai pas de moyens sauf,
3 évidemment, s'il a fait des menaces ou il a commis
4 une infraction qui permettrait de l'arrêter de
5 nouveau.

6 Semble-t-il qu'à la dernière
7 minute il y a huit ou dix femmes qui sont prêtes à
8 porter plainte comme quoi elles ont été violentées
9 par cet homme-là. C'est énorme. On ne sait
10 vraiment pas comment prendre ça, tous ces
11 problèmes-là. Dans ce village-là il y au-delà 100
12 agressions sur des enfants dernièrement.

13 C'est tout le monde qui va devoir
14 mettre la main à la roue, je pense, les
15 travailleurs sociaux, les juges, et la communauté.
16 Si la communauté ne fait pas quelque chose, si les
17 hommes ne changent pas leur mentalité on va avoir
18 énormément de difficulté.

19 J'étais dans un village du Nord il
20 y a six mois environ. Il y a un vieux monsieur
21 très respectable de 75 ans environ, 70 ans, qui a
22 voulu prendre la parole publiquement devant toute
23 la communauté et parler au juge. Il voulait
24 s'exprimer en disant pourquoi vous faites tant de
25 chichi autour des agressions sexuelles? Ce qui

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1 the same direction -- to develop a harmonious
2 relation takes two. I can stand here and repeat
3 till I am blue in the face that I want our
4 relationship to be harmonized and normalized, if
5 the other person doesn't, all I am going to do is
6 talk. So there is a responsibility on the other
7 side as well to work together, and that's what I
8 would like to see come out of this statement and
9 our willingness to move immediately towards the
10 creation of a forum that can put forward a
11 political agreement, that can put forward means to
12 resolve conflicts.

13 I would like to see the
14 willingness come to work in a common direction,
15 because I am convinced that we share fundamental
16 principles. There are issues that belong to
17 mankind, and I don't care if you are Cree, Greek,
18 Indian, French or English; it doesn't matter.
19 There are some things that are fundamental to
20 mankind, and I am sure that we can find concrete
21 applications of those things in the functioning of
22 our society.

23 COMMISSIONER VIOLA ROBINSON:
24 Thank you. I certainly hope that you do, because
25 one of the things we hear is a lack of political

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1 est bien plus important que ça c'est les gars qui
2 ont des fusils puis qui tirent en l'air dans le
3 village.

4 C'est une mentalité qui est comme
5 ça. Moi, je n'y peux rien. J'ai dit au monsieur,
6 écoutez, moi je ne peux pas faire d'ordre de
7 grandeur entre les crimes mais je vous dit que les
8 deux sont très importants. Demandez aux dames qui
9 sont ici, et toutes les femmes disaient oui, ce
10 qu'elles en pensent de ça, cette agression dans
11 leur être intime. Peut-être qu'elles vont, elles,
12 vous donner la bonne réponse.

13 Alors on parle de loin, et la
14 justice n'est pas une panacée à tous ces maux-là.
15 On peut être juste des intermédiaires pour
16 commencer à faire réfléchir les gens et les
17 asseoir ensemble pour qu'ils discutent et essayer
18 de voir la vie autrement.

19 COMMISSIONER MARY SILLETT: Thank
20 you very much.

21 COPRÉSIDENT RENÉ DUSSAULT:
22 Évidemment on pourrait passer des heures et des
23 heures sur le sujet. Nous sommes déjà en retard
24 dans l'ordre du jour.

25 Je voudrais simplement faire écho

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1 will; but obviously, you are indicating political
2 will here.

3 Again, I have to stress that it is
4 on the basis of perception and conception, because
5 it doesn't matter where that inherent right is
6 recognized and where it emerges from, whether it
7 is from the Constitutional process or through the
8 Supreme Court of Canada or through a formal
9 agreement, it is something that still has to be
10 accepted by the public in general.

11 I think that a lot of the problems
12 in Canada that people are having are because
13 people don't understand. Even when you talked
14 about ownership, you don't view ownership in the
15 same way as Aboriginal people do, and you have to
16 somehow come to that. Even today, when you
17 talked, I could tell the way you talked that it is
18 certainly a different perception of ownership than
19 what we hear Aboriginal people talking about.
20 When we come to grips and come to some level of
21 that perception, then it will be time to move on.

22 I am trying to encouraging you by
23 pointing out some of the things that we have heard
24 and some of the things that we have observed and
25 cautioning you that they have to be taken into

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1 à ce que vous dites. Il est évident que le
2 système de justice est un élément de la solution,
3 mais il y a des solutions beaucoup plus profondes
4 et importantes -- le développement économique, le
5 retour de l'estime de soi dans les communautés, et
6 caetera -- qui dépendent d'une foule de facteurs.

7 Nous sommes extrêmement heureux
8 d'avoir eu l'occasion d'être d'une certaine façon
9 informés sur l'état actuel des travaux de votre
10 comité. Comme vous le savez, la Commission
11 s'intéresse de très près au secteur de la justice
12 chez les Autochtones et nous comptons garder un
13 contact suivi dans les prochains mois, jusqu'à la
14 terminaison des travaux de votre comité l'été
15 prochain.

16 Nous suivons de très près
17 l'expérience des cercles de consultation qui
18 viennent de commencer, au fond, dans le nord du
19 Québec. Nous savons que c'est délicat, le
20 maniement de ces démarches. Il y a des projets-
21 pilote qui ont connu des ratés autant au niveau de
22 la non-judiciarisation que du côté de la
23 déjudiciarisation ou de l'implication des
24 communautés dans les sentences, surtout quand on
25 parle d'agressions sexuelles du côté des femmes.

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1 consideration.

2 Once again, a lot of the things
3 that I was going to raise have been raised by my
4 previous colleagues, but I want to thank you. I
5 think it is something that is workable and I wish
6 you well.

7 **CHRISTOS SIRROS:** Thank you very
8 much. Perhaps just as a quick reaction to your
9 last comments, I believe that people resist or
10 fear, if you like, the unknown, and that if we can
11 arrive at moving from the unknown to the known as
12 far as what governmental autonomy means in the
13 concrete, every-day lives of people, it will be
14 possible to create it, to elaborate it, to build
15 it.

16 I am convinced that the only way
17 we are going to re-establish a normal relationship
18 is to move away from the situation that we started
19 this discussion with, where a group of human
20 beings is a jurisdiction of a particular
21 government. That makes absolute no sense at the
22 dawn of the twenty-first century. And the only
23 way we are going to do that is to move to a
24 recognition of the practical applications of what
25 we at least in Quebec have been saying for the

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1 Tout ce qu'on peut souhaiter c'est
2 que votre comité fasse un rapport qui trace une
3 direction pour l'avenir qui sera efficace, et nous
4 allons essayer de notre côté, arrivant quelques
5 mois après, d'encadrer le tout de façon à pouvoir
6 faire en sorte, on l'espère, avec la collaboration
7 de groupes comme le vôtre, de viser le plus juste
8 possible sur ce qui doit être fait du côté de la
9 justice chez les Autochtones.

10 L'HONORABLE JEAN-CHARLES COUTU:
11 Juste à titre d'information je pourrais peut-être
12 ajouter ceci, c'est que jusqu'à quel point on
13 trouve que c'est important.

14 Le 21 décembre nous avons une
15 journée complète, il y a au-delà de 50 personnes
16 qui sont invitées qui oeuvrent dans le domaine de
17 la justice, y compris des sous-ministres et des
18 juges-en-chef, pour toute la journée faire une
19 réflexion générale sur des cercles de sentence en
20 particulier et tout cet aspect-là de la
21 consultation des citoyens par les juges.

22 Tous les juges qui oeuvrent dans
23 le Nord, dans ma région, sont invités ainsi que
24 tous les avocats, les agents de probation, et
25 également les gens du ministère qui sont

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last 15 years: there are 11 distinct native nations in Quebec, they have a right to government autonomy, and we have to put that in practice.

CO-CHAIR RENE DUSSAULT: I think that the discussion shows -- and we see this on a daily basis in the Commission and you also experience it, no doubt -- that there is a lot of inter-cultural communication that remains to be done. That is one of the problems in the case of aboriginal-non-aboriginal relations. Their view of the world is different and when we become more familiar with the other side's vision, as Pierre Trudel told us -- you quoted him at one point -- there is less chance that we will insult each other mutually without realizing what we're doing.

In concluding, I should simply like to stress two small points.

The urban question as it affects the situation of aboriginal people is a question that has generally been ignored in Canada and that is obviously more acute in the western part of the country than it is in Quebec. But I feel that here we have an opportunity, in Montreal, to take a preventive interest before we also have to face the

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1 intéressés.

2 Si jamais vous étiez intéressé à
3 envoyer quelqu'un se pointer le nez pour voir ce
4 qui se passe là, ça nous ferait plaisir de le
5 recevoir. C'est gratuit en plus, en autant qu'ils
6 paient leurs dépenses.

7 COPRÉSIDENT RENÉ DUSSAULT:

8 Monsieur Coutu, nous vous remercions de votre
9 invitation. Nous allons voir si nous pouvons y
10 répondre. Nous sommes extrêmement intéressés à la
11 question. Merci.

12 Je voudrais suspendre l'audience
13 pour cinq minutes. Nous allons reprendre avec le
14 mémoire de l'Union des municipalités du Québec
15 sans plus tarder.

16 --- Suspension de l'audience à 11 h 29

17 --- Reprise de l'audience à 11 h 44

18 COPRÉSIDENT RENÉ DUSSAULT: La
19 Commission royale sur les peuples autochtones au
20 Canada reprend ses audiences publiques avec la
21 présentation de l'Union des municipalités du
22 Québec.

23 Je voudrais sans plus tarder
24 demander aux représentants de l'Union de procéder.

25 Merci.

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social problems and the consequences for provincial prisons, for example, that occur in the West. There is an advantage that can be taken at this point, when, if people are really interested, we can avoid things that are already a fact in the western part of the country; so relations with the Aboriginal Friendship Centres but also this concept of self-government which is somewhat diffuse at the urban level, either in autonomous institutions or in participation in health institutions.

We had the Hospitals Association which told us of course that, since the enactment of the Act respecting health and social services, there were no aboriginal people who stood for election to the hospital boards and so on. So there is a lot of work to be done in that area and I must not fail to point this out.

The other point is the situation of the Metis in Quebec. We had a presentation yesterday from the Aboriginal Alliance of Quebec. We had a presentation earlier in May from the Metis Association of Quebec. Obviously they feel, like all Metis, including the Metis in

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1 JEAN-BOSCO BOURCIER, Maire de
2 Châteauguay et membre du Conseil de l'UMQ:
3 Monsieur Dussault, bonjour; madame Sillett, my
4 respect.

5 Au nom de l'Union des
6 municipalités du Québec il me fait plaisir de
7 venir vous présenter ce mémoire. C'est la
8 troisième fois que personnellement je viens
9 présenter un mémoire et, comme disait tantôt un
10 citoyen avec qui je jaisais, je parle en mon nom
11 mais aussi au nom des municipalités qui nous
12 représentent au sein de l'Union des municipalités
13 du Québec.

14 COPRÉSIDENT RENÉ DUSSAULT: Peut-
15 être, monsieur Bourcier, il serait bon
16 d'identifier votre équipe.

17 JEAN-BOSCO BOURCIER: C'est ce que
18 je m'apprête à faire.

19 Je suis accompagné de Pierre-
20 Benoît Forget, qui est maire de Deux-Montagnes, et
21 Michel Bédard, qui est permanent à l'Union des
22 municipalités du Québec. Je suis Jean-Bosco
23 Bourcier. Je siège à l'exécutif de l'Union des
24 municipalités du Québec, mais je suis maire de la
25 Ville de Châteauguay qui, comme tout le monde le

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the West, that they are constantly between two stools, that they fall through the holes in the sieve and do not find themselves at home in any of the 11 nations for which the Secretariat for Aboriginal Affairs is responsible or elsewhere. So perhaps I may take the liberty of drawing attention to that fact; I think there are particular concerns in that regard. The problems are on such a scale and so important that often the urban reality, the Metis reality, because it is less visible and less immediate, is ignored and that gives rise to a great deal of frustration. So I just wanted to take the opportunity to share that with you.

In concluding, it remains for me, on behalf of the Royal Commission on Aboriginal Peoples in Canada, to thank you for taking the time to put the thoughts of the government of Quebec on paper. I think that, in actual fact, it is a document that was submitted by the government of Quebec through you and, for us, that is an extremely important step. The Commission is available to work with governments. You know that, you referred to the fact that we are going to have a meeting with the various ministers

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1 sait, nous sommes limitrophe à la réserve de
2 Kahnawake, et Deux-Montagnes est limitrophe à la
3 réserve de Kanesatake.

4 Nous faisons cette présentation,
5 monsieur Dussault, suite à un comité que l'Union a
6 formé de divers maires représentatifs des
7 problématiques que vivent chacune des
8 municipalités sur le territoire québécois, c'est-
9 à-dire les maires qui provenaient en majorité des
10 municipalités qui sont près de communautés
11 amérindiennes.

12 Je voudrais enchaîner avec la
13 présentation en nous situant d'abord. Je ne
14 voulais pas le faire au début mais je crois qu'on
15 va y aller, on va essayer de faire ça le plus
16 succinctement, le plus rapidement possible sans
17 rien négliger.

18 Fondée en 1919, l'UNQ, l'Union des
19 municipalités du Québec est aujourd'hui le
20 principal regroupement de municipalités locales,
21 de MRC et de communautés urbaines du Québec. Ses
22 quelques 300 municipalités membres implantées dans
23 toutes les régions représentent plus de 80 pour
24 cent de la population du Québec et gèrent une
25 proportion plus imposante encore des budgets

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responsible for aboriginal matters on February 2, as a follow-up to the First Ministers' Conference in Cape Breton.

So we just wish to reiterate that over the next year this co-operation will become increasingly important as we put together the information we have received in the national consultations, public hearings and our research projects in an attempt to come up with proposals that reflect clear objectives and a transition period in which they can be achieved. They are not necessarily objectives that can be attained tomorrow morning but over a certain number of years, to gain the support of both the aboriginal peoples and the governments in this country as well as the general public.

Obviously, as one of my colleagues has said, we have an important selling job to do and often there are events that make this selling job more difficult as we are in the middle of it; you referred to that this morning. I think that this part of your document is very interesting as it relates to public education and we urge you, as my colleague Mary Sillett has said, to continue along those lines. There is an enormous need on the level

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1 municipaux, c'est-à-dire 85 pour cent, étant donné
2 le caractère majoritairement urbain des
3 municipalités membres de l'Union. On ne néglige
4 pas pour autant l'importance des municipalités
5 rurales, sauf que nous sommes un regroupement de
6 municipalités et de MRC à caractère urbain.

7 La mission de l'UMQ en est une de
8 représentation des intérêts de ses membres et de
9 leurs citoyens, ainsi que de promotion de
10 l'institution municipale en tant que palier local
11 de gouvernement élu au suffrage universel.
12 L'Union se veut également un carrefour de la
13 réflexion municipale québécoise et favorise à
14 cette fin la formation des élus municipaux et la
15 diffusion de l'information par le biais de sa
16 revue URBA et de son congrès annuel.

17 Soucieuse de contribuer au
18 maintien et à l'amélioration de la qualité de vie
19 dans les communautés locales l'Union suscite la
20 réflexion sur les grands débats et enjeux de la
21 société qui ont un impact pour le devenir immédiat
22 et futur des collectivités locales québécoises.
23 Dans cet esprit, l'Union développe des liens
24 privilégiés avec les différents acteurs
25 politiques, économiques et sociaux de la scène

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of the country as a whole and in Quebec.

Mr Minister, thank you.

CHRISTOS SIRROS: Thank you very much, Mr Chairman and Commissioners. I too, it has been a great pleasure for me to talk to you, to come here to tell you what the government of Quebec has done, to re-establish a number of facts and make a number of proposals for the future. We are deeply convinced -- both myself personally and my colleagues in the cabinet too -- that it is necessary to establish a new relationship. In that sense the work of the Commission has been useful to us in the past and we shall continue to maintain the relations with you that we have had since the very beginning.

We shall follow the continuation of your work with interest. However, to take what you said at the outset to heart, I should say that we do not wish to delay before taking action -- we want to act at once.

Once again, thank you very much.

CO-CHAIR RENE DUSSAULT: Thank you.

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1 québécoise.

2 Finalement, reflétant en cela
3 l'évolution de la pensée et de l'action municipale
4 des dernières années, l'Union mène à bien divers
5 mandats de service auprès de ses membres,
6 favorisant ainsi la saine gestion des deniers
7 publics.

8 L'Union des municipalités du
9 Québec tient à remercier les membres de la
10 Commission royale sur les peuples autochtones de
11 l'invitation qui lui a été adressée à l'effet de
12 présenter un mémoire sur les grands enjeux de la
13 question autochtone.

14 À plus d'un titre l'Union se sent
15 directement concernée. D'abord, le territoire de
16 quelque 80 municipalités, pour la plupart membres
17 de l'UMQ, chevauche ou est contigu à celui d'une
18 communauté autochtone. Cette mitoyenneté engendre
19 de façon inévitable des relations, des échanges et
20 des contacts entre les citoyens des deux
21 communautés.

22 En second lieu, ces échanges
23 prennent leur sens, dans certains cas, dans la
24 fourniture de services traditionnels assumés par
25 la municipalité: l'eau potable, la cueillette des

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Aboriginal Peoples will adjourn its work until 1:15 pm when we shall hear the presentation of the Fédération des femmes du Québec [Quebec federation of women]. Thank you.

--- Adjournment for lunch at 12:37 pm.

--- Resumption at 1:33 pm.

CO-CHAIR RENE DUSSAULT: The Royal Commission on Aboriginal Peoples resumes its public hearing with the presentation of the brief of the Fédération des femmes du Québec. Without further ado, I shall hand the microphone to the Chairwomen, Mrs Signori.

**CELINE SIGNORI, Chairwoman,
Fédération des femmes du Québec:** Good afternoon.

The Fédération des femmes du Québec, which was established in 1966, is a very important feminist organization in Quebec. It currently has hundreds of individual members and 65 member groups, which in turn represent a total of 100,000 women in Quebec. The membership of our organization is very varied. It includes among its members the main national organizations of women's groups, committees on the status of women in the major labour unions, women involved

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1 ordures, sécurité publique voirie locale, loisirs,
2 ou autres.

3 Enfin, certaines revendications
4 territoriales des peuples autochtones affectent
5 l'intégrité territoriale même de plusieurs
6 municipalités. Bien que ce dernier aspect ne sera
7 abordé que de façon très fragmentaire dans le
8 présent mémoire, il n'en demeure pas moins que,
9 pour l'UMQ, le droit territorial des municipalités
10 doit aussi être préservé. Celles-ci devront par
11 conséquent être intimement associées au processus
12 de négociation d'un éventuel redécoupage
13 territorial qui aurait pour effet de modifier, ne
14 serait-ce que de façon partielle, les
15 municipalités actuelles.

16 Il importe de préciser que l'Union
17 a exclu volontairement du présent mémoire certains
18 sujets de discussion tels les droits ancestraux
19 existants ou issus des traités, l'autonomie
20 gouvernementale, de même que toutes les questions
21 qui relèvent du système judiciaire. Non pas
22 qu'ils étaient sans intérêt, bien au contraire.
23 Nous avons voulu plutôt circonscrire les échanges
24 en nous limitant à des problématiques qui
25 affectent directement la vie communautaire,

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in various issues, including the place of women in the Church, international solidarity, access for women to non-traditional occupations and so on. Our members live in rural areas and urban centres and are from various cultural backgrounds.

The mission of the Federation is to work from a feminist perspective and in solidarity with other women to promote access to equality, dignity, equity and justice for all women in all areas.

First we want, by our presence, to make clear to the public our support for the work of your Commission. You have invited us to a process of reconciliation between the aboriginal peoples and the rest of the population of Quebec and Canada. Like you, we consider it urgent that we define a new relationship, a new social vision based on respect and co-operation among aboriginal and non-aboriginal people. We must build on the things we have in common and recognize our differences. The right to be different implies a notion of equality that can certainly not be taken for granted.

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1 sociale et économique des deux peuples et qui,
2 pour le monde municipal, revêtent un caractère
3 fonctionnel sans lequel l'harmonie entre nos
4 collectivités devient illusoire et toute idée de
5 conciliation et de réconciliation risque de
6 devenir purement académique.

7 Est-il besoin de préciser que nous
8 n'avons pas la prétention par la présente
9 contribution d'apporter des solutions définitives
10 aux différends qui persistent aujourd'hui en
11 regard des revendications des diverses communautés
12 autochtones. Tout au plus espérons-nous que les
13 éléments de réflexion qui alimentent le contenu de
14 ce document serviront d'amorce véritable à
15 l'instauration de relations plus harmonieuses et
16 porteuses d'espoir pour l'avenir de nos deux
17 communautés.

18 Les municipalités au Québec, son
19 histoire et ses valeurs: L'existence de
20 collectivités locales investies de responsabilités
21 effectives permet une administration à la fois
22 efficace et proche du citoyen. Ce mouvement s'est
23 confirmé avec les années par la responsabilisation
24 de plus en plus poussée des décideurs municipaux
25 qui ont acquis depuis quelques années au Québec

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As a group that has fought and is still fighting to gain access to equality and equity, we approve of the statement made by Madam Justice Abella in the report of the Commission on Employment Equity, which has already been quoted to this Commission:

Equality sometimes consists of treating people in an identical manner despite their differences and sometimes in treating them as equals while taking account of these differences.

Your final report will no doubt recommend that a new social contract be created between all the groups concerned. We believe that it must take into account these two facets of equality.

However, such attempts at reconciliation cannot take place without certain other conditions being satisfied. We are deeply convinced that the various levels of government must display openness and a genuine political will to find negotiated solutions to the difficulties

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1 une autonomie fiscale presque absolue. Un bref
2 retour sur l'histoire de l'institution municipale
3 est nécessaire pour en saisir les racines, les
4 valeurs et les traditions démocratiques.

5 L'institution municipale
6 n'existait pas pendant les années du régime
7 français, toute l'administration civile et
8 municipale relevant directement de l'intendant en
9 poste dans la colonie.

10 Sous le régime britannique la
11 province de Québec, qui devint le Bas-Canada en
12 1791, ne fut pas dotée d'institutions municipales
13 avant 1840, sauf à Montréal et à Québec. Lord
14 Durham, dans son célèbre rapport daté de 1839,
15 critiqua sévèrement l'absence d'institutions
16 municipales au Bas-Canada et en proposa la
17 création en vue d'assurer la décentralisation des
18 services publics. Selon lui, les institutions
19 municipales constitueraient la base de tout
20 système démocratique et d'une bonne organisation
21 collective.

22 Le gouverneur Sydenham partageait
23 les vues de Durham et fit adopter en 1840 deux
24 ordonnances créant un réseau de municipalités au
25 Bas-Canada. Une première ordonnance érigeait en

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about which this Commission has heard. Co-operation among the aboriginal peoples themselves will also be indispensable. They must understand the different realities of the other peoples living in the same country and have a desire to involve themselves in the search for solutions as full partners.

As a federation that brings together women from all regions of Quebec, from different socio-economic backgrounds and different cultural backgrounds, we know that it is not simple for a large number of differences to co-exist and harmony is often difficult to achieve.

As you said, Mr Dussault, you cannot change the attitudes of 500 years in only three years or even probably in five years. You also said: "The path that runs from self-esteem as a human being and as a member of a group to mutual respect among peoples is neither short nor easy but we must travel it."

Our presence before this Commission confirms both our belief that there are solutions and our desire to be a major player in these solutions even if we acknowledge that we have been

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1 corporation municipale toute paroisse ou canton
2 ayant au moins 300 habitants. Une seconde
3 autorisait le gouvernement à créer des districts
4 municipaux qui sont en fait des municipalités
5 régionales.

6 Ces deux ordonnances ont par la
7 suite été abrogées par une loi de 1845 qui
8 autorisait la création de corporations municipales
9 locales seulement. Ainsi, il pouvait y avoir des
10 corporations municipales de paroisse et de
11 township, mais également de village ou de ville.

12 La loi de 1845 fut abrogée par une
13 loi de 1847 qui supprima les municipalités de
14 paroisse et de township et les remplaça par des
15 municipalités de comté.

16 Enfin, c'est une loi de 1855 qui
17 jeta les bases de notre système municipal actuel.
18 Cette loi ramena les municipalités de paroisse et
19 de township tout en maintenant les municipalités
20 de comté, les villes et les villages. Nous
21 retrouvons donc une structure à deux niveaux,
22 c'est-à-dire la corporation municipale régionale
23 et la corporation municipale locale. C'est la
24 structure qui prévaut aujourd'hui, sauf que la
25 municipalité de comté est devenue la municipalité

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part of the problems themselves that affect the aboriginal peoples.

We have a second reason, which is even more important, for being here today, a reason that we have even more at heart. We wish by our presence and our brief submission to indicate our unreserved support for the claims that were made in the spring of 1993 by the aboriginal women through their representatives in Quebec Native Women.

All the women's groups that we represent or with which we work are facing problems that are unique to them. They also share with the other groups of women who live on the territory of Quebec a series of problems that affect us all in differing degrees. It is on behalf of this community of needs and difficulties that we show our solidarity with the struggles being waged by aboriginal women.

Like us, aboriginal women experience the same problems of sexism in the world of work, education, health and social services. However, they are subject to

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1 régionale de comté en 1980.

2 Dès 1855 il y avait au Bas-Canada
3 428 municipalités locales, soit 394 municipalités
4 de paroisse et de township, 29 villages, 3 villes
5 et 2 cités. L'augmentation du nombre de
6 municipalités locales entre 1855 et 1901 constitue
7 la preuve la plus éclatante du fait que la
8 création d'institutions municipales répondait à un
9 besoin réel dans un Québec en phase de
10 colonisation et de développement de ses
11 ressources. En effet, leur nombre doublera au
12 cours de cette période, passant de 428 à 954.

13 Suite au partage des compétences
14 entre le Parlement fédéral et les parlements
15 provinciaux dans l'Acte de l'Amérique du Nord
16 britannique adopté en 1867, l'Assemblée
17 législative du Québec n'a pas tardé à légiférer
18 dans le domaine municipal. Ainsi, un premier Code
19 municipal fut adopté en 1870. Ce dernier
20 maintenait l'organisation municipale prévue par la
21 loi de 1855 tout en augmentant les pouvoirs des
22 corporations municipales.

23 C'est en 1903 que la Loi sur les
24 cités et villes fut adoptée à Québec, remplaçant
25 l'Acte des clauses générales des corporations de

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the racism and the specific problems faced by aboriginal peoples as well. Moreover, within their own communities they confront aboriginal organizations that are very often dominated by men who exclude them from the major social, political and economic decisions. Their aspirations to equality encounter a great deal of resistance.

In the journal Femmes et Justice [women and justice] Michèle Rouleau, the former president of the Association of Aboriginal Women, said in the spring:

Aboriginal women have to wage two battles: as members of a people they must fight to assert their rights; and within this same people they demand their right to equality. The aboriginal woman is at the bottom of the ladder, both in her own community and in the white community.

In the brief of that Association which was submitted here, they claimed the

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1 villes qui encadrait les municipalités de villes
2 depuis 1876.

3 Il faudra donc attendre 1969 pour
4 assister à l'érection de nouvelles structures
5 municipales, par la création des communautés
6 urbaines de Montréal, Québec et régionale de
7 l'Outaouais, devenue urbaine en 1990. Aujourd'hui
8 on compte au Québec plus de 1 500 municipalités
9 locales et régionales, dont environ 250 villes.

10 Les valeurs: Ce rappel des
11 principaux jalons législatifs permet de tracer un
12 bilan de l'évolution des municipalités au cours
13 des 150 années. Cette évolution est, bien sûr,
14 perceptible dans le nombre de législations qui,
15 même depuis 1903, sont venues modifier la Loi sur
16 les cités et villes, mais elle est tout autant
17 reflétée dans la création des municipalités elles-
18 mêmes, notamment au plan démocratique.

19 Aujourd'hui, il n'est plus rare de
20 constater que des maires et même, à l'occasion,
21 des conseillers, sont élus par un corps électoral
22 plus large que les députés, des ministres et même
23 le premier ministre.

24 L'évolution des traditions
25 démocratiques municipales, dont l'élargissement du

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right to take the place that in all fairness was their due, to take back their freedom and their independence on a basis of equality with aboriginal men in everyday life.

They state that there can be no political equality without social equality and, in a broader sense, no true political autonomy without a democratic society that is characterized by social relations based on equality between men and women.

They have pointed out a number of urgent problems that they have to deal with. In the social area they have identified three priorities: family violence, the need for daycare services for pre-school children and the particular needs of aboriginal women living in urban centres.

Violence has very clear and concrete impacts in the heart and on the bodies of all of us. We are aware of how much courage it took for aboriginal women to denounce the situation of endemic violence that prevails in their communities. Since we ourselves have to struggle against situations of violence, certainly to a lesser degree but nevertheless still just as painful, we support their

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1 droit de vote, jointes à la surveillance de plus
2 en plus serrée qu'exercent les médias et la
3 population en général, témoignent de l'attrait
4 renouvelé envers cette démocratie locale qu'est la
5 municipalité. Nul autre palier d'administration
6 publique au Québec ne peut se vanter de faire
7 élire directement, et au suffrage universel de
8 l'ensemble de la population adulte, la personne
9 qui assume la présidence de l'exécutif.

10 Ces éléments de problématique nous
11 rappellent, au besoin, que la municipalité
12 représente les intérêts de la population locale,
13 que ses élus sont mieux que quiconque au sein des
14 appareils publics aptes à saisir les messages de
15 la population et à répondre aux besoins qu'elle
16 exprime localement.

17 Or, ces besoins exprimés
18 localement sont en croissance dans toutes les
19 municipalités, même si l'étendue ou l'urgence des
20 problèmes varie. Certaines tendances de société
21 expliquent et sous-tendent ces besoins: la
22 population est de plus en plus mobile, éduquée,
23 informée des services qu'offrent d'autres
24 municipalités ou encore le secteur privé dans le
25 domaine des loisirs, de la culture, des services

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denunciation and demand with them that the issue become a priority at all times.

We believe that their demand for daycare centres in aboriginal communities has the same urgency. The needs of aboriginal women are changing: they are returning to work or school, becoming involved in the community and so on. Quality daycare services that respect the cultural differences of the children must be offered since this would give them an improved entry into the adult world. The ping-pong game between governments must stop and the policies on daycare services must be changed to respond to the particular needs of aboriginal communities and not the reverse.

Several of our member groups in urban centres have been contacted by aboriginal women looking for material assistance, support and information in a context that was completely foreign to them or in which they were unfamiliar with the red tape.

We can confirm, therefore, that aboriginal women in urban centres are often without resources, isolated, dealing

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1 de protection à la personne ou à la propriété, du
2 transport, et autres. Ces tendances créent des
3 pressions à la hausse en ce qui concerne la
4 prestation de services par la municipalité.

5 Après une vague de déstructuration
6 des milieux de vie et des liens traditionnels,
7 principalement familiaux, qui a eu cours pendant
8 une ou deux générations, le retour à des valeurs
9 et à des préoccupations communautaires contribue
10 aujourd'hui à multiplier les besoins des
11 populations locales.

12 Il est facile de transposer ces
13 tendances sociales sur le plan de l'évolution de
14 l'État québécois. En effet, la période de prise
15 en charge par l'État de responsabilités toujours
16 croissantes en matière de services publics et
17 d'interventions dans le domaine financier ou
18 industriel (les décennies 60 et 70), a suscité et
19 favorisé des attentes démesurées envers l'État
20 centralisé perçu alors comme la source de tous les
21 progrès sociaux que la population demandait.

22 Or, au cours des dernières années
23 le réveil fut parfois brutal pour une population
24 nourrie et bercée de principes généreux comme
25 l'universalité et la gratuité. L'État et ses

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with discriminatory attitudes on the part of employers, apartment owners and so on. It is essential that their specific needs be taken into consideration and that resources adapted to their culture be made available to them.

On the political front, aboriginal women have placed priority on three issues to which we too wish to give our support. These are the discriminatory measures that still persist in Bill C-31 and in its application, protection of their rights by maintaining the Charter of Rights and equal participation in the political process.

The Quebec Association of Aboriginal Women and several other women's groups have eloquently demonstrated here the negative impact on women, their children and on the community as a whole of Bill C-31, which maintains two categories of Indians and gives the bands the power to determine the rules governing a person's membership in the band.

What is really being sought by those Indians who have lost their status is first and foremost the recovery of their

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1 réseaux se faisant de plus en plus difficiles à
2 rejoindre et à influencer, les revendications se
3 sont transposées au plan local, là où la
4 population détient un véritable pouvoir de faire
5 changer les choses si elle n'obtient pas l'écoute
6 et la compréhension auxquelles elle estime, à
7 juste titre, être en droit de s'attendre.

8 Aujourd'hui l'État québécois
9 centralisé est perçu par plusieurs comme incapable
10 de se réformer, de s'adapter aux besoins nouveaux
11 qui émergent de partout (adaptation de la main-
12 d'oeuvre, protection de l'environnement,
13 protection publique, limites au fardeau fiscal,
14 politiques économiques modernes).

15 La municipalité, bien établie et
16 capable d'initiative envers son milieu, apte à
17 soutenir les efforts locaux vers le développement
18 économique et social, est disposée, comme
19 institution, à en faire plus pour la population,
20 pourvu que le gouvernement, saisissant son
21 intérêt, l'aide à agir vite, mieux et à meilleur
22 coût.

23 Des relations à améliorer: Ce
24 bref survol historique de l'évolution du monde
25 municipal démontre jusqu'à quel point les

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identity. Many women have struggled with this as their primary goal rather than the search for rights and financial benefits linked with status as an Indian.

We do not wish to repeat this demonstration of a situation with which aboriginal women are familiar and describe so well but we do wish to add our voice to the denunciation of this situation and the call for justice and equity for women and their children under Bill C-31 and in its application. This means for us, among other things, that the right to belong to a band should not depend on the goodwill of the bands but rather on clear legislative provisions.

We understand all the better the insistence of aboriginal women on demanding that the Canadian Charter of Rights and Freedoms continue to apply to aboriginal governments and that the fundamental rights that are theirs at this time be guaranteed in any eventual new aboriginal charter.

We object to the fact that the aboriginal governments may take advantage of the exclusionary powers provided for in section 323 as long as they have not made

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1 municipalités d'aujourd'hui, au fil des ans, ont
2 acquis cette maturité qui les rend aptes
3 maintenant à assumer de plus en plus de
4 responsabilités.

5 Cela ne signifie pas pour autant
6 que les paliers supérieurs de gouvernement,
7 provincial et fédéral, doivent renoncer à leurs
8 responsabilités, notamment à l'égard des
9 Autochtones, ce qu'ils ont pourtant tendance à
10 faire en période de crise en laissant la
11 détérioration d'une situation prendre des
12 proportions démesurées, comme c'est le cas
13 présentement avec la contrebande de cigarettes,
14 entre autres.

15 Nous considérons toutefois que
16 plusieurs problématiques locales peuvent être
17 résolues par des interventions concertées au
18 niveau local.

19 En faisant un bref retour sur les
20 événements de l'été 1990 nous constatons à quel
21 point un clivage profond s'est installé dans les
22 relations entre certains groupes autochtones et
23 non-autochtones. Encore aujourd'hui nul ne peut
24 affirmer ou prétendre que les plaies sont
25 complètement cicatrisées. Les nombreuses

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a formal undertaking regarding respect for the fundamental rights of aboriginal women.

Therefore, aboriginal women must also be recognized as full partners in any future negotiations on self-government. This recognition must come from aboriginal and non-aboriginal governments. Women must have the necessary resources, both material and human, to make sure that they are heard.

Many aboriginal women wish to become involved in direct political action. We know that they encounter a great deal of opposition to their involvement in decision-making even within the aboriginal governments. Nor are they taken seriously by certain non-aboriginal authorities and they encounter mistrust and hostility. Those are attitudes and prejudices with which we are quite familiar and we often have to confront them too. As a result, we fully support their struggle to obtain the right to participate fully in political power.

In conclusion, we demand, equality, equity, dignity and justice for

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1 séquelles du passé semblent vouloir se perpétuer,
2 se transformer et s'enraciner, d'où l'urgence
3 d'agir.

4 Bien que de profondes divergences
5 de point de vue puissent subsister même
6 aujourd'hui, il n'en demeure pas moins que les
7 Autochtones et autres Québécois doivent apprendre
8 à vivre ensemble, à ce côtoyer et à participer
9 collectivement au devenir de la société
10 québécoise. C'est une réalité à laquelle nul ne
11 peut échapper si ce n'est en se cantonnant ou en
12 se réfugiant derrière sa propre inertie.

13 Or, personne n'a intérêt à agir de
14 la sorte. Il faut susciter de part et d'autre une
15 volonté commune de supprimer des clivages qui
16 menacent de s'institutionnaliser. Cette volonté
17 ne pourra trouver sa finalité sans qu'il y ait au
18 préalable un désir manifeste de bâtir de saines
19 relations.

20 Il existe actuellement, bien qu'il
21 soit impossible de les quantifier, des ententes,
22 formelles ou pas, conclues entre une municipalité
23 et une communauté autochtone avoisinante.
24 Toutefois, une consultation de nos membres nous a
25 permis de mettre en évidence l'étroite

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all women in all areas. That means that these values must also be experienced within the Federation and in its relations with other groups of women, including aboriginal women.

We must offer aboriginal women a partnership based on these same values. We are aware that this involves a task of raising awareness and house-cleaning even within our own ranks. We are not so naive as to believe that racism and discrimination do not also exist among us, in our practices and in our thinking.

In this sense we of course endorse the need for programs that you referred to as public education, intercultural awareness-building and the adoption of anti-racist policies. These programs and policies must very soon form part of the education and training of children and also of broad information and awareness campaigns geared to adults, both men and women, living in Quebec and the rest of Canada. All these measures

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1 collaboration qui subsiste dans certains milieux
2 où la municipalité offre à la communauté
3 autochtone des services tels que l'eau potable, la
4 sécurité publique, les activités de loisirs.

5 L'UMQ se propose d'ailleurs, de
6 concert avec le ministère des Affaires
7 municipales, d'en dresser l'inventaire. À notre
8 avis, il s'agit d'initiatives qui méritent d'être
9 connues et poursuivies par d'autres municipalités.
10 C'est aussi un exemple de saine relation qui
11 démontre hors de tout doute qu'il y a possibilité
12 pour les deux communautés de vivre à proximité
13 l'une de l'autre, d'échanger sur une base
14 d'affaires pour le bien de chaque communauté.

15 Les éléments problématiques: Des
16 inégalités à corriger.

17 Il faudrait être dupe aujourd'hui
18 pour ne pas réaliser que notre système législatif,
19 aussi démocratique soit-il, est empreint de
20 nombreuses iniquités en plus de receler de
21 profondes entraves aux fondements judiciaires qui
22 prévalent de nos jours. Cela semble de plus en
23 plus évident pour quiconque suit de près
24 l'actualité.

25 Déjà en 1876, année qui marque la

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must be thought out and assessed directly in close co-operation with the aboriginal people, both men and women.

We therefore support this whole response to these requirements and would like governments to tackle them as a matter of urgency. Social and political change must be based on changes in the ways people think. However, we reject the idea that these measures, the type of government intervention, can be sufficient in themselves to change direction, to re-establish a climate of confidence and mutual respect between aboriginal and non-aboriginal people.

Each of us must be involved in his family, his work, his community. Business, unions, community and women's movements must support the right of aboriginal women to equality and take up the struggle against the racism and discrimination of which aboriginal people as a whole are the victims.

There should be a coming together of aboriginal women and women of all origins in Quebec. We must commit ourselves in totally new relationships that will make room for greater respect for

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1 première loi globale concernant les Indiens,
2 révisée par la suite en 1951 les autorités
3 sentirent le besoin de teinter la législation en
4 vigueur d'un certain degré de protectionnisme à
5 l'égard des Autochtones. Malgré la conclusion de
6 certaines ententes et la reconnaissance de
7 nombreux traités ce protectionnisme semble se
8 perpétuer encore aujourd'hui en dépit de
9 l'évolution marquée de notre société et la
10 progression des mentalités qui s'en est suivie.

11 Comprenons qu'il ne s'agit pas de
12 renier l'histoire ou de faire abstraction des
13 origines historiques des communautés autochtones.
14 Toutefois, il y a lieu de se demander s'il est
15 encore légitime pour les paliers supérieurs de
16 gouvernement de cautionner une législation
17 particulière pour une catégorie de personnes.

18 Les Autochtones étant placés sous
19 la tutelle du gouvernement fédéral, n'est-il pas
20 pertinent, voire opportun, de s'interroger sur le
21 caractère permanent de cette dépendance? Si nous
22 pouvons aisément imaginer qu'aucun Amérindien ne
23 souhaiterait à court ou moyen terme mettre fin aux
24 avantages que lui confère ce régime particulier --
25 services d'éducation, de santé et de logement,

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our differences, better understanding of our many realities on both sides.

We must also place our trust in the ability of aboriginal women themselves to devise solutions for the various problems -- discrimination, racism, poverty, violence -- that confront them. They must have the power to adapt these solutions to their own reality, their history and their priorities. It is up to us to support them constantly and concretely in the various struggles in which they have decided to become involved.

Thank you for listening to us.

CO-CHAIR RENE DUSSAULT: I should first like to thank you for coming to share with us your action-oriented thoughts.

I should perhaps like to ask you a first question. In your brief you refer to the fact that quite a few aboriginal women in the urban environment in Montreal, for example, contact the Federation's organizations because they are essentially lost in a maze of institutions with which they are not familiar and so on. My question is as

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1 exemption de taxes, et caetera -- il faut bien par
2 ailleurs constater que le contexte économique
3 actuel oblige l'État à rationaliser ses activités,
4 à s'assurer d'une saine gestion serrée des
5 finances publiques.

6 Or, depuis la fin des années 80 le
7 budget annuel du ministère des Affaires indiennes
8 et du Nord est de plus de 3 milliards de dollars,
9 dont les deux-tiers et plus sont versés à titre de
10 subventions ou en paiement de transfert aux
11 conseils de bandes. Est-ce pensable lorsque le
12 déficit annuel du gouvernement canadien excède les
13 400 milliards et sa atteint les 450 milliards? Le
14 contribuable canadien qui, lui, paie des taxes et
15 verse des impôts, accepte de plus en plus
16 difficilement une telle situation.

17 Il en est de même pour les
18 municipalités adjacentes à une communauté
19 autochtone où, de façon ouverte et défiante, se
20 développe présentement une économie parallèle
21 mettant en péril l'existence de nombreux commerces
22 au seul motif que ces derniers respectent les
23 diverses lois et règlements auxquels ils sont
24 assujettis. Comment et au nom de quel droit peut-
25 on se permettre de faire abstraction de façon

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follows: In your Federation itself, are the aboriginal women's organizations that have come into existence and survived and now form part of the federation members of the federation or are there still certain things that run on parallel lines and that take place at the individual level instead?

CELINE SIGNORI: They were members in the past: the Quebec Association of Aboriginal Women was a member of our Federation in the past. They no longer are members. However, they take part in some of our activities. They were present at our orientation meetings and the spring conference; they were also present at our activities including a plural feminist forum. There are activities like that which we carry on together with the aboriginal women and we also work together in certain other groups.

I should like to correct one thing. When you said, Mr Dussault, a short while ago that aboriginal women approach our services, they also come into the services provided by women's groups; for example, in the past I used to work in a centre for

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1 aussi désinvolte de l'autorité publique?

2 Que pouvons-nous faire
3 concrètement pour régler cette situation? Quels
4 mécanismes sommes-nous prêts à instituer
5 mutuellement pour que les règles du jeu soient les
6 mêmes de part et d'autre?

7 Certains Autochtones tirent
8 évidemment profit de ce marché parallèle, mais à
9 quel prix? Bien que nous soyons conscients que
10 l'image qui se dégage ou qui est véhiculée puisse
11 être exagérément médiatisée par un groupuscule, il
12 n'en demeure pas moins que c'est la réputation du
13 milieu d'Autochtones qui s'en trouve
14 malheureusement entachée.

15 L'évolution de la mentalité
16 autochtone: Les Autochtones sont-ils satisfaits
17 de leur situation de dépendance à l'endroit du
18 gouvernement fédéral? Nous serions tentés de
19 répondre par la négative. Comment pourraient-ils
20 en effet revendiquer l'autonomie gouvernementale
21 et la prise en charge de leurs institutions tout
22 en acceptant de rester assujettis à d'autres
23 paliers de gouvernement?

24 Le contexte juridique devrait à
25 notre avis se prêter à une responsabilisation

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women who were the victims of violence. Now when they make use of services like that, women's centres, refuges for women who have suffered violence, or social services, there are related services and obviously services, sometimes also social assistance. It is not always clear, the way we operate, us, for them.

CO-CHAIR RENE DUSSAULT: I was echoing what you said in your brief, that often aboriginal women need to be directed into the network of social and other services, assistance and so they contact the Federation or member associations of the Federation. That was what I meant.

My second question is as follows. Obviously you are familiar with the network of the Aboriginal Friendship Centres that exists in Quebec and obviously in Montreal in particular. Do you have any institutional or organizational links with the Friendship Centres? In other words, are any meetings organized or is there a certain amount of contact or follow-up, no doubt on the occasion of a particular case, but in a rather more structural way?

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1 accrue du citoyen autochtone et de la communauté
2 où il évolue, responsabilisation qui signifie se
3 prendre en main, assumer sa destinée et se
4 réaliser pleinement aux plans individuel et
5 collectif.

6 Il ne s'agit pas du tout, dans ce
7 contexte, de prôner l'assimilation. Au contraire,
8 ce droit strict des Autochtones à leur spécificité
9 propre doit demeurer fondamental et prévaloir.

10 Nous nous interrogeons toutefois à
11 savoir si les prémisses retenues par les paliers
12 supérieurs de gouvernement, notamment dans la Loi
13 sur les Indiens, ont toujours leur raison d'être.
14 Par exemple, le fait que des droits ancestraux
15 n'aient pas été reconnus et que la communauté
16 blanche ait occupé le territoire il y a quelques
17 siècles justifie-t-il encore aujourd'hui l'octroi
18 aux Autochtones de privilèges particuliers, quels
19 qu'ils soient?

20 Nous n'en sommes pas convaincus,
21 car l'état de dépendance et d'oisiveté dans lequel
22 on les maintient par ce moyen est davantage une
23 entrave à leur véritable prise en charge comme
24 communauté qu'un moyen de s'épanouir, de
25 s'affirmer et de s'assumer en tant qu'entité

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MICHELE ROY, Liaison Officer,
Fédération des femmes du Québec: I think that I would be in the same situation; the fact is that there are member groups with us that have contacts in the regions, especially with the Aboriginal Friendship Centres, whether they are shelters in the Abitibi region, for example, or all those that are in contact with certain groups. It is not an on-going thing. We talk about the whole task of openness that needs to be completed but this is how it begins.

CO-CHAIR RENE DUSSAULT: So it is locally on the ground, essentially when the problems arise.

My other question, perhaps you are not in a good position to answer it. There is an organization in Quebec called the Conseil du status de la femme [status of women council], in which you take part. I do not know whether the Federation forms part of the Conseil du statut de la femme or has representatives in the Conseil and, if so, are there concerns about aboriginal women in the Conseil, as far as you know?

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1 spécifique.

2 Le rôle des paliers supérieurs de
3 gouvernement: Il est clair que les solutions à
4 être mises de l'avant devront préalablement
5 provenir de la base, du milieu, de la communauté.
6 Les gouvernements devront également assumer les
7 responsabilités qui leur reviennent et qu'ils
8 semblent avoir, volontairement ou non, négligées
9 au cours des dernières années en laissant
10 s'envenimer une situation qui, de jour en jour,
11 gagne en proportion.

12 Aussi louables qu'ils soient, les
13 objectifs de rapprochement entre les peuples
14 autochtones et l'ensemble de la société québécoise
15 et d'harmonisation des relations ne peuvent être
16 atteints sans que soit réglé au préalable
17 l'épineux problème de la taxation et des
18 conséquences néfastes qu'il engendre.

19 Faut-il rappeler aux membres de
20 cette Commission que le degré de tolérance a
21 atteint sa limite au sein de la population
22 québécoise? Et il est largement dépassé dans les
23 municipalités limitrophes à certaines communautés
24 autochtones. Nous l'avons vu plus haut,
25 l'économie locale, durement touchée par le

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CELINE SIGNORI: What I understand is that the Conseil has not submitted a brief here. So obviously, we are not members of the Conseil du statut de la femme because a council, the members are appointed by the government. Obviously there are certain women who were our members earlier and who have in the past sat on the Conseil.

Does the Conseil du statut de la femme have any concerns with respect to aboriginal women? I cannot answer that.

CO-CHAIR RENE DUSSAULT: In essence, my question was whether the Conseil had a member appointed following consultations with your Federation. That is often how the legislation is structured. That is more or less the question I wanted to ask.

CELINE SIGNORI: No.

CO-CHAIR RENE DUSSAULT: The answer is no. Because, in that case obviously, there would be a more immediate connection. I was trying to obtain information indirectly.

On the question of the amendment

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1 commerce illicite de cigarettes, d'alcool,
2 d'essence, ou autres, ne peut espérer connaître
3 une certaine vitalité dans un contexte non-
4 concurrentiel où les règles du jeu sont faussées
5 dès le départ et avantagent une catégorie de
6 citoyens au détriment d'une autre en raison du
7 non-respect par ces derniers des lois du pays.

8 Sans prétendre vouloir s'en laver
9 les mains, il n'appartient pas aux autorités
10 municipales d'intervenir dans ces champs
11 d'activité. Les municipalités du Québec ne
12 peuvent prétendre régler tous les problèmes qui se
13 posent à l'intérieur du territoire soumis à leur
14 juridiction. Elles doivent restreindre leurs
15 activités aux matières que l'autorité provinciale
16 leur délègue et qui ne sont pas de compétence
17 fédérale.

18 La question n'est donc pas de
19 savoir, pour fins d'attribution d'une compétence
20 législative à l'égard d'une activité donnée, si
21 celle-ci se déroule à l'intérieur d'un cadre
22 spatial municipal mais de savoir si cette activité
23 est du ressort des compétences législatives
24 fédérales ou provinciales.

25 À n'en point douter ce

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made in 1985 to the Indian Act to enable aboriginal women who had married outside the aboriginal community and had thereby lost their status to recover this status, at the time when that whole debate took place -- which lasted about ten or so years before winding up, largely because of the adoption of the Charter of Rights and Freedoms in 1982 -- were you associated at that time with that debate or is the connection with the concerns of aboriginal women of more recent date?

CELINE SIGNORI: I would find it difficult to answer that; at that time I was not in the Federation. Perhaps Michèle was ...

MICHELE ROY: What I do know, personally, is that in fact there were a number of the Federation's members who were associated with or supported that struggle. But, the Federation did not as such take, I think, an official stand. And this goes some way to explain the fact that the Association was at that time somewhat behind the Federation because they went to seek support rather from the

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1 fractionnement de juridiction, de même que toutes
2 les enclaves et immunités permises au gouvernement
3 fédéral, posent fréquemment un sérieux problème
4 d'applicabilité pour les municipalités, souvent
5 démunies devant de telles situations. C'est
6 pourquoi nous adressons un message on ne peut plus
7 clair aux paliers supérieurs de gouvernement à
8 l'effet de s'assurer du respect intégral de la
9 législation en vigueur et ce, pour tous les
10 citoyens, autochtones et non-autochtones.

11 Il existe un principe fondamental
12 qui découle de la Charte constitutionnelle des
13 droits et libertés à l'effet que tous sont soumis
14 à la loi dans notre société. Ce principe, de
15 portée universelle, doit trouver écho au sein des
16 communautés autochtones et, même s'il faut éviter
17 de généraliser des situations qui prévalent dans
18 quelques régions du Québec seulement, le phénomène
19 de la contrebande de cigarettes déborde maintenant
20 les frontières de certains territoires. Comment y
21 remédier? Quelles solutions envisager? Les
22 paliers supérieurs de gouvernement doivent une
23 fois pour toute vider la question et faire
24 respecter les principes d'équité garantis par
25 notre système judiciaire.

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Canadian Action Committee at the federal level.

I think that people also understand that they had that approach very much at heart and that they were a bit reluctant in that situation. They did not feel that they had sufficient support and that is something that we think should be changed.

CO-CHAIR RENE DUSSAULT: Your members and the member associations are located virtually throughout Quebec. You said 65 member groups, 100,000 Quebec women, 100,000 members. That's an important fact. You talked about the need for public education generally with respect to the aboriginal peoples and the status of aboriginal women must be added to that.

Does your Federation, either through vehicles such as an internal newspaper or otherwise ... what sort of action do you take to raise the awareness among your members of the reality faced by aboriginal women in Quebec?

CELINE SIGNORI: We have just had an orientation meeting and within this orientation meeting we specifically passed a resolution to work with these women who are most disadvantaged and who suffer a double form of discrimination; we

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1 Voici nos recommandations.

2 Nous n'avons pas la prétention
3 comme regroupement de municipalités d'apporter de
4 solutions définitives à une problématique complexe
5 et qui déborde largement le seul intérêt des
6 municipalités québécoises. De plus, nous avons
7 déjà dans les quelques pages précédentes évoqué
8 certaines avenues pouvant contribuer à faire
9 avancer le débat.

10 Notre propos, à ce stade-ci, se
11 limitera donc à l'essentiel et à faire part à la
12 Commission royale sur les peuples autochtones
13 d'initiatives suggérées par l'Union des
14 municipalités du Québec dans le respect et la
15 reconnaissance de la spécificité autochtone.

16 Première recommandation:

17 Responsabiliser les Autochtones.

18 Il est temps, croyons-nous, que
19 cesse l'état de dépendance qui caractérise les
20 rapports entre les Autochtones et les autorités
21 gouvernementales. Il importe de responsabiliser
22 les leaders autochtones, de les rendre imputables
23 devant leurs citoyennes et citoyens.

24 Il faut comprendre que, comme tout
25 autre citoyen, le citoyen autochtone n'a pas

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felt that the aboriginal women fell within that category.

On the weekend we have a board meeting that will follow up on the orientation meeting and it is clear that in our action plan, since we collectively passed a resolution to that effect, we are going to take steps to be able also to create links with aboriginal women and at the same time perhaps to destroy certain myths that exist with respect to that reality through our communications organs and also in other activities; I hope that we can also organize activities with them.

CO-CHAIR RENE DUSSAULT: I should perhaps like to ask my colleague Viola Robinson to continue for a while.

COMMISSIONER VIOLA ROBINSON:

Thank you.

First of all, I want to mention that, with respect to your concern over family violence, not only with Aboriginal or native women but for all women, I think we are doing something special on violence that will probably be produced

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1 seulement des droits mais aussi des obligations
2 dont la première est celle de s'assumer comme
3 personne, comme collectivité.

4 La notion de responsabilisation
5 sous-tend que les Autochtones paient désormais
6 pour les services qu'ils reçoivent au même titre
7 que l'ensemble de la population québécoise. Pour
8 ce faire il leur faut les moyens, les outils de
9 gestion appropriés qui pourraient se traduire par
10 une redéfinition du mode de tenure de certains
11 territoires, une participation à la gestion
12 territoriale de certains lots, par une
13 exploitation judicieuse de la ressource faunique
14 et de ses retombées directes et indirectes, soit
15 le tourisme, la promotion de la villégiature, et
16 la création de pourvoiries.

17 Les données que nous avons
18 évoquées précédemment concernant l'emploi chez les
19 Autochtones confirment la nécessité de trouver des
20 solutions réalistes à ce problème qui est amplifié
21 notamment par un faible niveau de scolarisation.

22 L'initiative du gouvernement
23 provincial, dans le cadre de la réforme du
24 développement régional, visant à intégrer les
25 diverses nations autochtones au processus de

before the report.

It seems to me that there must be a visibility of a large concentration of women in the urban centres, people you would be dealing with or you are concerned with mostly would be women who don't live on reserves or communities, but they live out in the towns and cities. Is that right?

CÉLINE SIGNORI: Here in Montreal we have certain women that we work with and that we meet, but we have members in regions too; like my colleague said, we have members in Abitibi, we have members up North too. So those members are in contact with -- comment on dit ça en anglais, les femmes autochtones?

CO-CHAIR RENÉ DUSSAULT:
Aboriginal women.

CELINE SIGNORI: Here in Montreal we have certain women that we work with and that we meet, but we have members in regions too; like my colleague said, we have members in Abitibi, we have members up North too. So those members are in contact with -- how do you say that in English, the aboriginal women?

CELINE SIGNORI: That's right, in those regions.

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1 développement régional constitue à nos yeux une
2 façon originale et novatrice de faire participer
3 chaque nation à la définition des grands axes de
4 développement de la région à laquelle elle
5 appartient.

6 Au même moment de la présentation
7 de cette politique l'UMQ s'était montrée favorable
8 à la création d'une instance régionale ouverte à
9 l'ensemble des décideurs régionaux, y compris les
10 Autochtones. Toujours convaincus de la nécessité
11 d'associer les diverses communautés à une telle
12 structure, nous constatons aujourd'hui leur faible
13 degré de participation. Les dernières
14 statistiques révélaient que seulement neuf
15 communautés autochtones avaient accepté de
16 s'associer à des organismes régionaux.

17 Nous estimons qu'il s'agit là
18 d'une initiative qui vise le rapprochement en plus
19 de fournir aux Autochtones la possibilité
20 d'occuper un rôle prépondérant quant à la
21 définition de leurs priorités de développement.

22 Deuxième recommandation:
23 Reconsidérer les droits particuliers conférés aux
24 Autochtones.

25 Il est clair que les municipalités

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into problems within their marriage, marital problems, which end up in separation. A lot of these women have been abandoned, left as a one-parent family, sometimes with a lot of children. They are usually outside of the community, they have no recourse to services. You mention that it is a problem it seems for these women to access the existing service delivery agencies.

I am wondering what can be done. We heard the Minister this morning talking about different ways that they are going to start looking at these issues, but is there a role for your group to play to assist in these delivery agency groups in making themselves more adaptable, more accessible for these women outside that you are concerned with?

MICHELE ROY: Personally, I have the impression that we shall have to do two things at the same time. There is both the task of raising awareness and providing information to the member groups that we have, whether through women's centres, shelters, labour force access groups and all that, concerning the particular reality facing aboriginal women and their traditions, their culture, the way they perceive

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1 doivent poursuivre leurs efforts et initier un
2 rapprochement avec les communautés autochtones
3 afin de rétablir la paix sociale au sein même des
4 collectivités. C'est ce genre d'approche qu'il y
5 a lieu d'approfondir.

6 Cela suppose l'établissement de
7 contacts entre les Autochtones et autres Québécois
8 et une connaissance mutuelle des perceptions et
9 préoccupations de chacun sur la façon d'établir
10 des relations harmonieuses. Toutefois, espérer
11 atteindre cet objectif sans qu'il y ait au
12 préalable une révision systématique de la
13 législation en vigueur qui confère présentement
14 aux Amérindiens un traitement particulier
15 (exemption d'impôts, de taxes, bénéfices reçus
16 sous forme de transferts gouvernementaux, etc.)
17 semblerait impensable dans l'état actuel de la
18 situation.

19 Troisième recommandation: Créer
20 et développer un mécanisme de concertation.

21 L'Union des municipalités du
22 Québec convient de la nécessité de mettre l'accent
23 sur la mise en place de mécanismes de relations
24 positives susceptibles de se développer entre les
25 Autochtones et l'ensemble de la société québécoise

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the services and all that.

We have the task of raising awareness of that so that women, when they come knocking on our doors are in fact received with full respect for what they are, their needs and their specific reality. I think that this will be a task on which each of our member groups and the groups with which we work can begin right away. It is not a task that necessarily involves raising the awareness of governments, that is something that we must and can do on our very own initiative.

However, the other part, in fact, I think there is a whole body of work that must be done with respect to government resources, with the services, whether in the CLSCs [local community service centres], in hospitals, with the social assistance offices and all that, information work, intercultural awareness-raising, so that the public services are also aware of that reality. The women who arrive in the cities and who have to seek out social assistance from the housing agencies and all that encounter a lot of prejudice and a lot of

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1 et sur l'urgence de trouver un mécanisme de
2 promotion de ces relations.

3 Nous estimons donc qu'il serait
4 opportun d'approfondir l'idée de créer une Table
5 de concertation qui serait composée d'élus
6 municipaux et d'élus autochtones, dont le mandat
7 serait entre autres d'initier des relations
8 positives entre les deux communautés. Elle se
9 verrait également attribuer un rôle de médiation
10 dans les cas des litiges purement locaux.

11 Dans cette veine, des
12 représentants de l'Union des municipalités du
13 Québec ont eu l'occasion de rencontrer récemment
14 un représentant de l'Assemblée des Premières
15 nations du Québec et du Labrador. Les échanges,
16 qualifiés de fructueux et d'enrichissants, ont
17 permis une meilleure connaissance des aspirations
18 et des préoccupations des Autochtones quant à leur
19 vision comme peuple et comme entité au sein de la
20 société québécoise.

21 À cet égard la Table de
22 concertation pourrait avoir pour mandat d'initier
23 un tel rapprochement avec les représentants de
24 cette Assemblée et ainsi fixer, en collégialité,
25 les règles préalables à l'organisation de

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misinformation.

The third part, I would say, from my point of view, is really more the specialized services adapted to the aboriginal women in the sense of ... I am not certain that all aboriginal women want to be integrated into existing resources but some people want to have resources, such as shelters, devoted exclusively to aboriginal women and their children, for example.

So there is a task of raising awareness of existing resources and new resources are being created that would be adapted to and controlled and established by the aboriginal networks themselves, it seems to me.

COMMISSIONER VIOLA ROBINSON:

Thank you.

Some of this is already, I take it, in the planning and trying to get accomplished. Who do you think should be responsible for providing these services? There has to be some responsibility for these kinds of services. All too often I guess Indian people, just because they are Indian, the First Nations,

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1 rencontres formelles sur des sujets d'actualité et
2 dont les préoccupations seraient communes aux
3 citoyens autochtones et non-autochtones.

4 Vous comprendrez que notre
5 réflexion, bien qu'avancée quant à la pertinence
6 d'une telle initiative, requiert d'être poursuivie
7 et bonifiée. Nous sommes convaincus toutefois
8 qu'il s'agit d'une avenue intéressante à
9 considérer pour le devenir de la société
10 québécoise.

11 Elle aurait le mérite au moins
12 d'aborder à leur base les vrais problèmes et de
13 susciter un dialogue franc, loyal et empreint de
14 cette volonté de trouver des solutions réalistes
15 qui respectent les spécificités et
16 caractéristiques propres aux diverses communautés
17 autochtones et québécoise.

18 En conclusion, nous avons cherché
19 dans ces quelques pages à mettre en relief une
20 problématique à laquelle toute la communauté
21 québécoise est confrontée. De prime abord il sera
22 facile pour quiconque de nous accuser d'avoir
23 focalisé sur des enjeux qui leur apparaissent sans
24 grande envergure, sans impact réel, ou qui sont le
25 lot d'une infime minorité. Or, nous sommes de

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they go to community services and, like you say, they are used like a ping-pong machine because a lot of the services cannot access the dollars to provide the service for these women, and they are always shifted back and forth.

So how would you overcome that?
What has to be done to overcome that reality?
Somebody has to take that responsibility. Whether it is the federal government, the provincial government, municipalities, people themselves, there has to be something. We are grappling with this very issue now as a Royal Commission and we are having problems because these are difficult questions, and the answers are very difficult. But it helps every time we talk about it; somebody may have some brilliant idea on how to overcome this situation.

CELINE SIGNORI: I will attempt to answer that because the question that you asked is not easy to answer.

Personally, I think that becomes a problem for society. When we speak about a problem for society, it does not necessarily have to be a task for government, whether provincial, municipal or national; I think that if we want

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1 l'avis contraire.

2 Nous avons accepté l'invitation de
3 la Commission royale sur les peuples autochtones
4 parce que nous sommes profondément convaincus que
5 les commissaires et les coprésidents souhaitent
6 entendre parler des vrais problèmes, de ceux qui
7 se vivent dans le quotidien, de ceux qui au Québec
8 font obstacle à de saines relations entre nos
9 communautés et les communautés autochtones.

10 L'Union des municipalités du
11 Québec croit plus que jamais à la possibilité d'un
12 rapprochement véritable. C'est le message que
13 nous avons véhiculé. C'est la conviction qui nous
14 anime.

15 Toutefois, un certain nombre de
16 prérequis sont essentiels à l'atteinte de cet
17 objectif. Nous en avons largement fait état.
18 Sans prétendre qu'ils constituent la seule et
19 unique voie permettant un déblocage ou dialogue,
20 nous estimons qu'il s'agit à tout le moins de
21 conditions préalables nécessitant une réflexion
22 sérieuse.

23 Les élus municipaux sont sans
24 aucun doute des interlocuteurs de première ligne,
25 étant eux-mêmes soumis aux règles de la démocratie

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genuinely to resolve problems like that following the Royal Commission, maybe we can achieve that together.

That cannot be the responsibility of only one level of government or of a single group; that should be a collective responsibility. And it is perhaps collectively that we must find a solution for that.

That is a very small attempt.

COMMISSIONER VIOLA ROBINSON:

Well, it is a solution and it is something that doesn't have to wait for the Royal Commission. I think it should proceed.

Thank you.

CELINE SIGNORI: What I wanted to say was that following the work of the Commission perhaps more people will be aware of all those problems.

CO-CHAIR RENE DUSSAULT: I would like to come back briefly to what you said to the effect that in actual fact many aboriginal women want to have their own separate resources as opposed to the existing network for their own reasons of identity, cultural awareness and so on. As far as the

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1 locale. Ils sont par conséquent mieux que
2 quiconque susceptibles d'amorcer ce dialogue, de
3 susciter un rapprochement entre les deux
4 communautés.

5 L'ouverture que nous démontrons
6 quant à la mise sur pied d'une Table de
7 concertation est significative et unanime. Il
8 s'agit selon nous d'un mécanisme qui mérite d'être
9 éprouvé.

10 Nous sommes ouverts à toute
11 discussion qui aurait pour effet de bonifier et
12 même d'enrichir la mission et la vocation de cette
13 Table. Nous vous en faisons respectueusement
14 recommandation.

15 **COPRÉSIDENT RENÉ DUSSAULT:** Je
16 voudrais d'abord remercier l'Union des
17 municipalités du Québec d'avoir accepté notre
18 invitation de réfléchir au rapport entre les
19 peuples autochtones du Québec et la population en
20 général. Nous recevons votre mémoire avec
21 beaucoup d'intérêt.

22 Évidemment je comprends à la
23 lecture et à l'addition de votre mémoire, et vous
24 le dites d'entrée de jeu, en fait vous ciblez le
25 mémoire sur la préoccupation générale de la

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Fédération des femmes du Québec is concerned, that is a further challenge in a sense. In the past, access to the general public systems is one thing but awareness of why such desires expressed by aboriginal women is also an important factor and is often less spontaneous. When you quoted Madam Justice Abella, for example, on respect for our differences in a concrete sense, that is how those things manifest themselves.

So I presume that, as far as your members are concerned, getting rid of the reflex action of including aboriginal women in the concerns of the women of Quebec and also the distinct nature of their own needs, that will be part of your approach.

MICHELE ROY: I think that this will be part of our approach, as it forms part of our approach also to accept the differences felt by women with disabilities or women from different cultural communities where there is recognition of the right both to obtain services, meeting places, community locations appropriate to their culture and their values and also to ensure that all the services and activities that they have are also open

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1 population en regard de ses rapports avec les
2 Autochtones plus que sur la situation des
3 Autochtones en milieu urbain comme tel.

4 Je comprends, évidemment, dans le
5 contexte du Québec cette situation se pose
6 davantage à Montréal qu'ailleurs, encore qu'au
7 Québec la situation géographique est telle qu'il y
8 a plusieurs réserves qui sont adjacentes à des
9 territoires de villes ou de municipalités, ce qui
10 soulève une réalité de relations particulières.

11 Nous savons bien sûr que les
12 réserves ou les communautés autochtones qui sont
13 limitrophes aux villes ont des relations quand
14 même importantes. Dans certains cas, comme à
15 Québec et à Wandake, ce sont des employeurs de la
16 population non-autochtone en bonne partie et dans
17 d'autres, font affaire aux institutions de la
18 ville d'enseignement, de services de santé,
19 institutions financières, et caetera, qui ne sont
20 présentes autant qu'il serait souhaitable dans
21 leurs communautés elles-mêmes, donc ce qui amène
22 des relations. Il n'y a quand même pas une vie
23 totalement séparée en vase clos.

24 Nous aurons l'occasion demain de
25 discuter avec la Fédération canadienne des

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to unique characteristics and differences.

I think that in the Federation's operations as a whole there is the dual need to recognize that, yes, groups do have the right to locate themselves on their own foundations and must also be able to find all collective services and activities there as well.

Perhaps one last little step, since you mentioned it, leads us to a further question about the cultural communities' relations to the aboriginal people, who were, as such, the first inhabitants. Very often, spontaneously there are many people in our society, in Quebec as in the rest of Canada, who include the aboriginal peoples in the cultural communities and forget a certain 'rationale' for their characterization as the first inhabitants, which in fact makes the relationship a bit more difficult when confusion occurs.

I know that you are well aware of that and it forms part of the task of public education or education of the women of Quebec about aboriginal women and the situation that faces them.

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1 municipalités, qui présente son mémoire pour
2 l'ensemble du Canada de façon un peu plus pointue
3 de l'idée de gouvernement autochtone dans les
4 villes, donc d'harmonisation de modèles de
5 gouvernement autochtone avec les municipalités ou
6 de participation et d'influence plus grande des
7 Autochtones dans les villes au sein des
8 institutions municipales, du conseil des
9 institutions spécialisées.

10 Je dis ceci pour bien établir le
11 contexte de votre mémoire et dans le fond pour ne
12 plus y revenir par la suite. C'est une décision
13 qui a été prise au sein de l'Union des
14 municipalités d'adresser la question sous l'angle
15 sous lequel vous le faites.

16 Je sais que la Fédération
17 canadienne a circulé un questionnaire à 200
18 municipalités à travers le Canada dont plusieurs
19 du Québec et dont certaines des villes qui sont
20 ici représentées.

21 Si vous pouviez d'entrée de jeu
22 nous préciser un peu pourquoi l'Union des
23 municipalités n'est pas entrée dans cette partie
24 de la préoccupation de l'autonomie gouvernementale
25 en milieu autochtone, soit sous la forme d'un

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CELINE SIGNORI: Especially following our congress, in our documents, we referred to the women from the cultural communities and aboriginal women so that specifically that would be well defined ahead of time, with the specific features that my colleague mentioned also for the other women who sometimes suffer double discrimination. But they are mentioned as such. We also have to perform the task of raising awareness among our members.

CO-CHAIR RENE DUSSAULT: One final point, as Mrs Robinson pointed out, the Commission intends to produce an interim report on family violence. We have visited a large number of communities in Canada, we have seen a lot of suffering, a lot of problems of all kinds, especially problems of violence to women and children.

We feel that there is an urgent need for action on that situation and we should like to produce a document that not only echoes the voices of aboriginal women that we have heard in public ... and more generally we have heard a lot of aboriginal women in private, in sessions held in camera

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1 gouvernement en milieu urbain, soit sous la forme
2 d'un gouvernement autochtone ou d'une plus grande
3 influence sur les institutions de services
4 d'éducation et de santé, et caetera, qui sont en
5 ville, pour vous concentrer davantage sur le
6 problème plus large de la relation et des
7 obstacles au rapprochement.

8 Peut-être que vous pourriez au
9 départ nous donner une information additionnelle à
10 cet égard-là.

11 JEAN-BOSCO BOURCIER: Il nous
12 aurait été facile, pour moi en particulier, par
13 exemple, parce qu'on a vécu un problème fort
14 complexe et difficile en 1990, on aurait pu, et
15 peut-être M. Forget enchaînera par la suite...moi
16 personnellement j'aurais pu tout simplement me
17 dissocier de ça en disant moi, j'ai mes problèmes
18 au plan local et mon Union, qu'elle s'organise à
19 présenter un mémoire. Sauf que ça aurait été
20 jouer à l'autruche.

21 Il ne faut pas croire que
22 Châteauguay et Kahnawake, les relations sont
23 rétablies. Je ne parle pas à M. Norton, pas parce
24 que je ne veux pas lui parler, c'est comment
25 trouver le mécanisme pour se rejoindre? Sur

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in the communities because the subjects were too sensitive for them to be able to talk in public. We intend to use the two kinds of information while protecting people's identities, of course, in our report but we would also like to suggest solutions; not simply state the problems and the scope of the problem but to be able to suggest avenues for possible action.

In that sense we know that there is a Canadian Panel on Violence against Women that recently submitted its report and there is a study by Statistics Canada that came out confirming a lot of things. But, as far as solutions are concerned, in any case expertise on what was done to identify a problem that is enormous, we are certainly interested in maintaining contact with an organization such as your over the coming months. If you have any suggestions to make, we are available to receive them, whether they are oral or in writing.

In concluding, I just wanted to have an opportunity to give you that message.

So I think that completes what we can do together in this situation

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1 quelle base devrait-on se situer de part et
2 d'autre pour rejoindre ces problématiques purement
3 locales?

4 Quand on prend l'exemple qu'on vit
5 chez nous, et M. Forget pourra enchaîner pour chez
6 lui, et qu'on essaie de transposer ça, par
7 exemple, à Sept-îles, on ne peut pas avoir une
8 vision commune sur l'ensemble des problématiques.

9 Alors on a dit pour avoir une
10 vision commune de l'ensemble des problématiques
11 nous allons nous dégager des problèmes plus
12 particuliers et concentrer autour de Montréal.

13 On aurait pu traiter d'un aspect
14 très particulier de la région immédiate de
15 Montréal et traiter sur l'ensemble des autres
16 problématiques sur le territoire québécois. Ce
17 qui ne serait pas Mohawk, par exemple, qui serait
18 toutes les autres nations.

19 On n'a pas pu s'entendre là-dessus
20 et on a préféré être un peu plus globalisant par
21 rapport à la problématique et ce qu'on dit, il y a
22 des problèmes au niveau local, on a de la
23 difficulté au niveau local à s'entendre et à
24 s'asseoir ensemble. Est-ce qu'on ne pourrait pas
25 plutôt dire le message qu'on dit, pourquoi est-ce

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of the public hearings. Once again we thank you for coming to meet with us and sharing your concerns and also your overall approach with respect to the aboriginal women of Quebec. Thank you.

The Royal Commission on Aboriginal Peoples will continue its public hearing with the presentation by Mrs Lise Bourgault; if Mrs Bourgault would like to come forward to meet with us at the table, with the people who are accompanying her.

We bid you welcome and, without further ado, I think that I shall ask you to introduce the people who are with you, Mrs Bourgault, and to proceed with your brief.

LISE BOURGAULT: This reminds me of the Commons.

Thank you very much, Mr Co-Chairman and Madam Commissioner. I should like to introduce to you, on my right, Jules Champagne, who was my assistant for almost nine years when I was a Member of Parliament -- so he did a lot of work with me in the research that we carried out over all those years -- and, on my

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1 qu'on n'irait pas un échelon un peu plus haut et
2 faire en sorte que de haut en bas, c'est-à-dire
3 susciter la réflexion de la base mais l'amener au
4 niveau des Premières nations, et comme on
5 représente un ensemble de membres qui s'appelle
6 l'Union des municipalités du Québec, peut-être que
7 là on pourrait dire oui, maintenant on peut aller
8 vers les milieux locaux et peut-être trouver
9 certaines pistes de solutions.

10 Il faut à tout le moins qu'en haut
11 ça puisse...parce qu'à chaque fois qu'on voudrait
12 se parler au niveau local, si le message pour
13 aller parler au niveau supérieur n'est pas
14 transmis, c'est peine perdue. On a dit on est
15 mieux le transmettre au niveau supérieur de la
16 Société des premières nations, qui elle fera les
17 revendications et nous, on fera sur notre côté nos
18 pressions au niveau du palier supérieur, et il y
19 aura peut-être meilleure amorce de dialogue.

20 COPRÉSIDENT RENÉ DUSSAULT: Oui,
21 monsieur Forget?

22 PIERRE-BENOÎT FORGET, Maire de
23 Deux-Montagnes: Tout d'abord, nous avons
24 volontairement, lors de la préparation du mandat
25 avec le groupe de travail, évité de se prononcer

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left, Hélène Meilleur, who was my researcher, as an assistant, and who has worked with me on the presentation of this brief.

First, I should like to thank the Commission for allowing me to testify before you today. You are well aware that as an MP from 1984 I was, often in spite of myself -- more often than not -- involved in the case of the Mohawks of Kanasatake. I would take the liberty today of taking on the mandate of representing the hundreds of persons I met with and who told me about people who had spoken to them and act as their mouthpiece today as to what I heard concerning the problems that relate, in my view, to the presence in our urban centres of aboriginal people who wish, obviously -- and I agree -- to obtain greater autonomy.

I do not claim, of course, to speak for all aboriginal peoples; I think your Commission has received the testimony of much more experienced people than me in that regard. I have devoted some time to the issue of aboriginal people living in

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1 et de s'émettre dans des juridictions qui
2 n'étaient pas la nôtre tant dans notre ordre
3 politique, fédéral et provincial, qui discute
4 depuis des dizaines sinon des centaines d'années
5 des différentes revendication autochtones, que ce
6 soit au niveau des droits ancestraux ou
7 revendications territoriales.

8 Représentant quand même à peu près
9 80 pour cent de la population du Québec encadrée à
10 travers les villes il nous fallait toutefois
11 dénoncer ce qui se passe actuellement, ce qu'on
12 vit, ce qui est largement médiatisé à tort, nous
13 croyons, parce que là où ça laisse le plus de
14 séquelles c'est dans la vie quotidienne des gens
15 qui nous entourent, des communautés autochtones et
16 non-autochtones qui vivent l'une à côté des autres
17 là-dessus.

18 Nous, on a cru vraiment, parce que
19 tout ce qui est véhiculé ce sont les situations
20 extrêmement nerveuses et les situations
21 d'insurrection, ce que j'appelle locale, autrement
22 dit, de la crise de 1990 et de tout ce qui en est
23 suivi, les différents barrages qui ont pu être
24 faits et des gestes de sensationnalisme qu'on a vus
25 là-dedans.

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urban centres and in particular the Mohawks of Kanesatake. Those are the people I know and it is about them that I should like to talk to you.

I should like at the outset to tell you that the frequent use of the word "Mohawk" does not refer to the community as a whole; far from it. It covers only a minority of them. While my candid and direct words may shock some people, unfortunately they reflect the feelings of a great majority of the people who are bewildered by the course of events, especially at Kanesatake and particularly when reference is made to cigarette smuggling.

The specific situation of aboriginal people in the urban centres forces us, in my opinion, and also requires the Commission, in my judgment, to take a critical look at the recognition of an inherent right to self-government in the urban context. Also, the Commission cannot ignore the fact that, since the Amerindian crisis, the aboriginal cause has lost a great deal of support for its legitimate claims and, in my view, the Commission cannot ignore the fact that there is profound and disturbing racism

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1 Nous, il y a le avant-crise, et il
2 y a le après-crise, et il y a le avant-cs-
3 événements et le après-cs-événements.

4 Dans le plus parfait respect des
5 droits des Autochtones à leur autonomie et au
6 libre exercice de la revendication qu'ils peuvent
7 faire de leurs droits il y a quand même des
8 situations très terre-à-terre qu'il faut vivre.

9 Les municipalités étant les
10 gouvernements les plus près de la population, on
11 se tue à le dire, et c'est vrai, qui doivent
12 travailler avec des budgets extrêmement serrés.
13 Les seuls endroits où on ne voit pas de déficit
14 c'est à travers nos budgets municipaux. Nous
15 avons quand même à vivre du quotidien avec nos
16 communautés autochtones.

17 Nous croyons, via les
18 recommandations, dont la principale, qui est la
19 création de cette Table de concertation, que
20 pendant que le grand débat se fait depuis des
21 dizaines et des dizaines d'années et se fera
22 probablement encore pendant des dizaines d'années
23 sur le terrain comme tel, nous pourrons maintenir
24 des relations harmonieuses avec les communautés
25 qui jusqu'à présent, les communautés Mohawks, ont

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at the present time. I think that there is a little powder keg that could well blow up at any time.

You yourselves talk in a preliminary report of equality and respect. I too would like to say that we are in a democracy and that justice, equality, respect, equity, territorial integrity, they all belong to all peoples and not merely to the aboriginal peoples.

I feel that we also have coercive policies, the government, in its relations with the aboriginal peoples, especially under the Indian Act, which is arbitrary. I believe that as long as ..., as someone has said, if you want a baby to learn to swim, you put it in the water and it swims. But if you are with the child all the time, it will always rely on you. So I think that we must take drastic measures and give back to the aboriginal peoples all the money they need but not have it managed by a government and continue to have the aboriginal peoples managed as guardians of the state.

I am going to give you a short summary before moving on to the recommendations that

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1 fait le plus de représentations un peu plus
2 évidentes et médiatisées là-dedans, tout en
3 appliquant le même scénario dans les communautés.

4 Par exemple, le maire Dion qui
5 siège avec nous, qui est malheureusement absent
6 aujourd'hui, qui a avis avec les communautés
7 montagnaises de Uashat et Maliotenam, les
8 préoccupations sont tellement différentes mais il
9 y a des situations de conflit aussi avec le projet
10 SEM-3 et la protection de la rivière Ste-
11 Marguerite au même titre que le maire Munjourn
12 (PH) de Roberval, qui est tout près de Pointe
13 Bleue, une communauté montagnaise, vit des choses
14 encore différentes.

15 On a un quotidien à vivre, nous,
16 et le cadre des discussions qu'on va avoir avec
17 vous aujourd'hui, la Commission, à savoir, on ne
18 peut, nous, se prononcer. On n'a pas à se
19 prononcer sur les grands débats juridiques hors de
20 notre juridiction complète qui est entre les mains
21 des gouvernements provinciaux et fédéral sur le
22 sujet.

23 Par contre, on a vraiment des
24 problèmes et il faut s'y attaquer. On veut
25 rétablir un climat serein qu'on a connu. Il faut

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I shall make.

As you know, the aboriginal issue has taken on considerable importance; it is a major political problem. In my opinion, a uniform and global solution is difficult to imagine because it is a very complex problem that concerns a lot of persons with different problems and different aspirations. Personally, I am going to look at relations with aboriginal people in an urban environment.

We have increasingly negative perceptions of one another. Acts of provocation and civil disobedience have become the daily lot of many people. Anarchy has almost become the norm; people can commit almost any act and our police forces will not enforce the law. And that is precisely the cause of a kind of racism toward aboriginal people that is, in my view, extremely disturbing.

The status quo is unacceptable as a framework for our relations with the aboriginal peoples. I think that the aboriginal peoples wish to continue to develop alongside us within Canada. In my view, the aboriginal question is not a legal matter; it is, in my judgment, political, and

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1 dire qu'on l'a connu. Moi, je suis tout près de
2 la région d'Oka et je suis aujourd'hui maire de la
3 ville, qui a des institutions scolaires
4 anglophones où la plupart des Mohawks prenaient
5 leur éducation, et c'est en parfaite harmonie
6 qu'on a toujours vécu là-dedans, sauf
7 qu'aujourd'hui un nouveau climat s'est instauré de
8 part et d'autre, tant du côté non-autochtone
9 qu'autochtone.

10 On se demande pourquoi on ne
11 pourrait pas revenir à une sérénité qu'on a déjà
12 connue du simple fait qu'il faut représenter,
13 défendre et porter un chapeau, défendre les grands
14 principes ancestraux quand on parle d'eux, et
15 territoriaux ou historiques quand on parle de nous
16 et d'eux encore là-dedans.

17 Bref, le terre-à-terre, le
18 quotidien municipal dont évoquait mon confrère de
19 droite tantôt, c'est ça qu'il faut harmoniser
20 aujourd'hui. Avec la rencontre qu'on a eue avec
21 le représentant de l'Assemblée des premières
22 nations, le chef qui était avec nous tantôt, qui
23 était ici, on a proposé, on a dit voici, on est
24 une force, nous, on pense qu'on est une force.

25 On représente 80 pour cent de la

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even extremely political.

Why do we find ourselves in this situation? In my opinion, as I mentioned a short while ago, inhabitants who are treated as wards of the state ... there is an outmoded and inappropriate paternalism. Our policies toward the aboriginal peoples have remained stuck in the Indian Act. It is clogged with excessive bureaucracy, which I myself experienced in the Department, and I think that the aboriginal peoples have every reason to feel frustrated at the machinery that ruins their everyday lives.

If we talk about social peace and justice at the present time, a minority of the Mohawks at Kanesatake hold up to ridicule the principles of justice that we have held dear for some years now. In my opinion, they indulge in excessive abuse of their privileges in full view of the aboriginal population and the authorities. It is a question of money rather than of principle. It is my feeling that there have been criminal offences, and arrogant statements have been made and have undermined the image and tarnished the aboriginal peoples and discredited their claims. I think the people today have reached a threshold of

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1 population non-autochtone du Québec structuré, si
2 vous voulez, sans parler ce que certains
3 reconnaissent ou non. Si on vous appuie, nous, et
4 en échange on demande votre appui pour établir
5 ensemble des normes, des conditions de travail et
6 les relations qui puissent s'assurer que nos
7 enfants, que nos femmes, que nos hommes à
8 l'intérieur d'un cadre de société, qu'il faut
9 respecter de part et d'autre avec nos coutumes et
10 tout ça puissent continuer à travailler ensemble.
11 C'est le but recherché. Et que le grand débat
12 continue.

13 Quant à nous, on veut ramener
14 paix, sérénité et harmonie dans le quotidien, sur
15 le terre-à-terre et dans nos espaces respectifs.
16 C'est ça, finalement, un peu le but. Je m'excuse,
17 j'ai élaboré un peu.

18 COPRÉSIDENT RENÉ DUSSAULT: Je
19 vous remercie.

20 Je voudrais peut-être avoir une
21 certaine discussion sur deux questions qui sont
22 centrales dans votre mémoire.

23 La première a trait, et vous
24 exprimez en cela une préoccupation qui est
25 généralisée dans la population en général au

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zero tolerance. We were a society of plenty and we have now also become a society of zero plenty.

So I think that we must not, in my opinion, in our opinion, accredit or give rights on the basis of race. I feel that the fact that you are of a different race, even a member of the First Nations, must not give you any particular opportunities before the law or the legal system. What is needed is some moral reflection on this point.

As I said earlier, there are irritants for the whole of the Canadian people. I have always asked the question why the Mohawk nation as such, which I respect -- I know some of them and I also meet some of them at Kanesatake, needless to say outside the territory -- has not stood up and said loudly and clearly that it dissociates itself from the unlawful acts committed by this minority that is sullyng its reputation and that of the other aboriginal peoples.

There are false aboriginal persons; I spoke of excesses and abuses of privilege; some illogicalities in their claims; the Warrior ideology is, in my judgment, something to which we must

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1 Québec comme ailleurs au Canada sur la question de
2 la responsabilisation, de la prise en charge par
3 les Autochtones de leur destinée, de la maîtrise
4 de leur avenir. Donc vous posez les
5 interrogations sur la Loi spéciale sur les
6 Indiens, sur l'existence de bénéfices
7 particuliers, et caetera.

8 Je pense que c'est à peu près
9 unanime au Canada, les Autochtones aussi bien que
10 les non-Autochtones, les Autochtones souhaitent
11 sortir de la dépendance à l'égard des
12 gouvernements, en particulier du gouvernement
13 fédéral, et les non-Autochtones souhaitent la même
14 chose, dans le fond, ne serait-ce que pour faire
15 baisser la part des budgets publics et voir une
16 lumière au bout du tunnel.

17 L'argent qui est dépensé, vous en
18 faites état. La Commission va essayer d'établir
19 les coûts du système actuel à tous les paliers de
20 gouvernement. Évidemment c'est une argent
21 largement d'aide sociale et non pas productive.
22 Il n'y a pas de lumière au bout du tunnel. On
23 recommence à chaque année et on développe une
24 relation plus agressive.

25 C'est une chose que de faire le

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finally put an end; the inherent right to urban autonomy, about which I am going to talk to you, the ambiguities and the limits of that; autonomy and accountability; the obligation to open the books; and I think that there is a review and a rationalization of the role of the federal government's fiduciary role, specifically under the Indian Act.

I talked about Mohawk loyalty, respect and justice ... you have the brief in front of you. I attached personal letters from residents of Oka. Once again, when I testified at the inquiry held by Coroner Gilbert into the circumstances surrounding the death of Corporal Lemay, I was astounded to see the extent to which the Mohawks ridicule our courts.

There were actions and there still are today actions that are provocative and statements that are contemptuous of white people and of our governments. When one people talks about respect and equality, I feel that this applies to both our peoples. At the present time there are young people who freely sell contraband cigarettes on a provincial highway. There are people

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1 constat. Essentiellement ma question, et c'est
2 une discussion qu'on a eue avec beaucoup de
3 compostantes de la société canadienne et du
4 Québec, c'est comment faire pour y parvenir.

5 Souvent on a l'impression, et
6 c'est pas le cas dans votre mémoire, que par une
7 passe magique les Autochtones vont pouvoir taxer
8 pour les services, vont pouvoir avoir le
9 développement économique pour se développer sur le
10 plan société, culture, social, et caetera.

11 Vous dites dans votre mémoire
12 qu'il y a des mesures à prendre pour que ça
13 change, effectivement. Un des gros problèmes du
14 Livre blanc de 1969 qui avait été proposé par le
15 gouvernement fédéral de l'époque c'est qu'en même
16 temps qu'on accordait le droit de vote pour la
17 première fois aux Indiens, parce qu'il s'agissait
18 dans le cadre de la Loi sur les Indiens, aux
19 Autochtones, on ouvrait le système des réserves et
20 on disait vous allez être Canadiens de plein pied
21 sans contrepartie pour faire la transition sur le
22 plan des droits collectifs, sur le plan de la
23 protection sociale, des langues et des cultures.

24 Donc ça a amené une réaction assez
25 importante. Ça a été vu comme une tentative à

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who grow rich in those communities to the detriment of their own people, who are not at all embarrassed by those actions.

How is it that we can talk about respect and equality when the government and judicial authorities are paralysed by these actions and afraid to intervene? How do we go about explaining to the people of Canada that this minority among the Mohawks have dangerous weapons in their possession and that we are not able to enforce the Firearms Control Act? How is it that a minority of the Mohawks again, approximately 200 individuals, do not pay their fines and it is impossible to arrest them, do not pay their hydro bills on the pretext that the water belonging to them produces that hydro power? How do we explain and bring home to the people that the Mohawks erect road-blocks, with their weapons in their hands, on virtually any old pretext? I think that we need to sharpen our pencils because some Mohawks have not learned the true meaning of the word respect for others. There is one law and it applies to everyone and in its entirety,

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1 terme d'assimilation complète sinon de génocide.
2 Je pense qu'aujourd'hui on reconnaît la
3 distinction, la différence qui doit être
4 respectée.

5 On avait hier le mémoire du Forum
6 paritaire qui était dans ce sens-là. La question
7 est de trouver les moyens pour donner une mesure
8 d'auto-financement, où tous les budgets ne
9 viennent pas du fédéral mais où il y a à la base
10 une vie économique, une autonomie des individus.

11 Vous parlez d'extension de
12 territoire, un certain nombre de propositions,
13 exploitation judicieuse de la ressource faunique
14 et de ses retombées directes et indirectes,
15 tourisme, et caetera.

16 Fondamentalement, parce que c'est
17 là que se rejoignent autant Autochtones que non-
18 Autochtones, il y a des choses importantes qu'on
19 va devoir faire comme société si on veut s'en
20 aller dans cette direction-là.

21 Les États-Unis ont fait un bout de
22 chemin dans les revendications territoriales bien
23 avant nous pour des raisons, entre autres, que les
24 Autochtones étaient davantage au sud et donc la
25 situation s'est posée de façon plus immédiate.

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in my view.

I always wonder why the Charter of Rights and Freedoms guarantees collective rights in the case of the aboriginal peoples to the detriment of individual rights. The aboriginal peoples say that they do not feel bound by our values because they do not share in the development of our laws. The legislative process is the work of a minority and yet all Canadian people comply with it.

Why does this minority group of Mohawks continue to act in such a way as to prevent officers from the Quebec Police Force or others, even the Peacekeepers, from entering their territory? When we feel at ease with justice, we should not be afraid of intervention. If we have nothing to hide, why refuse entry to persons who are coming to check?

I said earlier that the Mohawks are in the process of destroying the image of the aboriginal peoples and the credibility of their claims. It would be dishonest on my part ... and I am saying this, I do not place the blame solely on the aboriginal peoples; I say that governments

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1 Il y a eu aussi des mesures
2 controversées, comme la loi qui permet
3 l'instauration des casinos sur les réserves
4 indiennes aux États-Unis et qui fait de la
5 pression sur le plan canadien.

6 Dans le fond, est-ce que l'Union
7 des municipalités a réfléchi plus concrètement,
8 par exemple, on a une discussion sur des
9 redevances sur les ressources plutôt que des
10 paiements forfaitaires et on passe chez vous, vous
11 demeurez spectateurs, on vous compense, d'une
12 certaine façon, mais vous n'êtes pas partenaires
13 dans la ressource. C'est un peu comme ça qu'on
14 s'est comporté dans les mines, dans les forêts,
15 dans l'électricité.

16 On est au coeur du débat qui
17 permettrait, effectivement, de mesures à prendre
18 pour donner une mesure d'auto-financement aux
19 Autochtones qui vont permettre de faire baisser
20 des budgets publics et donner une fierté.

21 Est-ce que vous pourriez élaborer
22 là-dessus? Vous le mentionnez comme principe et
23 en passant un certain nombre d'éléments mais est-
24 ce que vous avez une réflexion plus approfondie
25 sur cette question-là, qui est une question

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also have a major share of the responsibility because they have allowed things to continue like that.

At the present time I think that the Mohawks have relations with the White People that are not very good. There are various forums that are open, in particular there is the Forum paritaire Quebecois/Autochtones [Quebec-aboriginal people joint forum]. The Mohawks have refused to participate. There were regional conferences that were conducted by the Secretariat for Aboriginal Affairs. Once again the Mohawks of Kanesatake were not present.

People are in a hurry to hear them, to see them participating with us. If we are regarded as being anti-aboriginal, perhaps deep inside they are anti-white as well.

There is of course the other side of the picture. Often people think that in the various forms of confrontation there is a difference in the violence that is used to truly defend oneself and that which is used for the pleasure of provoking someone. In my opinion, the events in the summer of 1990 were a show that was very effectively staged by the Warriors' Society. The government obviously came across as the aggressor.

There is another side to the coin. To

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1 véritablement au coeur du débat, et difficile.

2 JEAN-BOSCO BOURCIER: C'est sûr
3 qu'il y aurait des domaines qui seraient, à mon
4 avis, exploitables par les peuples autochtones.
5 Je prends le tourisme, par exemple.

6 Aussi curieux que ça puisse
7 paraître, depuis 1990 lorsqu'on voit arriver des
8 touristes européens entre autres, ils ne viennent
9 pas à Châteauguay, ils ne verront pas grand-chose,
10 ou soit qu'ils veulent aller à Kahnawake. Mais il
11 n'y a aucune structure d'accueil...donc ce n'est
12 pas un mécanisme d'encouragement à promouvoir
13 cette notion de tourisme-là.

14 Moi je verrais qu'il pourrait y
15 avoir des ententes avec le gouvernement du Québec
16 entre autres, parce qu'on parle du territoire
17 québécois, où on pourrait avoir non pas sur une
18 base d'essai, ça pourrait être partie d'un projet
19 pilote sauf que dans le temps il faudrait que ce
20 soit sur une période assez longue pour leur donner
21 le temps de se donner ces structures d'accueil là.

22 On dit que le tourisme est une des
23 premières richesses canadiennes, et même chaque
24 pays dit que sans tourisme ils ont de la
25 difficulté à assumer leurs responsabilités

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such as those taken at Kahnawake to expel the Whites from their territory?

I think that we too have the right to live on that land. It was with our money that we worked and developed the territory of Quebec. It was not with government money; it was with our own money. We acquired land, properties. I think that this legitimizes our own conquest completely. Whether it is recognized or not, the Canadian and Quebec heritage also well and truly exists and I think that it is fortunate for the aboriginal peoples and for the natives of Oka that nobody has thought up to this point of asking them for a contribution to the modern state that we have now become. Historic liabilities, in my view, have limits.

The impression that we currently obtain concerning the land claims question is that it often resembles -- it's unfortunate but it's the impression that the Canadians and Quebecers who talk to me have -- a lobbying operation that uses the same old pretext to enable the aboriginal peoples to take continuous advantage of the

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1 financières. Est-ce qu'il n'y aurait pas là une
2 avenue à explorer et qui serait reconnue, je
3 pense, par les Blancs qui l'entourent.

4 Si les touristes veulent aller sur
5 un territoire autochtone, et à mon avis ils ont
6 des choses extraordinaires à nous apprendre et à
7 nous faire apprécier. Moi, quand j'étais jeune
8 j'allais sur le territoire de Kahnawake. J'étais
9 toujours excité de voir comment les femmes et les
10 Indiens nous recevaient. C'était chaleureux.

11 Ça s'est gâté avec le temps. Je
12 ne veux pas revenir sur le passé. C'est sûr que
13 lorsqu'on parle du pont Mercier et de la
14 canalisation du St-Laurent, les voies ferrées à
15 travers un territoire, c'est pas ça qui va
16 valoriser le milieu de vie lui-même, sauf que
17 c'est fait, ça. On n'est pas pour enlever le pont
18 Mercier et enlever la canalisation du St-Laurent
19 et enlever les voies ferrées de ces territoires-
20 là. Ils sont là.

21 Sauf qu'il reste encore à mon avis
22 des choses qu'on pourrait exploiter et qui
23 seraient acceptées, je suis persuadé, par les
24 touristes, faire connaître un peuple, faire
25 connaître sa culture et aussi ça va l'enrichir

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milch cow that is the State. That is the impression that people now have.

People talk about a bottomless pit. Personally I can tell you that when I try to find out how many people are members of the Mohawk community at Kanesatake, the figures are different depending on whether they come from the Department or elsewhere. We are never able to ascertain how many persons live at Kanesatake and how many people live elsewhere.

If we look at the budget given to the people of Kanesatake, I think it is not so bad after all, a budget of about \$6,668,000. Obviously, if we exclude from that the moneys devoted to education, which make up a large part of the budget, the band council has a budget of something like 3 million dollars for a population said to number 838 inhabitants living on the territory ... once again this is a figure that is subject to challenge, except that personally, I have figures here and there are different figures. In one letter to the Minister I saw 1,918 mentioned, in another 1,500; in the last census there was talk of about 850 persons.

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1 d'une manière ou d'une autre, parce que le
2 tourisme va apporter aussi une autre sorte de
3 commerce.

4 Lorsqu'on rencontrait les
5 responsables du conseil de bande, ce qu'ils nous
6 disaient c'était de l'aide au niveau de l'approche
7 économique, comment nous on pourrait faire des
8 affaires. Il y a un port, il y a là une voie
9 maritime, il y a des voies ferrées, il y a des
10 liens, des réseaux de communication importants.

11 Ils pourraient sûrement, avec le
12 même argent, je ne dis pas qu'il faut leur enlever
13 ce qu'ils ont, mais avec le même argent, mais
14 présenter sous une autre forme, faire apprécier ce
15 qu'ils pourraient faire. La perception c'est
16 qu'ils sont, pour une certaine part, actuellement
17 ce sont des bandits qui exploitent le peuple
18 autochtone. Et ça je pense que les Autochtones
19 eux mêmes, le vrai peuple, ceux qui sont dans la
20 communauté elle-même, ne l'acceptent sûrement pas.
21 Et ça c'est frustrant, autant pour eux que pour
22 nous.

23 Je pense qu'on pourrait leur
24 donner...par la Société industrielle de
25 développement il pourrait y avoir l'implantation

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I think that the land claims are at present leading us to a dead-end. The Mohawks are happy to suffer. Does anyone have any initiatives? What kind of documents, what kind of proposals have been placed on the table to show us that they too are acting in good faith? The social and economic situation in Kanesatake and that of its neighbours are harmed by this state of affairs. There is a sword of Damocles constantly hanging over our heads.

Now, we could say: "So what do Indians want?" Aboriginal people in urban centres are not interested in going back to the conditions of the first occupiers but, as the victims of colonization, they have today found the key to taking advantage of everything the modern State has to offer: they can continue to live as their ancestors did while taking advantage of the social security benefits, old age pensions, modern technology, coupled with tax exemptions and in addition, finally -- and why not -- a little bit of smuggling to provide for the end of the month.

Personally, I can tell you that the

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1 sur un territoire autochtone d'une industrie de
2 pointe.

3 On nous avait suggéré, et ça
4 venait des hommes d'affaires autochtones eux
5 mêmes, que General Motors pourrait avoir une unité
6 de, je ne sais pas, faire les sièges de certains
7 types d'automobiles, ce qui se fait. Ça pourrait
8 se faire. Et ils recevraient sûrement des
9 profits, parce qu'il y en a des Autochtones qui
10 font des affaires. Et prendre l'exemple de ça et
11 le transposer à une échelle plus grande.

12 Au départ je pense qu'au niveau de
13 tourisme il y aurait matière à faire des profits
14 là sûrement.

15 **COPRÉSIDENT RENÉ DUSSAULT:** Dans
16 votre mémoire vous parlez d'initiative du
17 gouvernement du Québec d'associer les Autochtones
18 au niveau du développement régional, et que ça a
19 fonctionné un peu...

20 **JEAN-BOSCO BOURCIER:** Ça n'a pas
21 fonctionné dans notre coin.

22 **COPRÉSIDENT RENÉ DUSSAULT:** On a
23 assisté au Québec durant la dernière année à des
24 manifestations importantes au niveau de régions,
25 avec un certain sentiment d'aliénation.

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traditionalist card has been well played in Quebec and that at the present time the non-aboriginal people of Quebec and the rest of Canada are beginning to ask: "Is it true that they are as hard done by as all that?" Can it not be said that, by remaining in the urban centres, they are in a sense hunting for moose downtown?

We were tolerant and we have now reached a stage of zero tolerance. We were a society of plenty and we have now become a society of zero plenty. Riches and money cannot buy everything. The time will come, as Alvin Toffler has said in his most recent book, when even the best filled cash registers are empty. Why should they expect that theirs will never be empty if ours are?

Federal policy, the Indian Act, is paternalistic and humiliating legislation. It is extraordinary to find that in this modern era people in Canada are still living as wards of the State, are treated by the State as its wards. The umbilical cord must finally be cut and money must be transferred to them as well as everything in the programs so that they manage it themselves.

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1 Est-ce que dans le cadre de ces
2 manifestations-là il y a une solidarité possible
3 avec les Autochtones ou si en plus de l'aliénation
4 des régions par rapport à certaines décisions du
5 gouvernement central, est-ce que s'ajoute aussi
6 une division locale au niveau de la région par
7 rapport à des projets? Évidemment on a vécu sur
8 la côte nord.

9 Du côté de l'Union des
10 municipalités comment est-ce qu'on peut essayer de
11 faire en sorte que ce rapprochement-là par rapport
12 à des dossiers régionaux se fasse et ne vienne pas
13 accentuer en plus la division?

14 Est-ce que vous avez une réflexion
15 de faite là-dessus?

16 **PIERRE-BENOÎT FORGET:** Ici on nous
17 porte un peu à vous faire part de réflexions sur
18 ce que doit être les politiques gouvernementales,
19 notamment celles qu'on connaît le plus au Québec,
20 les politiques du gouvernement provincial à
21 l'égard des négociations avec les peuples
22 autochtones sur des grands projets énergétiques.

23 On voit, je suis entièrement
24 d'accord avec mon confrère de droite, que les
25 traditionnelles compensations pour qu'une

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I shall come back to this point later. In the United States there are 4,000 pieces of legislation governing the relations between governments and the various tribes, and us, we have a single statute governing these relations; it's absurd.

I told you a short while ago that this Act favours the emergence of band councils, chiefs of band councils who are too often subject to challenge. Even the Auditor General in his last report notes this. He said: [TRANSLATION] "I receive letters from aboriginal citizens asking me, 'How do I go about complaining about the management of the band council? Where do I go? Who will listen to me?'" The Indian Act impedes the autonomy of the aboriginal peoples. It increases their lack of accountability.

I come now to my recommendations. Do you want to hear them? However, I do not claim that these recommendations should acquire the force of law or anything else overnight.

At the present time, given the extent of smuggling and the difficulty experienced in controlling the tax exemption privileges, the aboriginal peoples should in future pay tax on the goods they buy and be reimbursed

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1 communauté adhère à un projet, à part les
2 compensations pécuniaires ou monétaires, étaient
3 de leur conférer certains droits spécifiques à
4 l'exploitation de pourvoiries, à des bâtiments à
5 tendance récréo-touristique. On parle aujourd'hui
6 de centres d'interprétation de la nature, des
7 choses comme ça.

8 Ceci sans pour autant qu'avant
9 d'avoir fait ces concessions-là sur un closing ou
10 un mode de règlement à l'amiable qu'il y ait des
11 infrastructures de base et des structures chez ces
12 communautés-là qui peuvent accepter ou qui soient
13 prêtes à travailler dans ce sens-là pour former
14 des modèles économiques de travail et ainsi agir
15 un peu dans ce sens-là.

16 Personnellement, et c'est une
17 information totalement gratuite, tant qu'il n'y
18 aura pas un réel partenariat au préalable de ces
19 grandes discussions où il y a des règlements qui
20 imposent des choses telles au niveau touristique
21 qui seraient des sources de revenu extrêmement
22 intéressantes, des sources de protection de notre
23 environnement et tout ça, on improvisera toujours
24 et on ne sera jamais assurés que les communautés
25 autochtones qui auront reçu ça en compensation

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later. There is nobody who says that they do not have a right not to pay tax; on the contrary. But the situation has become one where they sell to the Whites, and Whites on the other side of the street, to them, since they are not Indians, they cannot sell tax-free. It is a very serious problem in the urban communities.

Personally, I would say that it should be possible for us to control the goods purchased and that would reduce abuses. There cannot be a one-way trade in which the aboriginal peoples buy and resell goods tax-free to White People when it is our own taxes and duties that are distributed on the reserves. They need money. How much tax and duty are we going to collect on a pack of cigarettes? On the one hand, they have enormous needs for assistance but, on the other hand, they sell tax-free; as a result we don't have the money to give them. It's absurd.

The aboriginal identity card was, fortunately, denounced by the band councils in 1991-92. What happened was that everyone was rushing to obtain an aboriginal identity card. That

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1 profiteront au maximum de ça.

2 C'est un peu ce qu'on veut
3 rejoindre, nous, quand on parle de
4 responsabilisation qui leur donnerait une espèce
5 de personnalité juridique. Je reviens un peu au
6 mémoire en disant quand une communauté, quand une
7 ville ou une municipalité prend une entente avec
8 une communauté autochtone ou une réserve
9 autochtone sur, par exemple, l'exploitation en
10 commun d'infrastructures récréatives comme une
11 aréna, disons, notre lien de droit n'est pas le
12 même, c'est-à-dire que nos recours vis-à-vis notre
13 confrère autochtone sur, par exemple, le non-
14 respect de l'obligation d'une entente n'est pas du
15 tout le même que lui vis-à-vis nous.

16 Il pourrait même, à juste titre,
17 faire appel au droit commun alors que nous, nous
18 ne saurons que nous plaindre au conseil de bande
19 et peut-être en faire un appel au ministre, c'est-
20 à-dire des délais absolument incroyables.

21 Ce qui nous fait dire, nous, à
22 travers encore une fois cette table de
23 concertation arrivons à des mesures ou des
24 structures acceptables pour les deux parties,
25 créant un partenariat qui n'impliquerait pas

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cost \$300 and people were paying up to \$3,000 for one. Then they would have a fine aboriginal identity card and they could go to town. There were businesses that were swindled around Lachute and in the surrounding area, especially at Hawkesbury, where, from one day to the next, people said: "How come there are a lot of aboriginal people from one day to the next who come here to buy their goods?" They presented an aboriginal identity card and it was agreed that, if you were an Indian, you didn't pay any tax. So no tax was charged. At the end of the year Revenue Canada said: "No, no. Taxes must be paid outside the reserves."

There are still a lot of people today who are being swindled in that way. Quebeckers want to lay claim to some Indian blood because it's a paying proposition; everybody wants to be an Indian. There was even one person who, to his great surprise, discovered that he had aboriginal roots when he had someone draw up his family tree.

Now, if we want to make our policies consistent, why is it that the aboriginal peoples have to receive a refund of the GST when they don't pay it in the first place? That is one irritant in our relations.

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1 nécessairement des sommes substantielles mais des
2 services à la communauté, c'est déjà une base
3 d'entente sur un partenariat nécessaire dans les
4 deux communautés parce qu'aujourd'hui tout ce qui
5 s'appelle service à la communauté coûte
6 excessivement cher, et avec le pelletage que vous
7 connaissez des responsabilités de nos
8 gouvernements provinciaux dans les municipalités,
9 c'est encore plus nécessaire d'avoir une saine
10 gestion de rationaliser, et nous avons besoin
11 clairement les uns les autres.

12 Donc c'est pourquoi nous on veut
13 absolument faire abstraction tout le temps du mur
14 qui nous a été posé de la non-reconnaissance de
15 nos lois, de nos droits, de nos territoires, et
16 que ces données fassent valoir des droits
17 ancestraux et tout ça parce que c'est pas le but
18 de nos rencontres, c'est pas le sens de nos
19 problèmes, et c'est pas le sens de leurs problèmes
20 à eux non plus.

21 Des problèmes sociaux, il y en a
22 des deux côtés, des problèmes économiques
23 effarants chez-nous, pas mieux chez eux. Nous, ce
24 qu'on dit, c'est de créer une table de gens dans
25 le milieu, des gens...nous ne sommes pas des

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When I met with Ovide Mercredi at a meeting of the aboriginal caucus I asked him if there were any proposals he could make concerning the employability of aboriginal people in our urban centres. He suggested a program of inducements along the following lines: "If you are a Quebec business and you hire an aboriginal worker for your business, we'll give you a program of inducements to encourage you to hire them, to take them on, so that they can work and so that they can earn back their pride." I found that interesting. It is something that should be given serious thought, the idea of a program of inducements.

The PDEA program, the program of economic development for aboriginal people in urban centres, should be a program that encourages business relations between the aboriginal people and white people. There is talk of bridge-building. Why do we not use the programs that we already have and say: "That program, if you want to open a business, why not go into partnership with a White" and vice versa? I did that recently with an organization in Pointe-aux-Anglais. I said: "Why don't you go and look for aboriginal people and go into partnership with

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1 représentants politiques autorisés à négocier les
2 grands dossiers mais plutôt à négocier la vie
3 courante et la vie de tous les jours entre nos
4 différentes communautés.

5 Donc, oui, jetez des passes d'une
6 table qui pourraient créer un partenariat et une
7 base via les corporations de développement
8 économique, ça commence, c'est embryonnaire. Mais
9 là il y a eu un recul, il faut l'avouer, dans les
10 situations ou dans les secteurs qu'on qualifie de
11 nerveux, qui malheureusement n'impliquent que des
12 communautés mohawks.

13 C'est peut-être ça qui réveille un
14 peu tout le monde à vouloir s'asseoir à des tables
15 le plus tôt possible, sauf strictement sur ce
16 plan-là. C'est le message très, très clair qu'il
17 faut passer.

18 Tant que la grande question ne
19 sera pas réglée nous ne pourrons pas...c'est
20 inacceptable pour nous parce que ça devrait être
21 inacceptable pour eux, car ils ont les mêmes
22 problèmes fondamentaux que toute société qui vit
23 dans un contexte actuel nord-américain possède.

24 COPRÉSIDENT RENÉ DUSSAULT: Je
25 pense que la recommandation que vous faites et la

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them so that they can play a role in that development?" There would be a lot fewer irritants.

In my opinion, it is essential that the Commission examine the issue of the credibility of the leaders and consider the possibility of setting up a special mechanism to enable band members who wish to do so to monitor the honesty and credibility of the chiefs of their band councils. Once again I would refer you to the Auditor General.

The duty to account must, in my view, also be a factor. The Commission must reach the conclusion that, when money is received from other people, it is necessary to account for what is done with that money. The Department has become the scapegoat for all kinds of problems.

Personally, I should like to say that at one point I asked the present chief of the band council at Kanesatake the following question: "How would you explain the fact that the Department of Social Affairs and Health and Welfare Canada spent \$450,000 in a single year merely to transport patients?" He said to me

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1 volonté qui est exprimée que vous dites unanime au
2 sein de l'Union des municipalités de collaborer à
3 une table, participer de plein pied à une table de
4 concertation est extrêmement importante.
5 Également je pense que la démarche qui est amorcée
6 avec les représentants de l'Assemblée des
7 premières nations au Québec est aussi une voie à
8 poursuivre et à explorer.

9 Cependant vous dites dans votre
10 mémoire qu'atteindre l'objectif poursuivi d'une
11 certaine façon par une telle table semblerait
12 presque impensable sans qu'il y ait au préalable
13 une révision systématique de la législation en
14 vigueur et des éléments qui confèrent aux
15 Amérindiens un traitement particulier. Là on
16 parle de quelque chose à plus long terme. C'était
17 ma première question.

18 Pour faire ça il faut une
19 contrepartie et un développement économique et des
20 ressources et l'autonomie. Mais entre-temps la
21 vie quotidienne se déroule. Vous nous l'avez
22 répété, vous nous l'avez dit à Montréal, on n'a
23 pas de mécanisme de jonction du côté spécifique
24 Châteauguay et Kahnawake, mais plus largement.

25 Il me semble qu'il va falloir

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"Well, Mrs Bourgault, it's a kind of economic development."
"Oh yes, how is that?" I replied. He answered: "That's it, we transport patients to hospital and it pays very well." Everybody has become a carrier of patients. Regardless of who carries people who are purportedly sick to Montreal, it costs \$450,000 for 838 persons. That means that, in a single year, there are some who made money and it is always the same people.

But they don't feel that they are indebted, so they told me that it was not their problem, that the government should check these things and that it was not up to them to check it; so they don't feel responsible for those frauds.

The Commission must also look at how the lists of band councils can be subjected to rigorous demographic checks, as is the case for everybody in the white population. Personally, I have no objection to giving money for their welfare but I need to know that it's going to the right persons. But there, there are differences ... if you would like to see

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1 travailler sur les deux questions.

2 JEAN-BOSCO BOURCIER: Oui. On a
3 essayé, nous, suite à la crise de 1990, on a mis
4 sur pied une table d'orientation communautaire
5 avec un président qu'on disait neutre, avec les
6 différents leaders de tous les milieux
7 communautaires de vie de Châteauguay, excluant le
8 maire. On voulait dépolitiser cette table-là. Ça
9 fait pratiquement trois ans.

10 C'est allé en dents de scie mais
11 la contrepartie n'est pas venue. À l'occasion on
12 a eu les représentants des Mohawks qui sont venus
13 mais non pas de façon très, très implicante.
14 C'était peut-être sous forme d'observation à
15 l'occasion.

16 Le dernier incident qu'on a eu
17 c'est avec les stations d'essence. Là ça a été un
18 peu une réaction assez violente dans le sens que
19 d'une part il y a eu un blocus de route encore une
20 fois, mais d'un côté de la Route 138 et de l'autre
21 de la Route 132, pour trois heures.

22 Ensuite ce sont des manifestations
23 médiatiques, exemple, accusant la Chambre de
24 Commerce, qui avait distribué des pamphlets
25 d'achats chez soi. Là on a une roulotte en

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figures, I can show them to you. Nobody knows how many people live there and it is extremely difficult to complete a census.

The Department of Indian Affairs and Northern Development is a machine that is essentially self-sustaining and justifies its existence by running the daily lives of all aboriginal people. As long as this Department continues to exist, in my opinion, the aboriginal peoples cannot be truly responsible to government and citizens.

So I, what I propose is that in order to clean up the budgets allocated to the aboriginal peoples and at the same time to reduce the federal bureaucracy by decentralizing it, the Department of Indian Affairs should be converted from its current form and the administration of its various programs could, for example, be transferred to a permanent agency that would be given a mandate to manage and not to satisfy the aboriginal peoples' wishes to function.

I propose that a national commission consisting of representatives of the aboriginal nations and specialists on Amerindian questions and a special assistant to the

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1 permanence où il est écrit rouge et noir sur blanc
2 que la Chambre de Commerce est raciste et n'incite
3 pas les Blancs à aller acheter sur leur territoire
4 alors que nous, on voudrait qu'ils viennent
5 acheter chez nous.

6 C'est problématique, ça, c'est du
7 quotidien. Le pouvoir politique que l'on possède
8 est limité par rapport à des interventions qu'on
9 pourrait faire.

10 D'autres exemples qu'on vit de
11 façon courante et qu'on essaie de faire dépercer
12 en ce sens-là au niveau, par exemple, du drainage
13 des terres communes, où il y a des cours d'eau
14 naturels qui d'une part sont bloqués par des dams
15 de castors et qu'on voudrait que du côté
16 autochtone ce soit nettoyé, mais eux disent on ne
17 prendra pas l'argent ou des subventions du fédéral
18 pour ce faire. Ça devrait être des sommes
19 additionnelles. Nous ce qui arrive c'est que nos
20 maisons sont inondées.

21 Comment rallier ces
22 problématiques-là, parce qu'ils sont quotidiens --
23 la pêche sur le fleuve St-Laurent, la chasse sur
24 le fleuve St-Laurent. Ce sont tous des problèmes
25 qu'on voudrait bien s'asseoir avec le conseil de

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Auditor General of Canada, an aboriginal assistant in the Office of the Auditor General, be set up and it would report to Parliament rather than to the government. As part of its mandate this commission could be asked to exercise exclusive jurisdiction over the administration of the aboriginal programs that are transferred to the various departments, provide machinery for monitoring the budgets allocated to the band councils, ask the band councils to account for their activities and the services provided to their members and report on these submissions to a special assistant for aboriginal affairs in the office of the Auditor General.

I shall conclude.

I feel that the inherent right to aboriginal self-government in the urban centres must be examined in all seriousness at this time. The Commission must consider this inherent right with a great deal of caution and not, at the same time, ignore the reality of relations between the aboriginal peoples and the white people in an urban setting.

Not only must it take this specific factor into account but it must also consider responding to it in the form of solutions

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1 bande pour en discuter mais on n'a pas en haut
2 soit une volonté ou soit le mécanisme nécessaire
3 pour que ce soit souple. C'est compliqué et
4 c'est...

5 Par exemple, le dernier problème
6 qu'on a eu au niveau d'irriguer un immense
7 territoire qui était inondé par nos eaux
8 pluviales, ça a pris deux ans avec le ministre de
9 l'Environnement pour régler le problème, et
10 pourtant ça a coûté 150 000 \$ pour le régler.

11 On a certains liens, certaines
12 relations avec certains chefs de bande, mais avec
13 l'institution du politique, du milieu autochtone
14 ou de la réserve elle-même il est contesté comme
15 nous on conteste à notre façon notre pouvoir
16 politique. Il y a différents partis, il y a
17 différentes idéologies.

18 On est surpris un peu du côté
19 blanc que ça se fasse du côté amérindien alors que
20 ça devrait être compris, ça devrait être même
21 enseigné dans nos écoles. Mais ce que moi j'ai
22 appris à l'école j'espère qu'ils n'enseignent pas
23 ça à mes enfants et mes petits-enfants. C'était
24 le tomahawk et on se scalpe et on a du fun. Moi
25 je trouvais ça aberrant.

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that are adequate and innovative. We read with a certain amount of discomfort in "Partners in Confederation" that the complex and varied problems created by those aboriginal groups that do not have a land base cannot be dealt with in a report.

When you have completed your work, your Commission will have cost our tax-paying citizens close to 40 million dollars. Obviously, that is a very expensive Commission; one of the most expensive. I can understand, moreover, that it is because of the size of the country and the number of aboriginal communities that you have visited and that this was necessary. I hope that it will not suffer the same fate as other commissions and end up on the shelves of Parliament.

I feel that, in order to avoid that fate, if the Commission were to propose solutions that are very fundamental rather than getting lost in utopian recommendations, I think that you yourselves now know that your mandate was extremely broad from the very beginning. It is difficult for us to imagine a single solution to such a complex issue. It is not with a single leap that we will resolve

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1 Je pense qu'on a changé depuis.
2 Ça a évolué, cette mentalité-là. Mais au niveau
3 politique et au niveau économique il va falloir
4 faire des projets, et tantôt on disait qu'il ne
5 fallait pas que ce soit sporadique, il faudrait
6 que ce soit rationaliser et que ce soit accepté.
7 J'espère qu'on va arriver à ça.

8 COPRÉSIDENT RENÉ DUSSAULT: Je
9 pense que vous exprimez très bien le vécu
10 quotidien.

11 La difficulté actuellement c'est
12 qu'on ne peut pas régler ces problèmes-là parce
13 qu'on ne se parle pas en raison d'un débat qui est
14 plus large et qui est plus politique dans le sens
15 qu'il déborde le pouvoir municipal évidemment.

16 Peut-être une dernière question,
17 parce qu'on pourrait passer des heures.

18 Évidemment vous soulevez la
19 question de l'application intégrale de la
20 législation en vigueur pour tous les citoyens,
21 Autochtones et non-Autochtones. C'est une
22 préoccupation importante.

23 Bien sûr actuellement au Québec
24 au-delà du principe qui est exprimé auprès des
25 gouvernements supérieurs est-ce que vous avez une

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that situation.

Once again, the Commission also cannot recommend fresh spending. The people of Canada are overtaxed and no longer able to pay. So we must be inventive and innovative. Abolition of the Department of Indian Affairs and Northern Development would, in my view, be something that the Commission should recommend.

There could also be a pilot project on the national commission that I have just proposed. Perhaps we should begin right away and we could see in what way it could operate.

One short-term solution for the solution of the problems mentioned in this document would be quite simply to enforce the laws that currently exist. Such an approach would have the effect of eliminating the improvisation and the setting of precedents that over time have created legal precedents. Unless the law in Quebec is a sham that can be fashioned to suit the circumstances, it is by rendering justice to everyone in the same way that the various communities making up

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1 réflexion additionnelle à donner à la Commission?

2 JEAN-BOSCO BOURCIER: Je trouve
3 malheureux, par exemple, au niveau de la taxation.
4 Moi, je comprends les commerçants autochtones et
5 même les non-autochtones de ne pas vouloir
6 percevoir cette taxe-là.

7 À cause de la proximité et à cause
8 que c'est un enjeu très important à proximité d'un
9 grand centre de 2.5 millions de population, une
10 bonification à la perception de la taxe de vente,
11 par exemple, de part et d'autre. Si je suis un
12 Autochtone je vais acheter chez le Blanc et le
13 commerçant qui, lui, est "montre-moi ton numéro de
14 bande" et qui prélève ou qui ne charge pas cette
15 taxe-là, est-ce qu'il n'y aurait pas une façon de
16 bonifier ce contrat de vente là?

17 Et la même chose du côté blanc.
18 Lorsque nous allons chez les Autochtones c'est sûr
19 que la perception de la taxe c'est une fin de non-
20 recevoir. Mais s'il y avait une forme de
21 bonification, on n'a jamais exploité à ce niveau-
22 là, est-ce que ce serait pas une façon de dire
23 oui, à cause de la proximité, à cause d'un
24 territoire qui serait peut-être délimité on
25 pourrait y avoir une forme de bonification, et les

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this country will be equal before God and before human beings.

Thank you very much.

CO-CHAIR RENE DUSSAULT: Thank you, Mrs Bourgault. I should like to thank you on behalf of the Commission for having put these considerations together. I know that they are accompanied by a fair number of appendixes which we shall look at with a great deal of interests.

As you know, the Commission held a week of hearings in May on the reserves at Akwesasne and Kahnawake. Unfortunately, we were not able to reach agreement on acceptable conditions for the holding of hearings at Kanesatake, so that a number of groups from Kanesatake come to Kahnawake to make their presentations.

We also, as you know, met in Montreal in the same week with the Mayor of Oka and people from the parish of Oka, the member of the National Assembly, also one of your colleagues at that time, Mr Lopez, and also, from Chateauguay, Mayor Boursier and others, to discuss a little about the object of normalizing relations, to defuse

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1 gouvernements au lieu de perdre une taxe,
2 d'accord, ça leur en coûterait peut-être un peu
3 plus pour la percevoir, mais au moins ils
4 percevraient quelque chose. Là, ils perdent tout.
5 Et ça engendre quoi? Ça engendre ce qu'on connaît
6 actuellement, autant chez les Blancs que chez les
7 Autochtones, du noir et du travail au noir et de
8 la contrebande. C'est pas ça qui va améliorer nos
9 deux communautés.

10 COPRÉSIDENT RENÉ DUSSAULT: Merci.
11 Mary, please.

12 COMMISSIONER MARY SILLETT: Thank
13 you very much.

14 This is our second time meeting
15 and I remember your first presentation very well.

16 As we've crossed the country I'm
17 convinced that there are Aboriginal and non-
18 Aboriginal world views. There are very different
19 ways that some Aboriginal people and some non-
20 Aboriginal people look at the world.

21 Through the translation what I
22 heard was, for example, a statement saying that
23 the taxpayers are getting fed up with this. In
24 many, many Aboriginal communities we heard
25 Aboriginal people saying "we're fed up with non-

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everyday relations, which have not become more relaxed since 1990; on the contrary, in essence all they have done is to deteriorate to a large extent.

It is clear that this is of great concern to the Commission, which has a general mandate to promote reconciliation and relationships with the aboriginal people based on different premises. So it is certain that we often have the impression that, when we work at the one end, the carpet rolls up at the other and we must start all over again in order to be able to lay all four corners. That has to some extent been our experience. I recently pointed out that this was a situation that concerned the Commission to the highest degree.

Having said this, I feel that there are a lot of things in your brief. It is certain that there are important things there such as the fact that we should not consider everyone on the same footing and in the same package. I think that you brought out those distinctions very clearly. However, there is one situation and it is highly political, as you said at the outset, and that requires political solutions if we wish to get to the heart of the matter and not merely treat the symptoms.

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1 non-Aboriginal people saying that we don't pay
2 taxes", and they give the rationale.

3 I think particularly if you were
4 to ask the Innu of the Labrador, if you were to
5 make a statement like that to the Innu of Labrador
6 they'd say our history is such that when
7 Newfoundland joined Confederation in 1949 we were
8 looked at as just citizens, like everybody else.
9 We didn't get special status.

10 They are probably one of the
11 poorest Aboriginal groups in Canada. They pay
12 taxes, as do the Inuit. So you hear that as well.

13 Here, for example, yesterday we
14 heard from the NTI, which is the Nunavut Gunngavik
15 Inc. It's a group that's responsible for
16 implementing Nunavut.

17 They talk much about Inuit rights.
18 For example, what is an Inuk right, what are Inuit
19 rights. They are associated with the land.
20 Hunting, fishing and trapping is a right. The
21 ability to make decisions on our own land is a
22 right. The ability to determine our own
23 institutions, the ability to speak Inuktitut, to
24 learn Inuktitut in the schools and to be taught,
25 not by (native language), or white teachers, but

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This having been said, it is clear that people are aware that in several situations we are close to witnessing, in essence, a breach of trust, and what is required are institutions. So it is a major concern for the whole of society.

There is of course cigarette smuggling, as you mentioned. There are also realities that are, from our point of view, certainly just as serious as they relate to institutions and respect for institutions; the fact, for example, that there have been a large number of deaths on the Akwesasne Reserve that have never been investigated, and this is a concern for major groups in the Mohawk Community of Akwesasne for geographic reasons, jurisdictional reasons, reasons of all kinds. But the result is that when we talk about enforcing the law, that is a reality that is serious and it is important.

So I simply want to say that the Commission is very aware that the situation is difficult, that the solutions are political in the longer term but also that we must

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1 by Inuit teachers.

2 I suspect that there are some non-
3 Aboriginal people who would look at that agreement
4 and say "why? why would they get that?"

5 My question to you at this time
6 is, I think there is a difference -- I don't think
7 you were referring to Aboriginal rights, you were
8 referring to privileges given to Aboriginal
9 peoples. I think that's the word that you used.

10 My question to you is, are there
11 any rights, in your opinion, that Aboriginal
12 peoples in this province have? Do you recognize
13 that there are any rights of Aboriginal peoples in
14 this province?

15 JEAN-BOSCO BOURCIER: One of the
16 problems in reality, I'm sure that Aboriginal are
17 paying taxes but the perception, our perception
18 throughout the population is different, and that's
19 where it hurts. The perception is stronger than
20 reality, and we have to change that perception.

21 At the local level we try our
22 best, but since 1990 even we would we would try
23 again, I don't know by what kind of miracle we'll
24 succeed in changing that perception. That's why
25 we say instead of trying at the local level now

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be capable of managing the day-to day needs so that we can achieve this. That is the danger that is present today, that day-to-day matters, in essence, will get away from us and we won't be able to be reasonably available on both sides to look at longer-term solutions.

I have had an opportunity to say that the Commission's mandate does not relate to the management of day-to-day crises but we must look outside the time of crisis at the more profound causes, subsequently to help the partners assume their responsibilities and appreciate the level of solutions and the pace at which solutions should be applied. That is the context.

Having said this, I should note, concerning the aboriginal situation in urban centres, Kahnawake, for example, is the largest reserve adjoining a major urban centre in Canada and that has advantages and disadvantages both for the inhabitants of Kahnawake and for the people generally. I think nevertheless that the difficult part is to manage the present while keeping the past in mind.

It is clear that in the nineteen fifties, when the

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1 it's try at the higher level with the First
2 Nations, among ourselves try to share that vision,
3 to share that reality, get the proof, get the
4 facts and then on our side at the local level we
5 may change the perception of our population that
6 the Indians have rights and obligations, but they
7 are part of the economy, they are part of the --
8 well, maybe not the case now because we're so may
9 billions of dollars in debt, but to the growth of
10 our economy that they could be part of it.

11 I say that Aboriginal people have
12 so much to share with us only through their
13 culture. It is a fortune that is sleeping there
14 that you may make a fortune out of it.

15 As for myself, for example, I have
16 all kinds of Inuit art. It costs a lot of money.
17 So it is a part of the economy, it is a part of
18 the culture, and that has to be spread, that has
19 to be known amongst the white population.

20 We are actually faced with the
21 same problems as you are faced with. We have the
22 same problems. The difference is that the
23 perception from our point of view towards you and
24 you towards us has to be remodified. We have to
25 talk about it. We have to share that kind of

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St Lawrence Seaway was being built, when the Mercier Bridge was built, little heed was paid to the economic and ecological impact on those communities and that today we are paying the price in part because there is some catching up to be done.

I know that you are familiar with the broader background, even though you emphasized certain factors, which were deeply felt and which, as you said, represent what you have heard and still regularly hear. In the Commission we are certainly very interested in hearing all points of view. We simply have to listen to the open-line shows in Montreal to find out how people react. However, that is more or less the discussion that we are having; at a particular time we find it difficult to reach a somewhat more reasonable situation where we can hold a genuine dialogue.

What you said about the Mohawks is certainly true and we have been told this time after time; there are differing points of view, there are major debates going on within Mohawk society.

You said that the Indian Act must be repealed. A large number

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1 perception.

2 We say we're right, you say you're
3 right, or we say you're wrong and you say we're
4 wrong. It is wrong to say that, but we have to
5 change that perception. It's a lot of education
6 to be made.

7 COMMISSIONER MARY SILLETT: I
8 think that's our conclusion too. There is much
9 education.

10 You referred to the need for
11 Aboriginal history. I think that's one avenue,
12 but I think having an Aboriginal history in every
13 classroom in this country would probably not do
14 the job of improving the relationships overall.

15 When we went to the hearings last
16 year, we went to Akwesasne and Kahnawaka. We were
17 told that the Mohawks in that area are sovereign
18 people. They have their own laws. They gave us a
19 very extensive lesson in their laws, actually it
20 took a full day.

21 We know, as Aboriginal people,
22 that there are different laws. For example,
23 you're saying that there should be one law for all
24 citizens, that your laws are right. Aboriginal
25 peoples are saying we have our own laws, we're not

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of aboriginal people tell us the same thing. What it can be replaced by is less clear and less simple. As you know, there is a lot of federal money; it is fundamentally a funding statute and it prescribes controls on that funding and it is very finicky.

It is clear that once public monies are spent, we are in a situation of control. The Auditor General himself has talked about this and in quite a few of his reports has said that he has lost track of not far off 2 billion dollars in expenditures -- that's upsetting for everybody -- because they've gone over to global funding and so on.

The fundamental reality is that it will be necessary to provide the aboriginal communities with a certain amount of self-funding and reduce public monies. Except that often the public has the impression that in some magic way the money will be returned and everything will be fine. Now that brings us to the whole discussion about how we go about providing an economic base that will allow us to reduce public expenditures and ensure that things are more balanced.

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1 going to recognize our laws. There are two
2 different viewpoints.

3 I was wondering if you're
4 advocating that there should be one law for all
5 citizens. I'm having difficulty understanding why
6 there should be.

7 JEAN-BOSCO BOURCIER: Natural law
8 is the same for each and every one. What I said
9 then and I can repeat it again, is that the
10 application of the law, the bylaws, the rules of
11 how this law should be applied belongs to each and
12 every nation, but a crime is a crime, stealing is
13 stealing. But how do you punish belongs to each
14 nation.

15 As far as the taxation is
16 concerned, we have a different point of view
17 there.

18 I'll give you example. Five
19 hundred feet apart there's a gas station that
20 sells gas at 49.4 cents a litre. On the Indian
21 reserve it could be 47.9. Where do you think the
22 people will buy? It will buy at 47.9

23 There should be a mechanism. The
24 service should be the difference, but the price
25 also should be the difference. In that specific

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In the United States a lot was done by way of land claims thirty or forty years ago, in disputed legislation that allowed the tribes to have casinos on Indian reservations, controlled by the Indian governments and so on. We have come to this kind of debate.

Simply to repeal the Indian Act, if the money continues to come from the federal government, there will have to be controls; so it's clear that we must find a basic source.

Also, what I would like to say concerning everything you said about mechanisms for accounting for moneys received, accountability within the aboriginal communities, is that we have gone around a large number of aboriginal governments adjacent to the cities and outside. In essence, we heard much more talk about aboriginal governments and their management than about the federal and provincial governments, because that was it, the concern at the local level in the communities, and not solely from aboriginal women. So that is a very major concern of the Commission.

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1 area where it is very, very touchy on a very
2 regular basis, on a daily basis, that you buy
3 these products, something has to be done,
4 otherwise I don't know what will happen between
5 now and then, and then will mean what?

6 That's why I say that there, there
7 should be one law, and the application or the
8 price should be also known that the perception of
9 the taxes should be the same, or at least the
10 return to the government should be the same. If
11 not, bring in a mechanism to make sure that the
12 perception or even the reality of things would be
13 shared at the same level by each and everyone.

14 Now it's really unacceptable for
15 the white population to accept that. We cannot.
16 Why? Because they say there are two ways of
17 looking at things depending on which side of the
18 border you are. So it's hard. We try to do our
19 best but in these specific areas we have to change
20 things.

21 COMMISSIONER MARY SILLETT: This
22 is one issue that has been identified as a problem
23 area, but there are definitely others. What kind
24 of processes have you tried in order to resolve
25 these issues?

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When we talk about self-government, it's clear that those mechanisms will be looked at very seriously.

The question of ethnic government as opposed to public government is a difficult one. Because of the Indian Act and Indian status, we see spontaneously the concept of an aboriginal government as a government on the basis of race or ethnic group. The fact remains that they are first and foremost political communities and in the past they had important openings to the white people with respect to adoption, between the aboriginal nations. But all that has slipped away and this means that in the current context it is a question that is both important and difficult. So that will also be subject to very careful examination by the Commission.

You made a proposal that the Indian Act be replaced by a commission. In essence, my question is of central importance: How do you see that new system, where once again funds would come by and large from the federal government? The minister this morning said: "Certainly, we think

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1 JEAN-BOSCO BOURCIER: We tried to
2 talk, but now there's no talking. So we feel that
3 through some experiences, new ideas, new projects,
4 we may get together around the same table but
5 we're not known, the mayors, to be the chiefs of
6 our governments. We're know to be the servants of
7 the higher level of government. It's kind of
8 pejorative towards us but that's how we are
9 perceived.

10 COMMISSIONER MARY SILLETT: You
11 were calling for a regional forum to discuss
12 issues that affect your communities and the
13 province as a whole. I sort of somehow never got
14 it but could you state how this would work and
15 what the mechanisms would be.

16 JEAN-BOSCO BOURCIER: We have at
17 the regional level the Regional Council of
18 Economic Development. The money now comes from
19 the provincial level.

20 For myself in the Région de la
21 Montée Régis, the second largest in the province,
22 we have \$4.5 million to be redistributed in the
23 region. So we have a representative from each
24 area, each municipality, then we have a board of
25 administrators. We've asked Mr. Picotte, who is

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we must go in a direction where the aboriginal communities will have to tax their members for the services they receive but often there's nothing to tax, there's not very much to tax. So the need for federal transfers will remain, even in the long term."

Could you give us further details concerning this recommendation? I apologize for going into this at length to answer a number of your questions, but I think we could perhaps save some time like that.

LISE BOURGAULT: No, thank you very much.

Now, what I heard personally in my nine years in politics -- and I was in agreement with that -- is that at some point Department X or the Department of Indian Affairs should develop a program that was supposed to be good for all the aboriginal peoples. In the federal government, when a program is developed, it is contained in a document and it also contains the eligibility criteria: period. This does not necessarily mean that this program can be adapted to aboriginal people in an urban environment or can

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1 the minister responsible for that development, to
2 include in our committees the Autochtone
3 territories and so far we have not received a
4 positive answer towards that invitation. So
5 they're not part of the decisions, which I feel is
6 not -- well, it's bad, but that's the way it is.

7 So the monies now are
8 redistributed and it's redistributed to the Indian
9 reserves as far as we're concerned. But it should
10 be worked out in -- we may hear from Mr. Siros
11 tomorrow about it, I don't know.

12 COMMISSIONER MARY SILLETT: Thank
13 you very much.

14 COPRÉSIDENT RENÉ DUSSAULT: Alors,
15 merci. Je pense qu'un point essentiel qui a été
16 soulevé c'est la possibilité d'un pluralisme
17 juridique en autant qu'on harmonise avec
18 l'entourage, les voisins. C'est vraiment de ça
19 qu'il s'agit au niveau des municipalités.

20 On aura le même problème, la même
21 réalité, avec des réserves en milieu urbain, parce
22 que de plus en plus se développe par des groupes
23 autochtones l'achat de territoires dans les
24 municipalités demandant un statut de réserve, et
25 là ça pose de l'harmonisation avec des règlements

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be adapted to the Micmacs or the Hurons of Loretteville. That is the problem for the government when it has to get Commons approval for a budget that is allocated for a given program supposedly to settle a problem. That's the problem of the Department.

Personally, I would say that the national commission, which could clearly be made up of representatives from the aboriginal nations, it is obvious -- let's transfer the money to them. I would wager you that the \$450,000 that the band council obtained in federal funding to transport patients, if it was the band council that managed that money, in my opinion, the maximum it would have cost them was \$100,000 in a single year. The \$350,000 could be used for other things in that community, for the needs that exist in the community.

The Department's problem is that it operates within a framework while a national commission that administered the funds given to aboriginal people could, in my view, do one hundred or even a thousand times as much with the same money. Why? At the present time the problem is that when there is a defined program, everybody

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1 municipaux de la ville et ce qui se passe dans la
2 réserve urbaine et non pas adjacente, mais
3 véritablement dans le centre-ville.

4 C'est une question qui demande,
5 dans le fond, une relation. La difficulté qu'on a
6 actuellement c'est qu'il n'y a pas de relation là
7 parce que le mécanisme et la communication n'est
8 pas là et la possibilité de dialogue, de sorte que
9 si par les rencontres que vous avez amorcées avec
10 l'Assemblée des premières nations, et le reste.

11 Certainement l'idée de cette table
12 de concertation, on l'a regardée de très près au
13 niveau de la Commission parce qu'on ne peut pas
14 rester figés comme ça de part et d'autre. C'est
15 au détriment de tout le monde. C'est un peu un
16 cul-de-sac dans lequel on est placé,
17 particulièrement depuis 1990.

18 Encore une fois, je vous remercie
19 de votre réflexion et de votre collaboration. Il
20 y a un certain nombre d'idées reçues de part et
21 d'autre. Il y a un besoin d'éducation publique
22 important. Il y a les perceptions souvent qui
23 viennent complètement fausser les relations.

24 La Commission va essayer de
25 clarifier factuellement un bon nombre de choses.

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wants to get their hands on that money. That is the reason why some aboriginal communities are frustrated because there's no budget left. There is the administration of that program, which costs a great deal of money for absolutely nothing; for absolutely nothing. There are deputy ministers, assistant deputy ministers, assistant deputy ministers to the assistant deputy ministers -- it never ends -- who are living off that percentage.

So the national commission, with a limited operating budget, is not complicated and the aboriginal community at Kanesatake needs ... there, they have just received 1.5 million to dress their wounds. The whites of Oka need 1.5 million to dress their wounds also. But then there was a program in the Department somewhere for that, and if you apply but don't obtain any money, it's tough on anyone who stands up against that. If the Mohawk community applies for a program that exists and there are no funds ... the money almost has to exist. They cannot make the distinction that the Mohawks of Kanesatake have different needs from the Hurons

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1 Nous souhaitons garder le contact
2 avec votre organisation dans la prochaine année et
3 n'hésitez pas à nous contacter et à nous faire
4 part de réflexions additionnelles ou de gestes
5 concrets qui pourront se dérouler. On le souhaite
6 pour améliorer la situation et améliorer le climat
7 des relations, non seulement à Montréal mais aussi
8 plus largement au Québec.

9 Merci.

10 La Commission royale sur les
11 peuples autochtones au Canada va reprendre ses
12 audiences publiques à 13 h 45 avec la présentation
13 de la Fédération québécoise pour le saumon de
14 l'Atlantique. Merci.

15 --- Suspension de l'audience à 13 h 00

16 --- Reprise de l'audience à 14 h 04

17 **COPRÉSIDENT RENÉ DUSSAULT:** La
18 Commission royale sur les peuples autochtones au
19 Canada reprend son audience publique avec la
20 présentation de la Fédération québécoise pour le
21 saumon de l'Atlantique, M. Bernard Beaudin.

22 Vous pouvez procéder.

23 **BERNARD BEAUDIN, Président,**
24 **Fédération québécoise pour le saumon de**
25 **l'Atlantique: Merci.**

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of Loretteville.

So it's absolutely necessary to find a mechanism. That's what is poisoning our relations, that's what leads to the creation in the general public of a view of the aboriginal peoples that is wrong, simply because of this. It seems to me that the Commission has an enormous duty in this regard. Not a single cent should be cut; they should receive the same amount of money.

There are a lot of programs administered by the various departments that could be managed by this small national commission and the Mohawks of Oka will strike it down and after explanations ... there may be a general principle but one that applies in one place but not in another. It is urgent that we look into this.

As far as the mechanism is concerned, I think there are aboriginal people in this room and others in Ottawa, with your Commission, who may be able to find the means. We have a Canada Council for culture; we could have this council for the moneys that are distributed to aboriginal people. Maybe there are people who have made a similar recommendation but I have not had the time to read them, obviously, all the briefs that you have received.

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1 Madame Sillett, monsieur Dussault,
2 je suis accompagné de M. Edmond Malec Lalo, qui
3 est vice-président de la Fédération québécoise
4 pour le saumon atlantique. Il est vice-président
5 du conseil régional basse Côte nord.

6 La Fédération en soi, pour vous
7 donner quelques explications, est formée de sept
8 conseils régionaux qui couvrent l'essentiel, je
9 dirais, du Québec, là où il y a du saumon ou là
10 aussi il y a des utilisateurs du saumon de
11 l'Atlantique.

12 La Fédération cherche à regrouper
13 tous les gens intéressés à la conservation et au
14 développement de la ressource saumon au Québec. À
15 ce titre-là elle ne regroupe pas seulement des
16 pêcheurs sportifs de saumon. Elle peut aussi bien
17 regrouper, et ce qu'elle fait aussi, regrouper des
18 municipalités, des MRC, des corporations de
19 développement touristique, des individus, des
20 compagnies privées, des corporations, et
21 naturellement des représentants des Autochtones et
22 surtout et particulièrement des Montagnais.

23 Les Montagnais sont membres de la
24 Fédération à plusieurs niveaux comme membres
25 individuels, comme membres associés, membres

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CO-CHAIR RENE DUSSAULT: Of course, what you are proposing is a total decentralization and very light-handed management in the form of co-ordination.

LISE BOURGAULT: Absolutely. That can be done ... I'm sorry.

CO-CHAIR RENE DUSSAULT: Certainly, but the fact remains that there is a question of controlling public funds; those funds will still have to come.

What I am trying to say is that by carrying out this decentralization but letting the money still come entirely from the federal government, it is possible that this is the way and that this will have to be done, but at the same time if we do not take important steps to give the aboriginal communities an economic base, we will have just as many problems with that arrangement in the long term as we have for other reasons. The whole problem of democracy in the aboriginal communities, when all the money goes to the band council, we create enormous power where people have no further room for manoeuvre because everything must come to the band council. That's the situation we have.

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1 gestionnaires, membres politiques aussi dans ces
2 structures. Comme politiques je dirais comme
3 Mamiténuat (PH) ou le Conseil attikamek
4 montagnais.

5 Il y a des représentants au sein
6 du conseil d'administration et aussi au sein du
7 comité exécutif de la Fédération québécoise pour
8 le saumon atlantique. Je dirais à ce titre-là
9 dans la Fédération il n'y a pas de problème
10 autochtone, il n'y a pas non plus d'affaires
11 autochtones. Ce sont les Autochtones qui
12 s'occupent de leurs affaires au sein de la
13 Fédération.

14 J'ai comme l'impression qu'au fur
15 et à mesure, de toutes les tables que j'ai pu
16 rencontrer au Québec, différentes tables qui
17 cherchaient à établir des ponts avec les
18 Autochtones, que la Fédération semble être un
19 exemple presque unique de concertation et
20 d'échange.

21 Je voulais aussi attirer votre
22 attention sur la dynamique de la Fédération elle-
23 même, qui est un organisme qui cherche à concerter
24 les gens. Elle organise à tous les ans des
25 colloques, des congrès, des soupers-bénéfices.

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So, in addition, in the situation that you described, where there is complete discretion, we must find the means to distribute power within the community. That is simply to say that, given the bureaucracy in the Department that you described, that is one thing, but there are other sides to the problem that have to be looked at.

Essentially, what people are telling us is that to move from a reduction of the influence of the Indian Act as a step toward self-government precisely to allow for true autonomy, here again it's clear that self-government, if all the money comes from another government, nothing much will have been changed, if we do not move to a basis where there is self-funding, where there is part of the budget that is self-funded by the aboriginal communities themselves.

LISE BOURGAULT: As I said, a distinction must be made at once between the aboriginal communities in an urban environment and those that are far removed from that environment. I am not familiar with those problems. But the

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1 Cette année présentement on semble dans une phase
2 de consultation qu'on appelle les états régionaux
3 et la semaine prochaine on aura les états
4 régionaux regroupés, et l'année prochaine les
5 états généraux sur le saumon, auxquels d'ailleurs
6 sont partie prenante les Montagnais plus
7 particulièrement.

8 Chez nous la dynamique de la
9 concertation est une dynamique je dirais
10 essentielle de notre Fédération. Vous savez, le
11 saumon c'est un poisson migrateur, c'est un
12 poisson qui voyage à travers les océans et nous on
13 dit que nous n'avons pas besoin de gérer le
14 saumon. Le saumon sait très bien se gérer lui-
15 même.

16 S'il naît dans une rivière il sait
17 qu'après quelques années il va quitter cette
18 rivière-là, aller dans les océans, aller
19 s'engraisser et revenir au bout d'un an, deux ans
20 ou trois ans. Il va retrouver son chemin. Même
21 s'il est à des milliers de kilomètres de son
22 milieu natal il va revenir dans sa rivière.

23 Tout le problème qu'il va
24 rencontrer vont être des problèmes dûs à des
25 bipèdes, dûs à l'espèce humaine essentiellement,

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aboriginal communities in an urban environment, personally, I would like to see the present chief of the band council and his council open the door, simply open it; he should open it, that's the challenge I am issuing to him. The surrounding community is ready, no matter what he may say and what he may think. As long as he lowers the shutters and says that we are against them all the time, we, the majority, who are looking at that, will say: "Let him open it, the door. We'll go there. We'll go and look with him, with his council, with the members of the community."

It is abnormal to find that two aboriginal persons, two Mohawks out of three in Oka, do not know how much money is given to the band council. They don't know anything. Perhaps it's simply that we don't speak the same language, it's a question of communication. However, in the electronic age, how is it that we are not capable of communicating simply, through the community radio station or through a simply written document in the Mohawk language for those who want it: "This is what your band council receives for your daily welfare." How is it that this is not done, that it is so secret, all those things?

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1 en grande partie. Donc il va être l'objet de
2 nombreux prélèvements.

3 Je dois dire que l'éclairage qu'on
4 a apportés sur ces prélèvements-là d'ailleurs a
5 été je dirais un des éléments qui a permis
6 d'éliminer un préjugé je pense très fort qu'il y
7 avait au Québec concernant les prélèvements
8 autochtones en matière de saumon, en vous
9 rappelant simplement que l'ensemble des
10 prélèvements faits par ceux qu'on qualifie de
11 Blancs représentent dans le saumon 95 pour cent
12 des prélèvements au minimum.

13 Il est évident que la conservation
14 du saumon ne pouvait pas dépendre essentiellement
15 du 5 pour cent résiduel qui pouvait être le
16 prélèvement autochtone. Quand, dans le fond, une
17 ressource est prélevée en aussi grande quantité
18 par un groupe je pense qu'il faut intervenir en
19 premier sur ce groupe-là si on veut régler le vrai
20 problème de conservation du saumon.

21 C'est une chose qu'on a charriée
22 et qu'on a eu le courage de dire aux gens chez
23 nous qui prétendaient que le problème est un
24 problème autochtone dans le saumon. C'est évident
25 qu'il a fallu dire les choses telles qu'elles

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So the Commission has a duty to look at all those things.

CO-CHAIR RENE DUSSAULT: I can tell you that this is not unique to the urban situation but that we find that in many areas. So that is part of the general problem that has been emphasized before the Commission, in both an urban and a rural context, concerning the management of aboriginal governments.

At this point I should like to ask my colleague Viola Robinson to continue.

COMMISSIONER VIOLA ROBINSON:

Thank you.

I guess I will start this talk here by saying that it is a very sensitive situation that exists here in the province of Quebec, very unique in Canada. Certainly, I think the problems here aren't easy problems, in particular when you start talking about the contraband issue and looking at the three jurisdictions, the three states that are trying to deal with that. That, in itself, creates a

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1 étaient. Et c'est une chose qu'on dit encore
2 parce que, vous savez, les préjugés sont tenaces
3 et souvent il est plus facile d'identifier un
4 braconnier autochtone qu'un braconnier blanc.

5 Si je pense à toute la dynamique
6 qu'il y a autour de Restigouche je pourrais vous
7 dire que le village de Ste-Florence a des
8 traditions de braconnage telles, et le
9 gestionnaire actuel, M. Victor Tremblay, qui est
10 un autre vice-président de la FQSA, pourrait vous
11 dire qu'il y a plus de saumon qui disparaissent
12 dans la rivière Matapédia par braconnage que par
13 pêche sportive, et que ce braconnage-là est fait
14 par des Blancs. Donc il y a 1 500 saumons
15 annuellement qui disparaissent par l'activité de
16 braconnage.

17 Donc ça aussi c'est un problème,
18 et c'est un problème dont on va s'occuper. Il n'y
19 a pas juste, autrement dit, la partie de
20 prélèvement faite par les Micmacs à Restigouche.
21 Bien au-delà, je dirais, des prétentions de
22 plusieurs. Mais c'est une chose qu'il faut
23 répéter continuellement si on veut avoir une
24 action véritable sur la ressource-saumon.

25 En vous rappelant que le saumon

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1 problem. I don't think Quebec itself can resolve
2 it, nor do I think New York can resolve it or
3 Ontario. I think it means a lot more than that.

4 Having said that -- and you will
5 excuse me for my naivety or my ignorance here -- I
6 would like to ask you a personal question. You
7 say you have been an MP for nine years. Are you
8 still an MP now?

9 LISE BOURGAULT: No.

10 COMMISSIONER VIOLA ROBINSON: All
11 right. You were an MP when this whole thing
12 erupted.

13 LISE BOURGAULT: Yes.

14 COMMISSIONER VIOLA ROBINSON: I
15 have always thought, being an Aboriginal person
16 and being a person from the Micmac nation, that it
17 took us a long time in eastern Canada, far east,
18 in Nova Scotia, to educate the public down there,
19 awareness about the Micmac nation and being
20 accepted as a nation. We had to go to Supreme
21 Court and spend all kinds of money that we didn't
22 have, and finally we are starting to get some
23 recognition.

24 I am just wondering, when you
25 really look back now to the situation we are

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1 naturellement par du Groenland et que là aussi il
2 y a des prélèvements autochtones faits sur les
3 saumons atlantiques qui peuvent naître chez nous,
4 parce qu'il y a des Inuits qui font un
5 prélèvement, mais beaucoup moins massif je dirais
6 que les captures faites par les bateaux d'origine
7 danoise. D'ailleurs il y a un arrêt des pêches au
8 Groenland prévu pour probablement cinq ans
9 maintenant.

10 Terre-Neuve est aussi un préleveur
11 massif de nos saumons, et là aussi il y a un
12 arrête des pêches commerciales, à Terre-Neuve.

13 Au Québec il ne reste que quelques
14 prélèvements commerciaux sur la basse côte nord
15 pour l'instant. L'essentiel a été racheté cette
16 année sur la côte nord.

17 Il y a plusieurs gestes qui sont
18 faits présentement pour assurer la conservation du
19 saumon un peu partout à travers le monde. Il y a
20 des organismes comme l'OCSAN, qui est un organisme
21 de concertation pour le saumon de l'Atlantique
22 nord.

23 Donc le saumon a forcé les gens à
24 communiquer. Nous on dit aussi que le saumon est
25 une espèce qui force la communication.

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1 sitting here trying to resolve, for a long time
2 the people in Kanesatake -- I guess particularly
3 there, right at that border state there -- and
4 Indian people in Canada generally, have been
5 appealing to the federal government and
6 governments for recognition and for some formal
7 way of sitting down talking about these problems
8 which never, never existed, it never happened.

9 It took something like the Oka
10 incident to bring people to life, it took
11 something of that nature which was part of
12 creating this Commission. We are asked to do a
13 job. It took hundreds of years to evolve, and all
14 of a sudden we are asked to come in and try to
15 resolve it, which is almost impossible.

16 You can talk about tax, you can
17 talk about border crossings and all this, but the
18 respect, equality and respect, why is it that is
19 so difficult for the federal government and for
20 other governments to respect, for instance, the
21 Jay Treaty, which we say gives Indians, at least
22 the First Nations -- it recognizes us as having
23 free access and free border crossing. It is
24 recognized in the United States but it is not
25 recognized in Canada.

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1 Comme je vous disait, on ne gère
2 pas l'espèce, il faut se gérer. Tous ceux qui
3 sont le long du parcours du saumon doivent se
4 gérer, et que tous et chacun on a des
5 responsabilités vis-à-vis cette ressource-là.

6 C'est uniquement en reconnaissant,
7 je dirais, les obligations mais aussi ses devoirs
8 mais aussi ses droits vis-à-vis la ressource qu'on
9 peut arriver à une véritable action vis-à-vis
10 cette ressource-là.

11 Pour vous dire qu'au sein d'une
12 fédération comme la nôtre il n'y a pas que des
13 échanges qui vont s'établir avec les Autochtones.
14 Il faut aussi établir des échanges avec les États-
15 Unis, avec Terre-Neuve, avec le Groenland, avec un
16 ensemble d'intervenants un peu partout à travers
17 le monde pour assurer la survie du saumon.

18 À ce titre-là les Montagnais
19 voulaient jouer un rôle, et joue un rôle,
20 fondamental. Plusieurs rivières de la côte nord
21 coulent à travers leur territoire, au sein même de
22 leurs réserves ou à côté des réserves, et
23 représentent pour eux autres naturellement toute
24 une série de valeurs, des valeurs traditionnelles,
25 valeurs spirituelles, et aussi des valeurs

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1 I know, I go to the States all the
2 time. We were called the workers; we would go
3 over there every summer to rake blueberries; I
4 used to go over there as a kid picking potatoes.
5 We survived off the eastern part of the United
6 States. No problem, especially over there; we
7 have dual citizenship, as far as Micmacs go.

8 When you come back over here, we
9 have all these problems. Why? It seems to me if
10 there was real political will and if there was
11 real good intention and if there was respect --
12 respect has been talked about an awful lot today.
13 But there is this whole thing about the Jay
14 Treaty; they are still talking about it, and
15 nobody wants to sit down and talk about these
16 things. Why would that have happened?

17 The other thing is, when this
18 happens -- and this is what really bothers me --
19 why is it that it has been ignored for so long and
20 why is it still being ignored by the federal
21 government? We have to sit down and talk with the
22 provincial government and talk with the people.
23 Let's start talking some sense, why does this
24 happen and how can we resolve it.

25 It is too bad that it has gone to

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1 économiques.

2 Le saumon atlantique qui de façon
3 sportive peut rapporter à la communauté 500
4 dollars la pièce, parce que le pêcheur sportif va
5 dépenser beaucoup dans ce titre-là, représente
6 pour eux aussi un espoir de développement
7 économique et les emplois et la création d'emplois
8 dans des territoires comme la côte nord ce n'est
9 pas des choses qui sont évidentes. On ne crée pas
10 sur la côte nord un emploi aussi facilement qu'on
11 peut en créer un à Montréal ou à Québec, c'est
12 évident, et que la gestion des ressources et je
13 dirais la gestion durable de ces ressources-là est
14 indispensable.

15 Je pense que les Montagnais ont
16 démontré et ont démontré clairement leur capacité
17 à gérer cette ressource-là de façon je dirais
18 extrêmement efficace. Je pense entre autres comme
19 la rivière Mingan, une rivière qui a vu par la
20 bande de Mingan, s'est vu restorer...où on s'est
21 interdit par la bande de Mingan pendant six ans
22 tout prélèvement sur la période dans laquelle,
23 d'ailleurs on recommande en matière de restauration
24 de nos rivières d'arrêter tout prélèvement pendant
25 cette phase-là, la phase de restauration, où on

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the extent that it has, but we are at a point where somebody has to begin some serious, serious dialogue, meaningful dialogue, sit down and say, "How can we work these things out?" That's what is lacking and that's what has been lacking.

How would you see that? Why is it that this is so difficult to achieve?

LISE BOURGAULT: The Jay Treaty, it was in 1774 that it was signed. Of course, society has changed a lot. We now trade with the whole world. We are living in a global market, as they say. In my opinion, when I read the Jay Treaty, it is designed for the circumstances that prevailed at that time and it must change in the same way as we are changing.

Personally, Mrs Robinson, if the cigarette smuggling that is so prevalent ... it's not only aboriginal people who are doing the smuggling, that's obvious; everyday we see arrests of a number of people. If there is smuggling, it's because there are whites who are purchasing duty-free cigarettes. But if the cigarette smuggling taking place in the three states you mentioned -- and it is a problem as far as the

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1 permet au stock de saumon de se reconstituer et de
2 se refaire.

3 Ce qu'ils ont fait avec énormément
4 d'efficacité, ils ont repris un certain nombre de
5 prélèvements soit pour la pêche alimentaire, soit
6 pour la pêche sportive, afin de créer des emplois
7 mais aussi répondre aux besoins traditionnels de
8 la population et à gérer toute cette complexité
9 sociale là.

10 Ils le font de façon exemplaire
11 sur Natashquan. Ils le font, et ça il faut le
12 remarque, il y a une rivière au Québec qui est
13 cogérée, parce qu'il y a une population blanche
14 assez importante aux Escoumins et il y a une Zec
15 (PH) qui est en délégation de gestion et qui est
16 gérée par un comité bipartite formé à part égale
17 d'autochtones et de blancs au sein d'une structure
18 de gestion qui permet l'accessibilité à tous, mais
19 les deux communautés vont pouvoir tirer un
20 bénéfice assez grand de cette gestion-là.

21 Tous ces gestes-là, je dirais que
22 l'action de la Fédération cherche à les mettre en
23 valeur. Je pense qu'il faut tabler sur les bons
24 coups mutuels qu'on a pour établir un véritable
25 dialogue et de reconnaître à chacun, je dirais,

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borders are concerned for any government to manage that -- if it were the community as a whole that was benefitting from that smuggling, it seems to me that people would be more open.

Personally, I have not seen the Mohawk community of Kanesatake getting richer over the last couple of years; on the contrary. I have seen three or four people getting richer. And I think that the same thing is going on in the other communities. If the community as a whole were benefitting, it seems to me that people would not be so shocked.

If the Jay Treaty were applied today, we, how could we white people trade if we had to charge taxes on what we sell while the Indians had no taxes? We would have to say from the start that we would no longer have the right to trade and that only the Indians could sell things to us. That's how I have to look at these things. However down-to-earth that may seem, the Jay Treaty, which talked of trade, free trade, that's fine when there are no taxes involved, but when I'm trading with Europe or

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1 ses efforts.

2 Je signale aux gestionnaires
3 blancs, aux gestionnaires québécois, que les
4 difficultés d'un gestionnaire autochtone sont
5 beaucoup plus grandes pour lui, parce que non
6 seulement il doit gérer je dirais une entreprise
7 qui devra accueillir de façon efficace un
8 touriste, parce que l'industrie de la pêche
9 sportive c'est une industrie touristique, mais il
10 devra aussi gérer en même temps tout un changement
11 culturel, une société aussi qui veut conserve ses
12 racines, une société qui veut conserver un certain
13 nombre de ses traditions et ses liens avec le
14 saumon, donc la pêche alimentaire, et de s'assurer
15 que cette ressource-là demeure en quantité
16 suffisante dans la rivière pour les générations
17 futures.

18 C'est ce à quoi est confronté dans
19 le fond les gestionnaires autochtones, et c'est
20 souvent ce qu'on oublie. C'est que l'ensemble de
21 ce qui est sollicité en matière d'efficacité,
22 l'ensemble de ces qualités, de ces talents qui
23 sont sollicités dépasse largement souvent la
24 compétence qu'on demande aux Blancs d'avoir dans
25 une gestion d'une situation identique, si vous

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with the Americans or with Asia and the Pacific Rim, I trade on the same basis. Even if personally, because I'm white, I must sell it for \$10 and an aboriginal person, because he is an aboriginal, can sell it to me for \$8, I shall buy it for \$8. The government can forget about its two dollars in tax because it no longer exists. That is the problem.

There is no problem in trading with the aboriginal people; on the contrary. Imagine, Mrs Robinson, the extraordinary opportunities that exist for the Mohawks of Kanasatake to open their culture to others. How many thousands of people, in your opinion, would go to see what a Long House looks like, what the traditions of the Long House are, how the spiritual leaders operate. I don't know but while they kept their culture they could ensure that this would benefit the community. People would pay to go and see them, to go and hear what they have to say.

They are unbelievably lucky. They are located only a few kilometres away from Montreal. It would be possible to give them money under the existing programs so that they could do that. By remaining closed and saying: "I have

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1 voulez.

2 Alors c'est une chose qu'on
3 reconnaît fort bien et fort aisément. Et c'est
4 une chose qu'on tient à dire aussi parce que c'est
5 pas facile de trouver quelqu'un qui est capable
6 d'être à la fois un gestionnaire d'entreprise,
7 mais aussi un agent de changement dans son milieu,
8 d'être un intervenant, je dirais, pratiquement un
9 intervenant social, et aussi un négociateur, parce
10 qu'il se négocie énormément de choses sur le
11 saumon atlantique dans les réserves au Québec.

12 Toute cette réalité-là je pense
13 qu'au sein de la Fédération les Autochtones y
14 trouvent une compréhension, une attention, un
15 respect mutuel et une compréhension des
16 différences culturelles.

17 La Fédération d'ailleurs reconnaît
18 au départ que la ressource doit être affectée en
19 matière de conservation. On doit autrement dit
20 avoir...vous savez, il faut bien comprendre la
21 dynamique d'une rivière parce qu'une rivière peut
22 produire 10 000 saumons par année. On doit en
23 conserver 5 000 pour la conservation. Il y en a
24 5 000 autres qu'on peut utiliser à d'autres fins.

25 Donc la première allocation c'est

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rights", "Me, I'm selling duty-free", "Don't come here because you're the white police", "Don't do this" and "Don't do that", nothing ever happens. All the time it's always us, the bogeymen in the matter.

That is the problem. That's where we are now at. I understand only too well what you are saying but, Madam, personally, I come from the Quebec City area, and we always got along very well with the Hurons, until they began as well to sell us duty-free goods. It's not just cigarettes. It's perfume, alcohol, finally anything that can be sold duty-free. So we are also closing down all our businesses. That is the reality. This works both ways: We go to buy from them and they come to buy from us.

COMMISSIONER VIOLA ROBINSON:

Thank you. I understand that, and I think you have made yourself very clear. I think the point I am trying to get across is that it has resulted as a lack of recognition and a lack of co-operation previously, prior to that. If it had been there, maybe we wouldn't have this problem

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1 l'allocation de conservation, à laquelle tout le
2 monde convient.

3 La deuxième allocation, c'est une
4 allocation pour la pêche alimentaire.

5 Donc la Fédération, qui est elle-
6 même une fédération qui est formée en majorité de
7 pêcheurs sportifs, reconnaît la primauté de
8 l'allocation de la pêche alimentaire sur la
9 primauté de la pêche sportive. Et après ça
10 reconnaît la pêche sportive et après, la pêche
11 commerciale.

12 Remarquez bien que ça ne s'est pas
13 nécessairement fait de façon spontanée, cette
14 dynamique-là et cette compréhension-là. Il y a
15 dix ans d'investissement là-dedans, mais c'était
16 essentiel si on voulait avoir au sein de la
17 Fédération des gens et une population et toute une
18 société qui a un rôle fondamental en raison de sa
19 position le long des rivières à saumon, en raison
20 de ses traditions, en raison de son rôle propre et
21 de ses propres responsabilités vis-à-vis cette
22 ressource-là, puis aussi des espoirs.

23 On disait tantôt est-ce qu'il y a
24 de l'espoir, est-ce qu'il y a un futur quelque
25 part pour les Autochtones? Oui, il y a un futur.

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1 today. And I am just thinking, how do we get
2 around that.

3 But I have seen some very positive
4 things too, myself, with Akwesasne -- well,
5 Akwesasne, that's not Kanesatake; I get my names
6 mixed up. But I have seen some positive things.
7 Usually, you don't always see the best side of
8 communities.

9 I think when you talk about
10 internal problems within a community such as that
11 is one that would probably -- I don't think that
12 we would or could go to try to correct or rectify
13 that; that's something that has to be done within
14 the community itself. That has always been the
15 thinking of Aboriginal people and communities.

16 I want to just say, about your
17 talk about the Indian Act and the many, many years
18 of paternalism and the waste of dollars, I think
19 there is a lot of people who share that view. It
20 is being shared by a lot of Aboriginal people
21 themselves. It has done a lot of damage, many
22 years of damage that we have to try to redo now,
23 and it is going to be very difficult. That whole
24 paternalistic state of mind that existed for many
25 years did not do anybody any good. So I think the

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1 C'est évident que c'est pas tout le futur, le
2 saumon, mais c'est une partie du futur.

3 C'est une partie du futur à
4 laquelle ils ont droit, et je pense qu'il faut le
5 reconnaître et il faut le partager. Mais ça
6 demande continuellement des efforts. On les fait,
7 et on s'assure que ça transparaîsse dans la
8 Fédération.

9 J'attire votre attention
10 d'ailleurs, et j'en ai apporté l'exemple, c'est
11 que le dépliant promotionnel de la Fédération est
12 en français, en anglais et en montagnais. C'est
13 une chose qui nous apparaissait essentielle pour
14 un groupe qui était quand même assez important au
15 sein de la Fédération.

16 La revue "Saumon Salar", qui est
17 publiée quatre fois par année, qui est consacrée
18 au saumon, parle régulièrement de points de vue
19 autochtone dedans. D'ailleurs le prochain numéro
20 va être largement consacré à la dynamique et à la
21 problématique autochtone.

22 C'est une revue qui je dois dire
23 est de très haute qualité. Entre autres il y a
24 des dossiers spécialistes comme celui que vous
25 avez entre les mains, qui est toute la

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1 blame has to go where it belongs, as people have
2 said, back to the governments.

3 Some of the proposals that you
4 make, probably if examined closely, as you
5 mentioned, might be one model that possibly could
6 work, I don't know, but it has to be something
7 different. The relationship between the federal
8 government and the Aboriginal people themselves --
9 they want something different themselves.

10 Going to the gambling, I can't
11 help but wonder about generating revenue from
12 gambling. I know some of the provinces have
13 resorted to that. Just take 6/49; it is one of
14 the biggest revenue-generating devices in all of
15 Canada. You have the gambling casinos in Manitoba
16 and one right here in Montreal that they are using
17 to generate revenue to come out of their deficit
18 and to meet their needs for their programs or
19 whatever. And that seems to be fine; it takes
20 legislation.

21 Why would it be so difficult for a
22 community to do the same thing? I just get the
23 sense from you that it is not proper and it is not
24 right and they should not be able to do that.
25 Could you explain to me why it shouldn't be, other

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1 problématique juridique concernant les rivières à
2 saumon. On consacre beaucoup de temps, je dirais,
3 à documenter l'ensemble de la dynamique de tout
4 ce qui entoure le saumon. Alors il n'y a pas
5 juste les aspects sociaux, il y a aussi les
6 aspects juridiques et il y a de nombreux aspects
7 en dehors des aspects politiques.

8 Dans nos colloques comme ça, c'est
9 les actes du colloque de la Fédération tenu en
10 1992, qui est un recueil des plus grands articles
11 scientifiques où on a fait venir à travers le
12 monde les plus grands scientifiques reliés au
13 saumon dont, entre autres, des conférences tenues
14 par Edmond Malec sur ce qui nous apparaît
15 essentiel, on ne gèrera pas le saumon de façon
16 biologique, on va le gérer aussi dans sa
17 compréhension sociale.

18 Je dirais que la dynamique sociale
19 qu'on a exposée est premièrement la dynamique
20 montagnaise sur la côte nord. Ce document-là est
21 diffusé à travers le monde. Pour nous autres ça
22 fait partie, je dirais, des efforts qu'on fait
23 continuellement pour s'assurer que...vous savez,
24 il ne faut jamais arrêter. Il faut
25 continuellement défaire des préjugés, et des

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than saying that the revenues are only going to a handful of people? There is a lot of revenue being generated in Canada from gambling itself, provincially and federally, and somebody must be monitoring that. How is that being monitored, and what would be the difference? Why couldn't something like that work in a community?

LISE BOURGAULT: I think we cannot rewrite everyday history. It is time, in my opinion, that we stopped blaming one another. That, blame, we've had enough. For a long time now people have been saying that it's the government's fault, it's so-and-so's fault. So starting immediately, we must stop blaming one another and start ... but with open doors and with the aboriginal people before us, they must admit that they have done wrong, we must admit that we have done wrong and from that time when we say that, let's stop harping about it. That won't change history. I cannot do anything to change it.

This having been said, you talked about the income from gambling. Personally, I have no objection if there is a government -- can there be an aboriginal government? I doubt it. The Mohawks will say that they

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1 préjugés, on y est confrontés continuellement.

2 Pour terminer, parce qu'on va vous
3 laisser poser toutes les questions que vous voulez
4 après ça et on est là pour y répondre, vous savez,
5 dans le coin de Restigouche Victor Tremblay, qui
6 est un vice-président extrêmement dynamique, je
7 dirais quelqu'un qui investit énormément dans le
8 développement de sa région, Victor essaie
9 actuellement de mettre une table de concertation
10 pour pouvoir, justement, créer une dynamique
11 régionale, mais en dehors du gouvernement,
12 incluant la bande de Restigouche. C'est
13 difficile, parce qu'il y a des réticences.

14 Vous savez, les interventions de
15 1981 à Restigouche n'ont pas amélioré les
16 relations dans ce coin-là. D'autre part, les
17 Montagnais de la côte nord aimeraient bien
18 participer à une table de concertation sur la
19 rivière Moisy, et les Blancs leur refusent.

20 Vous savez, les ouvertures et les
21 fermetures ne sont pas toujours du même côté. Je
22 peux en témoigner de façon évidente. Où on va,
23 un, d'un côté demander à la bande de Restigouche
24 de bien vouloir participer à une table de
25 concertation régionale avec naturellement des gens

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are a nation, the Micmacs are a nation. Are all the aboriginal nations going to have their own casinos and gambling.

The government of Quebec runs Loto-Quebec. If there were an aboriginal government that wanted to run Loto-aboriginal, I would have no objection at all to that. Where I do have objections, however, is to the opening of a casino in Oka, a casino in Kahnawake, a casino in Akwesasne and, while we're about it, a casino in Lachute. Too many casinos is like having no casinos at all. That's where I have a problem with that.

If the aboriginal peoples -- the Mohawks, the Micmacs, the Abenakis, the Algonquins and others beside -- come together and form an aboriginal government and want to have a lottery system, no problem as long as the profits are distributed to all the others. But then you referred to the fact that Kahnawake wanted a casino. Kanesatake has already opened a large bingo hall which doesn't work because they wanted to open it every day while the Quebec Lotteries Act says that this can be done only for activities that benefit the population as a whole.

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1 du milieu, mais où on va demander aux gens de la
2 rivière Moisy, l'Association des gestionnaires de
3 la rivière Moisy, de bien accepter dedans un
4 nouveau membre, qui est la bande de Sept-îles, de
5 Maliotenam essentiellement, là aussi c'est
6 inacceptable. Mais on va intervenir avec la même
7 diplomatie dans les deux cas pour s'assurer que
8 les ponts soient ouverts.

9 Je vais terminer là-dessus. C'est
10 encore des efforts à faire, et que les ponts ne
11 sont pas fermés. Je dirais de 1990 à 1992 la
12 Fédération, malgré l'ensemble des événements,
13 c'est une question peut-être qui viendrait, je ne
14 dirais pas qu'on n'a jamais reculé dans nos
15 relations avec les Autochtones. Je dirais le pire
16 qu'on a vécu c'est peut-être qu'on a marqué le pas
17 pendant un an ou deux, mais c'est reparti de façon
18 encore plus efficace maintenant.

19 Merci de votre attention.

20 COPRÉSIDENT RENÉ DUSSAULT:

21 Monsieur Beaudin, monsieur Malec, nous vous
22 remercions d'être venus rencontrer la Commission
23 et d'avoir présenté ce mémoire et les informations
24 additionnelles.

25 Je pense que vous nous avez fait

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That's where I have a problem. I think that you too, you must have this ... Personally, I have no objection if an aboriginal government combining all the aboriginal people in Canada wishes to have an aboriginal lottery system to help them, that's fine; people can buy aboriginal 6/48s and Canadian 6/49s. There is no problem with that.

COMMISSIONER VIOLA ROBINSON:

That's interesting. It does exist.

LISE BOURGAULT: Yes.

COMMISSIONER VIOLA ROBINSON: It does exist in the United States. I have gone across the border from Ontario to the reserve there, and they have the biggest, most sophisticated gambling casinos that one can imagine. I don't know who is running it, but I will tell you, it is busy, and they seem to be prospering quite well. We have been in other parts of the United States where it exists as well.

I hope you didn't misunderstanding me about the blaming part. I wasn't blaming anybody. It is not me that's blaming, it is everybody thinking, like you said yourself, this

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1 état de certainement une histoire à succès qui
2 n'est jamais acquise de façon définitive, comme
3 vous le dites, mais il est évident que si on
4 compare à la présentation que nous avons eue ce
5 matin de la Fédération québécoise de la faune et
6 des difficultés vécues de ce côté-là, ça permet de
7 créer un certain équilibre et de voir que,
8 évidemment, toute chose n'étant pas nécessairement
9 comparable, mais qu'il y a quand même des
10 possibilités.

11 Ce que M. Pelletier de la
12 Fédération québécoise de la faune nous disait
13 c'est qu'en plus des problèmes sur le terrain il y
14 avait dans les médias les événements de l'été 1990
15 qui de façon générale ils avaient en quelque sorte
16 empoisonnés un peu, et largement les relations
17 entre Autochtones et non-Autochtones au Québec, et
18 que ça avait eu des incidences directes sur le
19 terrain au niveau de la gestion de la faune, de la
20 protection de la faune, et des relations entre
21 Autochtones et non-Autochtones.

22 Vous nous dites que de votre côté
23 ça a créé peut-être un certain temps d'arrêt mais
24 pas de recul, et que c'est reparti.

25 Nous recevons votre mémoire avec

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1 Indian Act paternalism has to end and something
2 has to take its place. That was the basis of my
3 comment on that Indian Act. It sounds like
4 blaming. We can't rewrite, but I think we can
5 correct. Certainly, something has to be redone
6 there, whatever the terminology we want to use, on
7 how we deal with the rights of Aboriginal people
8 in this country.

9 I am just going to make one more
10 comment, and that has to do with your zero
11 tolerance statement. I think that possibly maybe
12 two years ago or so it was a zero tolerance. I
13 don't think it is a zero tolerance any more. I
14 would like to think and I do believe that the
15 Royal Commission, in the past two years of going
16 around the country, has done much to educate and
17 to heal the wounds in both Aboriginal and non-
18 Aboriginal communities.

19 That's very encouraging when you
20 are travelling across Canada and people's views
21 and thinking are starting to change. The very
22 thing that we are talking about is become more
23 accepted in a lot of constituencies and levels of
24 government across Canada. Whether we accepted it
25 or not, it is a fact that -- that's what we have

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1 beaucoup d'intérêt. Je pense que les gens au
2 Québec savent qu'il y a eu des difficultés
3 importantes au tournant des années 1980, entre
4 autres à Restigouche avec la gestion de la
5 ressource-saumon.

6 J'aimerais peut-être vous
7 demander, sur le plan factuel la Fédération
8 regroupe combien d'associations à ce moment-ci?

9 BERNARD BEAUDIN: Pour répondre à
10 votre question de façon exacte, ce doit être près
11 de 80 associations de différents types
12 présentement. Je pense que dans les bandes
13 autochtones...80 associations, je veux dire de
14 toute nature. Alors une quarantaine de
15 gestionnaires de rivières à saumon, et je dirais
16 que ces 40 gestionnaires de rivière à saumon là
17 doivent représenter 95 pour cent de l'offre de
18 pêche sportive au saumon au Québec.

19 Donc je pense que l'essentiel de
20 ce qui se fait comme activité de pêche sportive ou
21 d'offre de pêche sportive est représenté au sein
22 de la Fédération.

23 Dans les bandes membres de la
24 Fédération il y a les Escoumins, il y a celles de
25 Sept-îles, de Mingan, de Natashquan, La Romaine,

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1 to deal with. With the information that we are
2 gathering through these hearings, through briefs
3 and through our research -- you know, we have a
4 huge, massive research project. And by what we
5 have heard, what we have seen, it goes to show
6 that the facts are there and we have to
7 acknowledge that and people have to be educated.

8 We can't right all the wrongs, but
9 I think, at least from what we have heard, for
10 instance the education system has a responsibility
11 to correct some of the historical information that
12 they are teaching, the history that they are
13 teaching in the school systems as far as
14 curriculum goes. That's another thing that has
15 contributed to, I guess for lack of a better word,
16 ignorance about Aboriginal issues, because the
17 truth has never been told.

18 We have the mandate to correct
19 that, and once people realize that, maybe things
20 will start working a lot better.

21 Having said that, I don't think I
22 have any more comments to make except to say that
23 it is an issue that we could sit and talk about
24 probably for a week here and still not come out
25 with a good, strong -- but your ideas certainly

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1 et St-Augustin. Donc je pense l'essentiel des
2 activités en matière de pêche sportive du saumon
3 gérées par les Autochtones.

4 **COPRÉSIDENT RENÉ DUSSAULT:** Alors
5 les principales bandes impliquées, au fond, qui
6 sont sur les rivières à saumon ou sur leurs
7 territoires sont impliquées dans la Fédération.

8 Vous avez parlé au niveau de la
9 cogestion. Vous avez parlé de combien de
10 situations de cogestion où véritablement la
11 ressource est gérée de façon conjointe? Je pense
12 que vous avez parlé d'un cas.

13 **EDMOND MALEC LALO, Vice-président**
14 **(basse Côte nord), Fédération québécoise pour le**
15 **saumon de l'Atlantique:** Les cogestions sont aux
16 Escoumins. La bande des Escoumins est avec les
17 non-autochtone, puis il y a aussi en voie de
18 réalisation la communauté La Romaine, qui sont
19 aussi avec les non-Autochtones, mais c'est en
20 négociation présentement.

21 **COPRÉSIDENT RENÉ DUSSAULT:** Et
22 cette cogestion-là se fait avec les non-
23 Autochtones de l'endroit qui sont regroupés, et
24 vous formez une entité juridique distincte à ce
25 moment-là pour gérer la ressource, je crois.

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1 are ones that are very interesting, when you talk
2 about some of the ways that things could be dealt
3 with, and I think they will certainly deserve a
4 lot more study on our part to see how they can
5 work.

6 Thank you.

7 LISE BOURGAULT: I will be very
8 happy to help, voluntarily, the Commission to
9 develop this idea of a national commission if you
10 so want. But can I say to you, Mrs. Robinson,
11 that I think that we don't want to be American.
12 We have a Canadian way of doing things. Regarding
13 the casinos and how it is going, especially in
14 Atlantic City for instance, I know about it
15 because I have been there. So we want to do it in
16 a Canadian way, and I don't think the American way
17 is better.

18 For the zero tolerance, I guess
19 the day that the authorities and that this
20 minority of Mohawk will stop to take this
21 opportunity of the States and the Ontario province
22 in Akwesasne to smuggle goods into our economy,
23 our tolerance will be -- it is not that dramatic,
24 I should say, but it has to be stopped now. If
25 that continues, then it is going to be enhanced,

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1 BERNARD BEAUDIN: Oui.

2 Normalement c'est un organisme sans but lucratif,
3 un OSBL, qui est formé. Quand vous avez une
4 rivière qui a un statut de ZEC, ça doit être
5 essentiellement un OSBL qui peut gérer. En fait
6 c'est une forme de statut juridique
7 essentiellement, une ZEC.

8 Alors c'est un organisme sans but
9 lucratif qui doit la gérer. Donc l'organisme est
10 formé à part égale dans le cas des Escoumins
11 d'Autochtones nommés par la bande, ou désignés par
12 la bande, et dans l'autre cas par un autre comité.

13 La Romaine, on peut parler aussi
14 au Québec de la rivière Grande Cascapédia (PH), où
15 il y a une société de gestion qui gère la Grande
16 Cascapédia, dans laquelle participe de façon aussi
17 à part égale la bande Micmac de Maria (PH).

18 Je dirais donc qu'on a trois
19 exemples concrets. Mais dans le cas de la Grande
20 Cacaspédia il faut être au fait aussi qu'il y a
21 sur place...on gère une réserve et que sur la
22 réserve il y a plusieurs clubs qui appartiennent,
23 quelques-uns, à des gens qui sont assez fortunés,
24 et que la dynamique et l'implication de la bande
25 de Maria est quand même moins grande que celle des

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and I don't think that nobody wants this.

Before the 1990 crisis, we used to live maybe not perfectly but we lived with the Mohawk community, and it seemed at that time it was not so bad. But, since that time, internal crises have been the day-to-day basis of this community, and it is sad, for them and for us.

COMMISSIONER VIOLA ROBINSON: Can I just ask one last question, and that's based on this morning's presentation, about the taxes. I think we are paying way far too much tax anyway for cigarettes and tobacco products to begin with. If that was to be reduced the way that it was said, then there wouldn't be any reason for any of this.

LISE BOURGAULT: Yes, but governments are authorized to tax those products that they consider to be harmful to health. If smoking is harmful for Canadians, it must also be harmful for aboriginal people, who are human beings like ourselves. So after cigarettes will it be alcohol? Will it be other taxable products? We will be forced to reduce taxes each time because there is a black market as a result of the duty-

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1 Escoumins en matière de cogestion. C'est un
2 exemple je dirais qui est partiel.

3 Dans le cadre des deux autres
4 exemples vous avez, je dirais, un des Escoumins
5 une véritable cogestion, intégrale, avec tous les
6 droits et tous les pouvoirs de toute nature.

7 **COPRÉSIDENT RENÉ DUSSAULT:** Si on
8 prend, par exemple, la bande des Escoumins au-delà
9 de l'allocation de conservation et alimentaire
10 lorsqu'on tombe à la pêche sportive, les bénéfices
11 sont partagés comment? Quelle est la formule?
12 Est-ce que c'est partagé en part égale entre le
13 partenaire autochtone et...

14 **BERNARD BEAUDIN:** Je ne suis pas
15 tellement au fait, remarquez bien, de tout
16 l'ensemble du partenariat qui est là, sauf que je
17 dirais que l'essentiel c'est que la création
18 d'emplois se fait de façon équitable entre les
19 deux groupes, parce qu'un organisme sans but
20 lucratif comme il n'y a pas de profits proprement
21 dits, l'essentiel des bénéfices sont en emplois et
22 en création d'emplois, et que les emplois sont
23 répartis de telle sorte qu'ils bénéficient aux
24 deux communautés à part égale.

25 Mais ce sont les deux communautés

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free-situation? Where will that all end? There will be cigarettes, then tomorrow morning it will be alcohol, chocolate, every luxury product will be involved. We will always be forced to remove the taxes; so governments will be incapable of acting. That is the problem.

If aboriginal people are allowed to smoke tax-free, I have no problem with that. But if they show up in Ottawa with computers and claim 10 cartons of cigarettes per week, I will find that a bit much, although two might be okay.

Given the controls we have today, they can buy goods and services for themselves, pay tax and then claim it back. There are means to do that, even with the band councils. Let's be inventive and we can settle it, the zero tolerance problem.

Thank you.

CO-CHAIR RENE DUSSAULT: Obviously, we could have a whole debate on the limits of taxation and the perverse effects of taxation in a number of areas.

In concluding, I should simply like to say that I think what we have tried

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1 quand même qui gèrent l'ensemble des décisions.
2 Donc à ce titre-là ils peuvent être appelés
3 parfois à engager un directeur général qui peut
4 être Blanc et dont le salaire va être plus gros,
5 mais on va compenser par deux autres d'origine
6 montagnaise pour avoir un montant égal. Ce genre
7 de dynamique-là peut très bien se faire.

8 COPRÉSIDENT RENÉ DUSSAULT: C'est
9 un conseil d'administration paritaire.

10 BERNARD BEAUDIN: Exactement.

11 COPRÉSIDENT RENÉ DUSSAULT:

12 Évidemment le bénéfice principal c'est qu'il y a
13 la paix sociale, il y a la protection de la
14 ressource, et on peut canaliser de façon
15 intéressante les profits pour le développement de
16 la région par les emplois, entre autre.

17 BERNARD BEAUDIN: Oui, absolument,
18 et beaucoup plus. C'est qu'on est capable d'aller
19 chercher et de postuler dans les programmes de
20 développement et d'être, je dirais, des
21 partenaires dans le cadre, entre autres, du
22 programme de développement économique du saumon,
23 où s'investit au Québec 30 millions de dollars.

24 Il est évident qu'un des critères
25 de base, comme c'est un programme de développement

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to convey in talking about the Jay Treaty is less the idea of the enforcement of the treaty as such as if we wanted to look at certain issues in depth, at their very roots, when we set aside a reality like, for example, the Jay Treaty, which is subject to interpretation -- was it solely for subsistence or for the purpose of trade -- it's a huge question, but simply, what Mrs Robinson said was that in Canada there has never been a discussion of the Jay Treaty. It was not open to discussion. It has not been ratified. There is a judgment of the Supreme Court in Francis which said: "That has nothing to do, that is not part of the body of Canadian legislation."

There is nothing more difficult where there are two basic parts of issues that have never been examined and bits and pieces that allow people to go much further and to go to extremes and so on. This means that the debate at some point veers out of reasonable control.

So it is in that sense that the question was raised, as an example. And there are many others in Canada.

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1 économique, c'est à des fins de retour économique
2 dans l'investissement.

3 Donc il y a un retour sur
4 l'investissement, et le retour sur
5 l'investissement est en matière de développement
6 de la ressource à des fins de pêche sportive.

7 Il est évident que pour un groupe
8 de la côte nord, qu'ils soient Autochtones ou
9 Blancs, c'est intéressant de pouvoir participer à
10 un tel programme, parce qu'ils vous donnent des
11 moyens que vous n'avez pas d'ensemencer la
12 rivière, de développer la ressource, et il y a
13 plusieurs bandes autochtones, qu'elles soient en
14 congestion ou pas remarquez bien, parce que
15 Natashquan et Mingan et la bande La Romaine sont
16 des récipiendaires de ce programme-là.

17 Mais cela suppose qu'ils sont
18 capables, et ils ont montré qu'ils sont capables,
19 et de gérer et de gérer aussi un programme de
20 restauration.

21 COPRÉSIDENT RENÉ DUSSAULT: En
22 termes d'emplois créés, est-ce que vous avez les
23 statistiques?

24 BERNARD BEAUDIN: Je ne peux pas
25 vous parler des emplois je dirais aussi finement

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I think you have certainly had an opportunity eloquently to express the point of view of a large number of people with whom you have dealt during your nine years as a member of the House of Commons and obviously in the Oka/Kanesatake region. We appreciate the fact that you have come before the Commission.

Once again, we shall look at your brief and if you have further comments to make ... and it may well be that at one point or another we will need to talk about questions of the structures that you mentioned in your brief, to go a little further and test a number of things. We would like to stay in touch and we thank you again for making your presentation before us today.

LISE BOURGAULT: It is I who have to thank you. Thank you very much.

CO-CHAIR RENE DUSSAULT: The Royal Commission on Aboriginal Peoples in Canada adjourns its public hearings for 15 minutes. We shall resume at 3:45 pm with the presentation by McGill University.

Thank you.

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1 que sur...oui, je pense qu'Edmond pourrait nous
2 parler de Natashquan, la pourvoirie de Natashquan,
3 qu'est-ce qu'elle peut créer comme emplois. Je
4 pense que c'est un exemple clair d'une activité.

5 EDMOND MALEC LALO: Nous autres en
6 1983 on a signé une entente avec le MLCP, le
7 ministère du Loisir, de la Chasse et de la Pêche.
8 Dans l'entente c'est spécifié qu'on s'est entendu
9 à 50 pour cent d'emplois -- 50 pour cent
10 Autochtones et 50 pour cent non-Autochtones. Dans
11 les 30 emplois concrets on emploie 15 Autochtones
12 et 15 non-Autochtones...

13 Présentement il y a un peu plus
14 d'Autochtones qui sont dans la pourvoirie. Ça
15 c'est une entente qu'on a dit, quand on aura notre
16 main-d'oeuvre, au fur et à mesure on pourra
17 satisfaire la demande dans la communauté.

18 Il faut aussi rajouter pour les
19 Escoumins il y a aussi une entente avec le MLCP,
20 pour répondre aux demandes des Autochtones, qu'il
21 y ait une pêche de subsistance. Il y a un filet
22 en mer strictement pour les Autochtones. C'est
23 pas relié avec la cogestion.

24 Nous aussi nous avons, pour
25 répondre aussi aux demandes des Autochtones de

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--- Brief adjournment at 3:34 pm.

--- The hearing resumed at 3:53 pm.

CO-CHAIR RENE DUSSAULT: The Royal Commission on Aboriginal Peoples in Canada resumes its public hearings with a presentation by McGill University. Without further ado, I should like to ask the representatives of McGill University to proceed with their presentation.

Please proceed when you are ready.

MARIANNE STENBAEK, Director,
Centre for Northern Studies & Research, McGill
University: Thank you very much, Mr. Dussault and
Madame Robinson.

I would like to introduce, first of all, the people who are here: John Wolforth from Native and Northern Education; Martha Crago from Human Communication Disorders; Timothy Johns from CINE at Macdonald campus; and Joyce Pickering from Northern Quebec Module. I am Marianne Stenbaek from the Centre for Northern Studies.

We have a brief that tries to give an overview of activities at McGill that deals with northern as well as Aboriginal peoples. We are not going to read all of it, you will be happy

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1 notre communauté, nous avons un secteur qu'on peut
2 faire la pêche de substance. Nos secteurs c'est
3 la gestion. C'est de cette façon-là qu'on en est
4 venu à une entente avec le MLCP.

5 **COPRÉSIDENT RENÉ DUSSAULT:** Au
6 niveau des la nature des emplois entre Autochtones
7 et non-Autochtones, je comprends que les
8 Autochtones apportent une expérience très
9 importante.

10 Est-ce que ça a amené une démarche
11 de formation additionnelle? En d'autres termes,
12 comment ça se répartit, les emplois, sur la nature
13 même des emplois entre la gestion, entre divers
14 éléments pour faire fonctionner la pourvoirie?

15 **EDMOND MALEC LALO:** Quand nous
16 avons pris la gestion de la rivière Natashquan
17 nous avons gardé la main-d'oeuvre non-Autochtone
18 à 75 pour cent. Ça, ça faisait partie du guidage,
19 et dans le guidage il y les guides pour la pêche
20 en plus de la cuisine, parce que nous n'avions pas
21 l'expérience de cette gestion-là et on a gardé la
22 main-d'oeuvre non-Autochtone.

23 Au fur et à mesure qu'on a...on
24 n'a pas vraiment fait de la formation spéciale.
25 C'est plutôt dans la pratique qu'on a...

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1 to know. What we are going to do is take out some
2 excerpts.

3 I would like to read a greeting
4 from our Principal, David Johnston:

5 "McGill University has a long
6 and treasured tradition of
7 teaching and research about
8 the north of Canada and work
9 with Aboriginal peoples. We
10 have learned much, and
11 through this process of
12 learning have been able to
13 contribute and interact.
14 That historical foundation
15 has been important to so many
16 other disciplines taught and
17 researched in this
18 university. For these
19 reasons, we especially
20 welcome the thoughtful
21 undertaking which your Royal
22 Commission represents and
23 look forward to assisting and
24 encouraging it in every
25 possible way."

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1 Nous faisons attention aussi à ne
2 pas créer de distance avec les non-Autochtones. On
3 essaie de garder la relation qu'on a présentement,
4 ne pas séparer ces deux, couper les emplois où il
5 faut couper.

6 **COPRÉSIDENT RENÉ DUSSAULT:**

7 Monsieur Beaudin vous parliez tantôt de la rivière
8 Moisy par rapport à Restigouche, où on a l'inverse
9 un peu sur le plan des résistances à s'asseoir
10 ensemble et à faire une table de concertation.

11 Est-ce que du côté de la rivière
12 Moisy, on sait que le projet de développement
13 d'Hydro-Québec a fait couler pas mal d'encre.
14 Est-ce que ça a un rôle à jouer dans la difficulté
15 que vous mentionnez ou si c'est quelque chose de
16 toute façon de distinct par rapport à la
17 résistance des Autochtones et non-Autochtones de
18 s'asseoir ensemble?

19 **BERNARD BEAUDIN:** Il est évident
20 que le projet SM3 représente...pour l'ensemble des
21 gens qui sont des gens intéressés à la
22 conservation du saumon, ça représente un problème
23 pour tout le monde, que ce soit Autochtones ou
24 non-Autochtones. C'est un projet qui est
25 inquiétant s'il y a des incidences effectivement

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1 McGill University welcomes the
2 opportunity to address the Royal Commission on
3 Aboriginal Peoples because it has allowed our
4 university community to focus on issues that it
5 has dealt with on an individual basis for almost a
6 century, but collectively only for a short while.

7 The official change at McGill can
8 perhaps best be traced to the convocation at
9 Macdonald campus in June 1992 when McGill
10 conferred a doctorate honoris causa on Mary Simon,
11 a well-known Inuit leader. When the presenter --
12 and I was happy to have the honour of being that
13 presenter. When the presenter who introduced her
14 to the university community said that she was the
15 first Inuk, indeed the first Aboriginal person, to
16 be so honoured at McGill, a cheer arose from the
17 graduating class. That cheer showed the enormous
18 change they felt and the warm welcome that McGill
19 students and faculty extended to Mary Simon and,
20 through her, to all Aboriginal peoples.

21 There have been many individual
22 efforts before, many of extraordinary importance
23 and service to the north and to Aboriginal
24 peoples, we believe. The list spans over 100
25 years: the medical projects, the medical clinics,

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1 sur le saumon. Je ne veux pas traiter de ça de
2 toute manière.

3 Chacun avait, entre guillemets, je
4 dirais, des enjeux différents. Et je pense que
5 les Montagnais ont là un moyen de faire valoir un
6 certain nombre de droits présentement auxquels je
7 pense qu'il est tout à fait justifié, tout à fait
8 normal qu'ils profitent de la volonté de la
9 société québécoise non-autochtone de faire un
10 projet là, profitent de cette occasion-là pour eux
11 mêmes faire valoir un certain nombre de leurs
12 droits.

13 Il se peut qu'effectivement sur
14 place il y ait des gens qui ne sont pas d'accord
15 avec ça. Il est évident que ça peut jouer dans
16 cette dynamique-là. C'est certain. Sauf que la
17 position de la Fédération là-dedans a été...c'est
18 évident qu'on se tient, je dirais, un peu loin des
19 revendications autochtones dans le sens que c'est
20 pas notre business, c'est leur business. Et je
21 pense qu'ils le font très bien, et ils n'ont pas
22 besoin de nous autres de toute manière dans ce
23 dossier-là.

24 Par contre en matière de
25 conservation et de développement de ce qu'ils

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1 the Quebec Module working in northern Quebec,
2 dental projects and ophthalmological clinics; the
3 famous work on Arctic waters and their
4 relationship to the food chain by Dr. Max Dunbar;
5 the first 30 years of the Arctic Institute at
6 McGill; the two research stations, Axel Heiberg
7 and the Schefferville Subarctic Research Stations,
8 built and donated to McGill by Dr. George
9 Jacobsen; the work done in the McGill Certificate
10 Program in Northern Social Work Practice, led by
11 Professor Liesel Urtnowski; the work on early
12 Indian history by Bruce Trigger; the extraordinary
13 community-based teacher training program started
14 by a dedicated Jack Cram and continued by John
15 Wolforth, the Northern and Native Education
16 program; the extension of their work in the
17 language and educational research of Martha Crago,
18 Lynn McAlpine and Donald Taylor; the Northern
19 Studies Minor program; the Centre for Northern
20 Studies and Research; and the many other
21 researchers and programs who have worked with the
22 Mohawks, the Ojibway, the Montagnais, the Naskapi,
23 the Algonquins, the Cree, the Inuit and other
24 Aboriginal groups in Canada and around the world.

25 It has been an individual

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1 peuvent tirer du saumon, là on peut jouer un rôle
2 avec eux. Et là on va les aider à ce que les gens
3 du milieu comprennent bien que tout le monde a
4 intérêt de s'asseoir ensemble pour gérer cette
5 ressource-là, la ressource-saumon. Et c'est ce
6 qu'on va faire.

7 Mais de vous dire que SM3 n'est
8 pas à l'origine, mais au-delà de ça il y a bien
9 d'autre chose. Remarquez bien que quand vous êtes
10 sur le Salmon Moisy Club, vous êtes propriétaire
11 de Winchester, je ne sais pas jusqu'à quel point
12 vous êtes intéressé à voir des Indiens venir
13 s'établir. Et la distance est maintenue. Je
14 dirais qu'on a favorisé une dynamique où le petit
15 Québécois était la barrière entre eux et les
16 Autochtones.

17 Il y a des clubs qui sont parmi
18 les plus riches au monde au saumon sur place. Et
19 la même manière qu'à Restigouche aussi vous avez
20 parmi les clubs les plus riches au monde. Il faut
21 quand même connaître cette dynamique-là. Quand
22 vous êtes propriétaire d'un Nesbit-Thompson, vous
23 n'êtes pas pauvre. Vous avez des moyens
24 gigantesques, vous avez un budget qui n'est pas
25 loin de deux fois celui du gouvernement du Québec

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1 conviction for years amongst many professors and
2 students that we must build innovative
3 partnerships. So, individually, we have been
4 engaged, engaged for over 100 years. We have
5 given of our professional and human expertise and
6 have received much in return. However, it was
7 only last fall that we collectively started to
8 examine what else we could and must do. The
9 questions were simple; the answers are complex and
10 yet to be worked out, in partnership we hope:

11 What can McGill offer Aboriginal
12 students and communities?

13 What can Aboriginal students and
14 communities offer McGill?

15 How can we increase awareness of
16 Aboriginal issues and concerns in the university
17 teaching and research as well as in university
18 life?

19 How can we build new partnerships,
20 meaningful ones?

21 How can we heal old wounds, old
22 attitudes?

23 How can we increase Aboriginal
24 content or reflect Aboriginal issues at McGill?

25 How can we incorporate traditional

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1 parfois dans vos propres entreprises.

2 Et que vous avez un édifice d'une
3 centaine d'étages à New York, c'est évident que
4 vos moyens financiers sont illimités. Vos moyens
5 financiers peuvent servir parfois, je dirais, à
6 financer un certain nombre d'autres organismes
7 pour être des intermédiaires entre vous et ceux
8 que vous ne voulez pas voir trop proche.

9 Je pense que cette dynamique-là a
10 pu jouer autant à Restigouche qu'à Sept-îles
11 d'après moi, et que c'est une dynamique qu'il faut
12 détricoter tranquillement sans apeurer personne
13 nécessairement, mais les peurs sont déjà là. Les
14 peurs sont du côté des Autochtones.

15 À Restigouche je pense qu'ils ont
16 été victimes de ces grandes manipulations-là.
17 Excusez-moi, mais je pense qu'ils ont été victimes
18 de ces grandes manipulations, mais autant que les
19 petits Québécois qui ont servi là-dedans, je
20 dirais, de chaire à canon, excusez, et c'est ça
21 qu'il faut défaire. Il faut je pense détricoter
22 tout ça. Donc il y a aussi ces enjeux-là qui vont
23 bien au-delà.

24 Il y aussi ces enjeux-là même dans
25 le SM3, dans le fond. En tout cas on était assez

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1 knowledge into courses, research and management
2 structures?

3 How can we help Aboriginal
4 students feel more at home on campus?

5 There are many more questions,
6 questions that we would like to work on
7 collectively in the next years in partnership with
8 Aboriginal students and communities.

9 Chancellor Gretta Chambers, who is
10 dedicated to a strong Canada respectful of all its
11 peoples, has played a central role in helping
12 McGill to focus on the full inclusion of
13 Aboriginal students and issues in the McGill
14 community. The newly-established Institute of
15 Canada, whose mandate is to show and reflect the
16 multicultural aspect of Canada and to deal with a
17 variety of Canadian issues, will also help us
18 sharpen this focus.

19 We want to make it clear to
20 Aboriginal students and communities that we
21 already have many programs and a collection of
22 expertise and physical resources that are open to
23 them. But, most of all, we want to convey that
24 there is a desire at all levels of the university
25 to enter into new partnerships, innovative

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1 au fait de tout ça pour ne pas en être victime
2 chez nous.

3 **COPRÉSIDENT RENÉ DUSSAULT:** Le
4 savoir est un bon début d'information et d'être
5 conscients de ça.

6 Nous étions à Restigouche au mois
7 de juin et c'est évident que les événements du
8 tournant des années 1980 ont laissé des séquelles
9 importantes du côté de la population micmac mais
10 aussi de la population blanche environnante.

11 Évidemment je comprends que du
12 côté de Restigouche comme du côté de la Moisy le
13 défi est un peu plus complexe, des craintes
14 réciproques à surmonter pour accomplir ce que vous
15 avez pu accomplir dans d'autres endroits au Québec
16 dans les diverses rivières, Escoumins, et caetera,
17 Natashquan.

18 Si je comprends bien, vous n'avez
19 pas lancé la serviette.

20 **BERNARD BEAUDIN:** Non, vous pouvez
21 être certain.

22 Je pense qu'on peut dire que plus
23 les enjeux économiques sont élevés, plus il va y
24 avoir des manipulations. Donc ça va prendre un
25 certain nombre d'habilités pour passer à travers

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1 partnerships.

2 As was pointed out at the
3 Commission's Youth Forum here a few weeks ago,
4 Montreal and its surroundings, among all Canadian
5 cities, has the largest concentration of
6 Aboriginals who are potential university students.
7 This fact also strengthens our resolve to make
8 McGill even more relevant and responsive to
9 Aboriginal students and issues.

10 Today we have come to tell you
11 about us, but we are here to learn, too. We want
12 to work together to forge educational
13 opportunities, research agendas and university
14 structures that will help give Aboriginal peoples
15 an education that will not alienate them from
16 their own identities or from their communities,
17 but will allow them and us to give them something
18 to take back to the communities. We want, too, to
19 be enriched by the presence of Aboriginal
20 students, staff and content on our campus, so that
21 we can all work together toward a new partnership,
22 not just within the university but within Canada.

23 I would like now to turn it over
24 to John Wolforth who will talk a bit about the
25 role of the university.

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1 et je dirais d'imposer à l'un comme à l'autre
2 aussi des partenaires, parce que celui qui voit un
3 nouveau partenaire entrer sur place a peur de
4 perdre des pouvoirs, a peur de perdre des
5 privilèges, et c'est ça avec quoi on va travailler
6 dans le fond. C'est un ensemble de peurs.

7 D'un côté je pense une frustration
8 de la part des Montagnais sur le côté nord de ne
9 pas pouvoir jouer un rôle plus déterminant qu'ils
10 en jouent un sur la gestion de la rivière Moisy,
11 et je pense qu'ils ne sont réellement pas
12 intéressés à exclure l'ensemble des non-
13 Autochtones sur cette rivière-là.

14 Ils veulent avoir un droit au
15 chapitre, et je pense que c'est tout à fait
16 normal. De l'autre côté, écoutez, les dinosaures
17 sont plutôt de l'autre côté de la barricade
18 souvent parce que du côté de Restigouche et je
19 pense aux grands clubs qui sont là, je ne suis pas
20 certain qu'ils voient d'un très bon oeil
21 nécessairement l'arrivée aussi des Indiens de
22 Restigouche.

23 Comme vous le disiez, les plaies
24 sont tellement profondes que je ne suis pas
25 certain qu'on...en tout cas c'est pas demain matin

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1 JOHN WOLFORTH, Director, Native &
2 Northern Education Programs, Faculty of Education,
3 McGill University: I should like, Mr. Chairman,
4 to say something in general terms about the role
5 of the university and then to describe very
6 briefly the program that I have had the honour and
7 privilege to be associated with for the last six
8 or seven years.

9 In our report we say, basically,
10 that the university can do three different things
11 to assist Aboriginal people in meeting their
12 legitimate aspirations in the area of education.
13 The university is a reservoir of expertise, and
14 some of that expertise was accumulated by scholars
15 in various disciplines over a large number of
16 years.

17 It would be inappropriate for
18 Aboriginal people to disregard that expertise,
19 even though it may in some cases, as we say in our
20 report, be seen as an example of cultural
21 appropriation. Nonetheless, the resource is there
22 in the form of numerous monographs, learned
23 articles, books, artifacts in museums, and so on.
24 It is the duty and responsibility of the
25 university now to enable Aboriginal people to

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1 nécessairement que la solution va apparaître.

2 COPRÉSIDENT RENÉ DUSSAULT: Je
3 vais demander à ce moment-ci à Mary Sillett de
4 compléter.

5 COMMISSIONER MARY SILLETT: I'd
6 like to thank you both for coming here today.
7 Just two questions.

8 My first one is, I was sort of
9 interested in the response given by Mr. Lalo to a
10 question asked by Mr. Dussault.

11 I think in your response you said
12 for example in outfitting there are special rules
13 which apply to subsistence, fishermen. I was
14 wondering if you could elaborate on that.

15 EDMOND MALEC LALO: Il y a la
16 règle sportive et la règle de subsistance. Il
17 faut essayer de répondre pour satisfaire les deux.

18 Dans une rivière, des fois une
19 rivière c'est long. Mais il faut faire les
20 partages aussi de kilomètres. De zéro au 13 km
21 c'est la pêche de subsistance, strictement
22 autochtone, dans le but de garder la tradition de
23 pêche autochtone.

24 L'autre partie c'est pour un peu
25 satisfaire la demande des pêcheurs sportifs.

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1 regain that knowledge, to make it accessible to
2 Aboriginal people so that they can use it to meet
3 their own aspirations.

4 One of the ways in which we would
5 like to do that is by creating mechanisms by which
6 we can increasingly involve Aboriginal people in
7 partnerships of research, to address questions
8 which are of particular interest both to the world
9 of scholarship and to Aboriginal people
10 themselves.

11 The second area in which I think
12 the university can be of assistance -- and I think
13 the program which I will describe in a few minutes
14 illustrates this particularly well -- is in
15 creating bridges.

16 Unfortunately, in the past many
17 Aboriginal young people have not seen universities
18 as welcoming institutions for them. For northern
19 Aboriginal people in particular, this is
20 understandable. The university is a long way
21 geographically, and it is a long way culturally
22 from their own environment. It is very difficult
23 very often for young Aboriginal men and women to
24 come to southern universities and to find an
25 environment where they can thrive and where they

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1 Qu'ils soient autochtones ou non-autochtones ils
2 vont là les jours de pêche, quatre jours, puis ils
3 paient le prix. Tandis que dans l'autre secteur
4 les Indiens ne paient pas de permis ou ne paient
5 pas pour pêcher là.

6 C'est pour ça que leur communauté
7 est satisfaite. C'est sûr que la communauté n'est
8 pas à 100 pour cent satisfaite, mais au moins 80
9 pour cent sont satisfaits de cette entente.

10 COMMISSIONER MARY SILLETT: Thank
11 you very much for that clarification.

12 My second question is, it was said
13 that there's a six-year moratorium placed on
14 salmon stock so they would have a chance to
15 rebuild the stocks, but have a chance to replenish
16 themselves.

17 I was wondering, what happens to
18 the salmon fishermen in that instance? Do they
19 fish other species? In other words, how do they
20 make a living?

21 I know, for example, in
22 Newfoundland with the cod fishery gone essentially
23 there have been special measures introduced to
24 compensate cod fishermen so that they're able to
25 feed their families.

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1 can learn and where they can grow. The dropout
2 rate and the rate of failure amongst Aboriginal
3 people has been a distressing characteristic of
4 this experience in the past.

5 One of the things that the
6 university can do -- and McGill's record in this
7 area has been particularly good, I think better
8 than our record in the third area that I will deal
9 with -- is in community-based programs of various
10 kinds. The university has responsibility to take
11 what it has to offer to Aboriginal communities.

12 There are many advantages in doing
13 this. One of them is that it does indeed make the
14 university more accessible to young Aboriginal men
15 and women. It enables them to gain the kind of
16 training they might require in areas such as
17 education, community health, counselling and
18 various other para-professional roles which enable
19 them then to fulfill those roles in their
20 communities, in areas where expertise is much
21 needed.

22 More important than that, it puts
23 a certain pressure on the university -- and I hope
24 I can say something about this in the program that
25 I have been associated with. If the university

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1 Has something like that been done
2 in your area or not?

3 BERNARD BEAUDIN: Je n'ai pas très
4 bien compris la question.

5 --- (Une courte pause)

6 BERNARD BEAUDIN: Concernant le
7 rachat des pêches commerciales au saumon au
8 Québec, c'est un rachat volontaire. Dans le fond
9 les pêcheurs commerciaux étaient des pêcheurs qui
10 avaient des quotas, des limites de capture, et on
11 a évalué les revenus sur une période je crois que
12 c'est de cinq ans. On a évalué, dans le fond,
13 l'ensemble de la valeur sur une période de cinq
14 ans, et sur cette base-là on leur a payé une
15 indemnité, dans le fond, l'ensemble de leur
16 production, leur capture sur cinq ans. Je me
17 demande même si ce n'est pas sur sept ans.

18 De ce montant-là dans un sens on
19 payait aussi les graiments (PH) en dehors de ça,
20 leur achat des graiments, leur achat de différents
21 équipements, plus la valeur de la production sur
22 une période de cinq ou sept ans, de mémoire, tout
23 ça indexé.

24 À l'achat de ça le pêcheur
25 commercial renonçait simplement à son droit de

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1 goes to the community, it changes in many subtle
2 ways. It takes with it some of the things that it
3 thinks are worthwhile. It takes with it some of
4 the resources which it believes can enhance the
5 education of Aboriginal people. But, in taking
6 them, it takes also from the Aboriginal
7 communities certain characteristics.

8 It has to be accessible. Its
9 programs have to be meaningful to the people who
10 are participating in them. That means that it has
11 to re-examine its pedagogical styles, the way in
12 which it presents information, the way in which it
13 addresses problems, the way in which it engages
14 its students in discourse.

15 It needs to be culturally
16 sensitive. It needs to re-examine its curriculum
17 and to make sure that it is indeed relevant to the
18 needs of the people that it is working with in
19 partnership, in a way that isn't necessary in the
20 south. All too often universities in the south,
21 as I think we are all aware, simply present their
22 wares and expect students to make the best of
23 them. That just isn't possible in community-based
24 programs. Instructors who go to Aboriginal
25 communities have to be concerned with what the

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1 pêche. Il revend son droit de pêche.

2 Les montants généralement, comme
3 d'ailleurs c'est un rachat volontaire, cette année
4 on m'avait dit que probablement 50, 60 pour cent
5 des pêcheurs seraient vendeurs. Mais ça a été
6 cette année 98 pour cent des pêcheurs qui ont
7 vendeurs de l'ensemble de leurs droits de pêche.

8 Maintenant il faut bien comprendre
9 que la pêche au saumon au Québec ne représente pas
10 une activité exclusive, dans le sens que pour un
11 pêcheur commercial c'était pas un gros pourcentage
12 de l'ensemble de son revenu, et pour plusieurs
13 aussi exerçaient d'autres métiers. Là-dedans il y
14 avait même des avocats. Il y en même qui étaient
15 directeurs de grosses entreprises, comme Alouette,
16 mais beaucoup d'autres aussi étaient des petits
17 pêcheurs.

18 Mais tous étaient intéressés, dans
19 une période de crise comme on connaît, d'avoir un
20 chèque souvent de 30 000 \$. C'est allé jusqu'à
21 150 000 \$. Je pense que c'est très bienvenue, et
22 beaucoup ont parti d'autres petites entreprises
23 avec ça et dans le fond ça a permis de relancer
24 l'économie.

25 C'est de cette façon-là qu'on a

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1 interest and needs of their students are in that
2 community. If they are not, they do not survive.

3 This means also that the courses
4 given have to be appropriate in a linguistic and a
5 cultural sense. Our experience here has been
6 particularly interesting, as I will explain in a
7 few moments.

8 The third area in which I think
9 universities can play a role -- and here I would
10 have to say that McGill has not had a particularly
11 good record in the past, maybe not as good as some
12 other universities. As was mentioned a few
13 moments ago, there is a serious desire to create a
14 change by providing support on campus for
15 Aboriginal students who wish to pursue studies in
16 the more orthodox mainstream style.

17 There are many ways in which the
18 university can make itself more welcoming to
19 Aboriginal students. I think, in doing so, it
20 produces benefits not only for those potential
21 students but also -- and I think this is more
22 important -- for the university itself.
23 Universities are enriched -- all educational
24 institutions are enriched -- by having a variety
25 of students from a variety of backgrounds.

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1 compensé au Québec le rachat des pêches
2 commerciales du saumon.

3 **COPRÉSIDENT RENÉ DUSSAULT:** Je
4 pense qu'il y avait un autre volet, qui était de
5 savoir pendant les six ans, par exemple, où vous
6 avez suspendu le prélèvement, y compris même pour
7 la subsistance, qu'est-ce qui s'est passé du côté
8 des Montagnais, quel a été le substitut, la
9 contrepartie, sur le plan économique?

10 **EDMOND MALEC LALO:** C'est juste
11 une communauté, nous autres, qui a fait le
12 prélèvement de la rivière de la communauté de
13 Mingan. Ça n'a pas été facile de dire à l'Indien
14 arrête de pêcher le saumon.

15 Pour compenser à ça les Montagnais
16 de Mingan avaient eux autres une usine de poisson,
17 qui pouvait traiter le poisson de fond. Ça
18 compensait un peu.

19 On n'a pas arrêté et dire "tu ne
20 mangeras plus de poisson". On avait estimé de
21 prendre, admettons, à chaque fête, à Ste-Anne il y
22 a une fête spéciale et tout le monde se ramasse...
23 Là on va prélever du saumon, 20 saumons,
24 admettons, pour faire un genre de festival, pour
25 quand même conserver la tradition, la pêche

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1 Students of Aboriginal background, in the Canadian
2 context, are particularly enriching on the
3 university campus.

4 The areas in which the university
5 can play a role -- the one that is usually looked
6 at first is admissions, and I think this can be
7 somewhat misleading. Generally, when we talk of
8 admissions, we begin thinking in terms of quotas,
9 in terms of affirmative action, and that always
10 raises hackles on the university campus. I think
11 we should think much more of recruitment, or
12 finding ways in which we can attract intelligent
13 young Aboriginal men and women to come on to the
14 campus to pursue mainstream studies, if you want
15 to call them that -- the regular orthodox
16 curriculum of the university.

17 The kind of community-based
18 programs that I touched on a few moments ago, I
19 think, are a particularly appropriate way of doing
20 this. They do indeed act as a bridge. By taking
21 the university to the community, you make the
22 university more accessible and, in fact, you then
23 encourage Aboriginal students to see the
24 university as a place where they can indeed find a
25 home.

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1 traditionnelle. Ça n'a pas été facile mais on a
2 passé au travers.

3 **COMMISSIONER MARY SILLETT:** Thank
4 you.

5 **COPRÉSIDENT RENÉ DUSSAULT:** Nous
6 voulons vous remercier d'avoir échangé avec nous
7 sur l'expérience vécue depuis une bonne dizaine
8 d'années maintenant, qui s'est avérée largement
9 fructueuse.

10 Encore une fois, on ne peut pas
11 faire autrement que vous souhaitez bonne chance
12 dans la poursuite de dossiers peut-être un peu
13 plus difficiles mais qui je pense démontrent que
14 lorsqu'on peut expliquer des bénéfices à moyen et
15 à long terme d'une action concertée ça fait toute
16 la différence du monde, sur le plan social
17 également.

18 Je fais seulement une aparté pour
19 dire que lorsque nous étions à Restigouche les
20 Micmacs qui sont à Maria nous ont communiqué très
21 clairement en partie leur satisfaction de
22 l'entente, même si elle est partielle, par rapport
23 à ce qu'ils vivaient auparavant.

24 Je vous souhaite bonne chance dans
25 la poursuite de votre action, et nous souhaitons

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1 So recruitment and admissions, I
2 think, have to be looked at together.

3 I think another area that is very
4 important is by looking at university programs and
5 seeing how we can change. I don't think it is
6 appropriate for universities to present a western
7 European, if you will, style of knowledge to
8 Aboriginal communities in a kind of "take it or
9 leave it" way. We have to look at the way in
10 which knowledge has to be transformed both by
11 being presented to Aboriginal people and by
12 Aboriginal people interacting with knowledge and
13 then, in turn, changing that knowledge. It is not
14 just a matter of saying what is relevant, but
15 simply trying to look at knowledge as a much more
16 dynamic concept that can be continually altered by
17 the involvement of Aboriginal people.

18 An important aspect that enables
19 this to take place is in the provision of support
20 and advocacy services for Aboriginal students on
21 campus. This is an area where some universities
22 in Canada, I think, have done a little better than
23 McGill and where we would certainly hope that we
24 will be able to improve.

25 It is very important for

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1 garder le contact avec votre organisation jusqu'à
2 à la fin de nos travaux. Il est sûr que la
3 question des pêches, non seulement commerciales
4 mais aussi sportives, et la cogestion de la
5 ressource est quelque chose qui intéresse
6 énormément le public au Canada, Autochtones comme
7 non-Autochtones, donc la Commission poursuit des
8 travaux importants à cet égard-là, et on espère
9 qu'on pourra être utile pour épauler votre action.

10 Alors, merci encore une fois,
11 monsieur Beaudin, monsieur Lalec.

12 La Commission va suspendre pour
13 une dizaine de minutes pour une pause-santé avant
14 de reprendre avec la présentation de la Fédération
15 des pourvoyeurs du Québec. Ce sera suivi de la
16 présentation du Barreau du Québec.

17 Merci.

18 --- Suspension de l'audience à 14 h 51

19 --- Reprise de l'audience à 15 h 11

20 **COPRÉSIDENT RENÉ DUSSAULT:** La
21 Commission royale sur les peuples autochtones au
22 Canada reprend son audience avec une présentation
23 de la Fédération des pourvoyeurs du Québec, M^{me}
24 Thérèse Farar, représentante de la Fédération.

25 **THÉRÈSE FARAR, Représentante,**

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1 Aboriginal students, particularly those from
2 northern or remote communities, to feel that the
3 university is a welcoming place for them; to feel
4 that there are places on the campus where they can
5 find a home; to know that, if they run into
6 trouble, there are Elders who can counsel them in
7 a culturally-appropriate way; to know that, if
8 they are having problems with the university
9 bureaucracy -- and all universities have
10 cumbersome bureaucracies; I don't think McGill is
11 alone in that respect -- there are people who can
12 understand that bureaucracy and interpret it to
13 them and speak on their behalf. All of those
14 things go together.

15 Those are the three areas where I
16 think universities can be particularly helpful to
17 Aboriginal people: by providing expertise through
18 the accumulation of generations of research; by
19 providing community-based programs; and by
20 increasingly encouraging Aboriginal students to
21 come into mainstream programs on campus but, in
22 doing so, to recognize that, at least in the first
23 instance, many of them will need some additional
24 support, some additional attention, and that that
25 isn't done simply out of a kind of paternalistic

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1 **Fédération des pourvoyeurs du Québec: Mrs.**
2 Sillett, monsieur Dussault.

3 Il existe plus de 600 pourvoiries
4 en chasse et pêche au Québec réparties dans toutes
5 les régions administratives. On retrouve deux
6 types de pourvoiries: Avec droits exclusifs et
7 sans droits exclusifs.

8 Avec droits exclusifs: Ces
9 entreprises ont l'exclusivité de la gestion de la
10 chasse, de la pêche et/ou du piégeage sur un
11 territoire donné grâce à un bail signé avec le
12 ministère du Loisir, de la Chasse et de la Pêche.
13 Elles détiennent aussi un permis d'exploitation
14 délivré par ce même ministère et elles sont au
15 nombre de 185.

16 Sans droits exclusifs: Ces
17 pourvoiries opèrent sur le territoire libre.
18 Elles détiennent aussi un permis du MLCP en plus
19 d'un permis de villégiature commerciale du MER
20 pour chacune de leurs unités d'hébergement. Elles
21 sont au nombre de 420.

22 La vocation de ces entreprises est
23 d'offrir des services tels l'hébergement, la
24 location d'embarcation et de moteurs hors-bord, le
25 service de guide, etc., pour la pratique de la

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1 view of their role on campus, but that it is done
2 because we genuinely want them to be on the campus
3 because we know that their presence on the campus
4 is going to enrich us as well as to enrich them.

5 If I can just say a little bit
6 about the program with which I have been
7 associated, in some ways I think it provides a
8 very good model of the second type of contribution
9 that the university can make -- that is, the
10 contribution through community-based programs.

11 The McGill Native and Northern
12 Education Program started in the mid-1970s, in
13 part, as a result of the James Bay and Northern
14 Quebec Agreement. That Agreement gave the Kativik
15 School Board the somewhat unique position, shared
16 with the Cree School Board, of training its own
17 teachers, amongst other things. A link was made
18 with McGill in order to provide the mechanism for
19 doing this.

20 McGill created a program which
21 would lead to initial certification and would
22 provide teachers -- almost all of them women, many
23 of them in their thirties, forties and even in
24 their fifties, who had worked as classroom
25 assistants for a number of years and who were,

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1 chasse, de la pêche, du piégeage, d'activités de
2 plein air et de loisirs adaptés à la famille.
3 Chaque pourvoirie possède des installations en
4 forêt allant du simple abri à la plus somptueuse
5 auberge, ce qui représente un énorme
6 investissement financier partout au Québec (près
7 de 8 millions par année).

8 Toutes les pourvoiries de la
9 province sont soumises à une multitude de lois et
10 de règlements et font affaire chaque jour avec
11 différents ministères: MLCP, Énergie et
12 Ressources, Tourisme, Environnement, Revenu,
13 Développement régional. Elles doivent se plier
14 aux réglementations des MRC, de l'Office de la
15 Construction du Québec, de la Régie du Bâtiment,
16 pour n'en nommer que quelques-uns.

17 D'autre part, ces entreprises
18 doivent partager la forêt avec d'autres
19 utilisateurs, notamment les compagnies forestières
20 et minières, Hydro-Québec, et les Autochtones.

21 Plus spécifiquement, la
22 problématique avec les Autochtones s'identifie par
23 un chevauchement d'activités et de territoire.
24 Incontestablement, les pourvoiries avec droits
25 exclusifs, se soumettant aux lois et règlements

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1 therefore, very dedicated and, in fact, very
2 expert and very competent teachers, but who lacked
3 the qualifications which would give them the
4 credibility in the outside world and also perhaps
5 lacked some knowledge and skills which would make
6 them even more effective.

7 That work started with the Kativik
8 School Board in the 1970s, and it had two rather
9 interesting preconditions. One of them was that
10 it should take place in the communities. There
11 was no question of these women coming south.
12 Almost all of them had families; some of them,
13 indeed, were grandmothers, and it just wasn't
14 feasible for them to come south. Although some of
15 them were bilingual, there was no question that
16 Inuktitut was their most important language; some
17 indeed were unilingual.

18 The two conditions were that
19 whatever program McGill offered in partnership
20 with the Kativik School Board should be offered in
21 the community and that it should be offered in
22 Inuktitut.

23 That model has developed in an
24 interesting way, in a way of which we are very
25 proud, starting from an initial base in which

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1 des gouvernements et en payant leurs baux au
2 ministère du Loisir, de la Chasse et de la Pêche,
3 acquièrent des droits reliés à la chasse et à la
4 pêche. En payant une foule de taxes et permis et
5 en fournissant tous les rapports qui s'y
6 rattachent, les pourvoyeurs occupent une place
7 prépondérante dans toutes les questions d'ordre
8 faunique et récréo-touristique au Québec.

9 Les activités de chasse et de
10 pêche des Autochtones sur des territoires où des
11 pourvoiries offrent leurs services viennent
12 contrecarrer la planification de la gestion de la
13 faune. Ces prélèvements fauniques effectués par
14 les Autochtones ne sont pas planifiés ni
15 harmonisés de concert avec les pourvoyeurs, ce qui
16 a des conséquences fâcheuses sur la capacité de
17 support des milieux.

18 Il ne faut pas oublier que les
19 pourvoyeurs travaillent sur des micro-milieus et
20 veillent sans cesse au renouvellement de la
21 ressource faunique, leur gagne-pain. À ce titre
22 les pourvoyeurs déploient beaucoup d'énergie
23 financière, physique et matérielle au maintien ou
24 à l'amélioration de la richesse faunique justement
25 pour atténuer les effets des prélèvements.

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1 courses were delivered in English and then were
2 translated into Inuktitut, which you can imagine
3 is a very cumbersome process. We are now in the
4 situation where we have a pool of very competent,
5 skilled Inuit instructors who, in working with
6 people like Professor Martha Crago and other
7 colleagues at McGill and from elsewhere, have
8 developed the expertise, sometimes through being
9 involved in research projects, which enables them
10 to deliver the courses in the program in
11 Inuktitut.

12 I think I am right in saying that
13 ours may be the only program in Canada certainly,
14 and maybe one of the few in the world, where it is
15 possible to attain a Bachelor's Degree entirely in
16 an Aboriginal language. It is possible to reach
17 the B.Ed degree entirely in Inuktitut, using this
18 mechanism of trained, competent, well-skilled,
19 experienced Inuit instructors who deliver McGill
20 University courses. We are very proud of those
21 people.

22 The model was so successful that
23 it was adopted by the Eastern Arctic Teacher
24 Education Program in the early 1980s and has
25 really expanded in the Northwest Territories

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1 Plusieurs moyens sont utilisés
2 tels l'ensemencement, l'élimination d'espèces
3 nuisibles, l'aménagement des frayères, et la
4 restriction du nombre d'originaux abattus par
5 groupe de chasseurs. Ils ont par surcroît à
6 présenter au MLCP un plan de gestion faunique à
7 chaque trois ans.

8 Un autre aspect de la
9 problématique touche la perte de revenus des
10 pourvoyeurs entraînée par le chevauchement
11 d'activités avec les Autochtones. Cette perte de
12 revenus est causée par la difficulté à recruter de
13 nouveaux clients à cause de la diminution de la
14 ressource faunique.

15 Les chasseurs non-autochtones de
16 gros gibier ont d'énormes réticences à fréquenter
17 un territoire de chasse où se trouvent déjà des
18 Autochtones car ils savent pertinemment que ces
19 derniers font le prélèvement avant l'ouverture de
20 la saison de chasse.

21 La perte de revenus peut aussi
22 être liée à la perte de jouissance de certaines
23 installations matérielles. En effet, il arrive
24 que des Amérindiens "prennent possession" de
25 parties de territoires exclusifs de pourvoirie

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1 through the establishment of Arctic College in
2 1986 and the absorption into Arctic College of the
3 Eastern Arctic Teacher Education Program and, most
4 recently, through the initiative of the Government
5 of the Northwest Territories in its attempt to
6 increase the participation of Aboriginal teachers
7 in the school system, through a series of
8 community-based programs, starting with one in the
9 Keewatin District which terminated last year and
10 most recently with three programs, one which is
11 currently in operation along the Arctic coast in
12 the Kitikmeot District and the other two which are
13 operating in the North Baffin.

14 The model essentially started as
15 an Inuit model. Our courses were courses in
16 Inuktitut. The model was well-regarded by other
17 communities, and interest was shown by a number of
18 Aboriginal communities in other parts of Quebec in
19 the late 1980s. Since that time, in the last six
20 years, we have now extended the program to a
21 number of communities, first working with the
22 First Nations Education Council in Quebec to offer
23 a similar program in Kahnawake and Kanesatake, in
24 Maniwaki, in Rapid Lake and in Restigouche.

25 That initial agreement has now

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1 pour s'y installer. Des pourvoyeurs ont même vu
2 des chalets occupés par des Autochtones ou leur
3 terrain aménagé devenir malpropre après leur
4 passage. Il est évident que ces situations
5 engendrent des conflits et le climat social
6 devient très tendu dans la plupart des régions du
7 Québec.

8 Sans vouloir s'ingérer dans les
9 discussions au sujet des droits ancestraux des
10 Autochtones il faut, de toute évidence, considérer
11 aussi les droits des pourvoyeurs en gestion
12 faunique. Ceux-ci sont en quelque sorte victimes
13 d'une situation ambiguë entre les gouvernements et
14 la population amérindienne et en subissent les
15 conséquences. En somme, les obligations du
16 pourvoyeur sont envers le gouvernement du Québec.

17 Pour parvenir à régler les
18 différends opposant pourvoyeurs et Autochtones il
19 y a, selon nous, deux alternatives possibles.

20 La première est de considérer tous
21 les résidents du Québec de la même façon avec les
22 mêmes droits, mêmes obligations, mêmes devoirs et
23 mêmes avantages, ce qui signifie une seule justice
24 pour tous. Pour nous, la Loi sur la conservation
25 de la faune devrait être appliquée de la même

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1 expired, successfully I might say. We provided a
2 program in all of those communities which resulted
3 in a large number of teacher trainees receiving
4 initial certification.

5 In the process of working with
6 people in the communities and with linguists at
7 McGill University, we developed courses in Mohawk,
8 in Algonquin and in Micmac, and we now have those
9 courses in place.

10 We continue to work with some of
11 those communities on an individual basis. As
12 devolution has taken place, it seems to be more
13 appropriate to work with them on a community-by-
14 community basis. We now have a flourishing
15 program in Kahnawake, both at the initial
16 certificate level and at the Bachelor of Education
17 level.

18 More recently we have started to
19 work with the Cree School Board, together with the
20 University of Quebec at Chicoutimi, which runs a
21 parallel program to our own. We are very pleased
22 to work in partnership with the Cree School Board,
23 particularly for those teachers who have English
24 as their preferred second language.

25 We have also extended to a number

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1 façon pour tout le monde.

2 La seconde alternative est de
3 s'entendre une fois pour toute sur les
4 revendications territoriales. La conclusion
5 d'ententes écrites claires entre nos gouvernements
6 et les différentes populations autochtones
7 diminuerait largement les conflits "sur le
8 terrain".

9 On entend beaucoup parler de
10 territoires qui pourraient être octroyés aux
11 Autochtones et gérés par un gouvernement autonome
12 ayant juridiction sur toutes les richesses
13 naturelles qui s'y trouvent.

14 Cette suggestion soulève beaucoup
15 d'inquiétude, entre autres en ce qui a trait à la
16 superficie des territoires "amérindiens" et à
17 l'avenir des pourvoiries se trouvant sur ces
18 territoires. Auraient-elles à payer des droits de
19 chasse, de pêche et de piégeage à la bande
20 amérindienne locale pour obtenir carte blanche au
21 niveau du territoire affecté à la pourvoirie et à
22 sa gestion? Ceci supposerait déjà un partage de
23 la ressource faunique sur des territoires
24 négociés.

25 Le problème amérindien est très

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1 of communities in Nova Scotia, working in part
2 through the Micmac Educational Authority but also
3 working with the individual communities.

4 We are very pleased with our
5 efforts in the last few years. We think there are
6 many more things that we could do.

7 The keynote -- and this is my last
8 remark. The keynote has been the one that
9 Marianne referred to earlier on. The keynote is
10 one of partnership. We are not, despite McGill's
11 history and James McGill's background as a fur
12 trader, any longer an imperialistic institution
13 or, I hope, not a paternalistic institution.
14 Partnership has been the keynote of all of these
15 relationships.

16 We have not in any case sought a
17 connection actively with any Aboriginal community.
18 We have waited until Aboriginal communities have
19 contacted us. We then try to sit down with each
20 community and to work out a program which is
21 respectful of the academic standards of the
22 university but, at the same time, responds to
23 their own unique and individual needs. In every
24 case I think we have been able to do that.

25 We believe strongly in the notion

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1 délicat à résoudre. On le constate aux
2 négociations interminables entre gouvernements
3 fédéral, provinciaux et différentes bandes
4 autochtones. Cette minorité ethnique se cherche
5 visiblement une voie comme société.

6 La pratique des activités
7 ancestrales telles la chasse, la pêche et le
8 piégeage perdent leur sens dans le monde
9 contemporain. Mais ce peuple veut conserver ses
10 caractéristiques propres et à la fois avoir sa
11 place dans la société canadienne, avec tous ses
12 avantages.

13 La difficulté de négociation est
14 accrue par la diversité au sein même des bandes
15 amérindiennes, par le manque d'homogénéité.
16 Citons par exemple les Montagnais et les
17 Attikameks qui négociaient ensemble leurs
18 revendications territoriales depuis 1979 et qui
19 viennent tout juste de se dissocier. Cette
20 séparation engendre très certainement des délais
21 supplémentaires.

22 Les membres de la Fédération des
23 pourvoyeurs du Québec, tout en étant conscients de
24 la complexité du problème, souhaitent cependant
25 une solution durable et éminente à la question

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1 of community-based programs. We believe that, to
2 offer community-based programs in a respectable
3 way, a great deal of community contact is
4 important. One of my jobs as Director and one of
5 my colleague Lynn McAlpine's jobs, as Associate
6 Director, is simply to visit communities. We
7 spend a lot of time in all of the Aboriginal
8 communities that we work in, from Baker Lake in
9 the Northwest Territories to Cambridge Bay to
10 Arctic Bay to Cape Breton to Kahnawake -- a vast
11 area, I might say. A great deal of time is spent
12 working with educational representatives in those
13 communities, working with instructors, and working
14 on a personal basis with students.

15 We hope our model is one that can
16 be used in many other situations, and we hope it
17 is something that will help Aboriginal people to
18 meet their legitimate educational aspirations.

19 Thank you, Mr. Chairman.

20 TIMOTHY JOHNS, Centre for
21 Indigenous Nutrition and Environment, Macdonald
22 College, McGill University: I, first of all,
23 bring the regrets of the Director of the Centre
24 for Nutrition and Environment of Indigenous
25 People, Harriet Kuhnlein, who is meeting tomorrow

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1 autochtone afin de pouvoir poursuivre leurs
2 activités en toute quiétude.

3 La question n'est pas de prétendre
4 être propriétaire du territoire et du cheptel, et
5 ce ni pour les Amérindiens ni pour les non-
6 Autochtones. C'est plutôt de savoir comment se
7 les partager équitablement. L'urgence de solution
8 se reflète dans l'augmentation incessante de la
9 tension entre les deux peuples.

10 COPRÉSIDENT RENÉ DUSSAULT: Je
11 vous remercie, madame Farar, d'être venue nous
12 rencontrer et faire cette présentation au nom de
13 l'Association des pourvoiries de chasse et de
14 pêche du Québec qui, comme vous l'avez dit,
15 regroupe 600 pourvoiries.

16 On a eu l'occasion ce matin
17 d'entendre M. André Pelletier de la Fédération
18 québécoise de la faune, qui occupe ce poste depuis
19 cinq ou six ans. Il a fait largement état de sa
20 déception de ne pas avoir pu rapprocher de façon
21 significative les Autochtones du Québec et les
22 non-Autochtones autour de la question de la
23 protection de la faune et de l'exploitation de la
24 faune.

25 Nous avons eu aussi cependant un

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1 with the Health Commission of the Yukon First
2 Nations. I think you may have met Harriet. She
3 participated in the Vancouver Round Table on
4 Health and Social Issues.

5 The Centre for Nutrition and
6 Environment of Indigenous Peoples is described
7 starting at page 13 in the brief that you have.
8 This is a new research and education facility on
9 the Macdonald campus of McGill University, which
10 was initiated in response to the concerns of
11 Aboriginal people with regard to the integrity of
12 the traditional food system.

13 I think it is a centre that is
14 certainly unique in the McGill context, in that it
15 involves, I think, truly a partnership between
16 Aboriginal people and the university, and I think
17 it probably is a good model in a much broader
18 context.

19 The Centre officially opened its
20 doors on September 15. At that time there was a
21 co-operation agreement signed between the
22 Governing Board and McGill. The Governing Board
23 is comprised of the organizations listed at the
24 bottom of page 14, which are six organizations
25 that represent Inuit, Indian and Métis people in

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1 autre son de cloche plus tôt cet après-midi par
2 les représentants de la Fédération du saumon de
3 l'Atlantique, qui au contraire ont eu des succès
4 assez importants en associant des Autochtones à la
5 cogestion de la ressource sur plusieurs des
6 rivières à saumon du Québec.

7 Tout ça pour dire que c'est un
8 dossier évidemment qui est délicat, comme vous le
9 dites dans votre mémoire, mais qui n'est pas sans
10 solution.

11 Sur le plan canadien les problèmes
12 vécus au Québec sont à peu près identiques avec
13 des hauts et des bas, mais il y a une tension qui
14 est quand même là et importante entre des
15 communautés non-autochtones et les divers peuples
16 autochtones.

17 Je voudrais peut-être au départ
18 clarifier certaines notions pour être sûr qu'on
19 s'entend bien sur la réalité.

20 Dans votre mémoire vous parlez des
21 Autochtones comme minorité ethnique. Je pense que
22 vous n'êtes pas sans savoir que pour les
23 Autochtones la réalité en est une de premiers
24 habitants du pays, donc différente des diverses
25 minorités culturelles qui se sont jointes au

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1 the area north of the 60th parallel in Canada.

2 The first Chairman of the
3 Governing Board is Bill Erasmus, the National
4 Chief of the Dene Nation, and the host community
5 is the Mohawk Council of Kahnawake.

6 That agreement, among other things
7 it lays out in detail, provides for a relationship
8 where the Governing Board is authorized to oversee
9 the activities of this research and education
10 centre. It has the responsibility of actually
11 approving the activities of the Centre, and it is
12 also able to oversee the financial activities of
13 the Centre.

14 The research model that the Centre
15 follows is a participatory research model. It
16 involves participation between our Governing Board
17 and the staff of the Centre and also between the
18 Centre and Aboriginal communities in Canada and
19 elsewhere. It is participatory in the initiation
20 of projects. The projects, in the first instance,
21 are initiated in response to specific concerns
22 about particular issues that relate to nutrition
23 and the environment of the people. It is
24 participatory in the undertaking of the projects
25 and in the approval of protocols and, I think very

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1 Québec ou au Canada au fil des ans, connaissant
2 bien sûr et étant en principe sans accepter les
3 lois et les coutumes du pays qu'ils joignaient.

4 Dans le cas des Autochtones
5 évidemment c'est nous qui les avons joints à une
6 époque qui est déjà lointaine mais qui est quand
7 même là. Donc je pense que c'est important de le
8 souligner parce que ça facilite la discussion avec
9 les Autochtones.

10 Bien sûr qu'ils sont reconnus
11 comme des peuples qui étaient les premiers
12 habitants du Canada, avec évidemment des droits
13 qui en découlent.

14 L'autre question que je voulais
15 aussi peut-être clarifier, et elle découle un peu
16 de la première. Vous dites au fond, et vous avez
17 certainement raison de dire qu'il faut que les
18 règles du jeu soient claires, et il n'y a rien qui
19 empoisonne le plus l'atmosphère quand tout est
20 ambigu et n'est pas clair.

21 Vous mettez de l'avant deux
22 solutions de rechange possible.

23 La première, qui est de considérer
24 tous les résidents du Québec de la même façon,
25 avec les mêmes droits et les mêmes obligations,

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1 importantly, in the dissemination of the results
2 of the research activities.

3 The specifics of what we are
4 prepared to engage in, and are engaging in, in the
5 first instance relate to social and
6 epidemiological methods and aspects of gathering
7 information on dietary intake and on food
8 patterns. They involve certainly strictly
9 scientific methods, but also are concerned with
10 cultural issues and with issues such as indigenous
11 knowledge.

12 The second major activity that we
13 are engaging in is laboratory analysis of foods or
14 of environmental samples that relate to specific
15 problems of nutrition and environments of
16 indigenous people. We have the capacity on site
17 to look at nutrient constituents of foods,
18 pharmacological properties, toxicological
19 properties and, specifically, at contaminants.

20 The initiation of this Centre and
21 the impetus for its creation came out of
22 involvement of people from the university and
23 Aboriginal leaders as part of the Arctic
24 Environmental Strategy. Certainly I think you are
25 well aware of the seriousness of some of the

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1 mêmes devoirs, mêmes avantages, ce qui signifie
2 une justice pour tous, et l'autre qui est de
3 définir clairement les droits autochtones et
4 évidemment de découler des conséquences
5 d'aménagement correspondant.

6 Sur la première alternative, c'est
7 peut-être là-dessus que je voudrais vous poser la
8 première question, c'est évident qu'avant 1973 au
9 Canada la notion des droits ancestraux par rapport
10 aux idées reçues, où tout le territoire
11 appartenait nécessairement à la Couronne ou à des
12 intérêts privés. Il est évident qu'à partir du
13 moment où on reconnaît des droits propres aux
14 Autochtones découlant de leur statut de premiers
15 habitants la question des mêmes droits et de la
16 même situation pour une seule justice nous amène
17 dans tout le débat du respect des différences et
18 de savoir que l'égalité implique ce respect des
19 différences.

20 Tout ça pour dire que je pense que
21 l'avenir dans le domaine que l'on discute cet
22 après-midi est davantage au niveau de la deuxième
23 alternative ou solution de rechange, qui est la
24 reconnaissance des droits propres du côté des
25 Autochtones est clair.

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1 contaminant issues that have been identified,
2 particularly in the north.

3 In this regard, I think it is
4 particularly important to recognize that this
5 Centre is established to be independent from
6 government. Although the money for the creation
7 of the Centre comes from government, it is with
8 the full condonement of the government that the
9 university and the Board and Aboriginal
10 communities work independently from the
11 government. This is particularly important in
12 issues of contamination where some of the data
13 that may be gathered may be of a politically
14 sensitive nature.

15 In terms of the educational
16 complement of CINE and our activities, that takes
17 place on several levels. Certainly the
18 participatory research model is set up in a way
19 that it is educational itself and it involves
20 people in the activities.

21 Although we are new in this, we
22 are prepared to offer specialized training to
23 individuals, either at CINE or in relation to
24 projects that are undertaken, likely in the north.

25 At the same time as the

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1 Sur ce plan-là vous dites dans
2 votre mémoire qu'on ne veut pas aborder la
3 question des droits ancestraux. Au fond votre
4 organisation présente le mémoire pour dire on a
5 des problèmes de fonctionnement et on voudrait que
6 les gouvernements s'en occupe et clarifient la
7 situation essentiellement.

8 Je ne peux pas faire autrement que
9 peut-être retourner la balle un peu en disant oui,
10 mais sur le terrain est-ce qu'il y a des relations
11 avec les Autochtones au niveau de l'Association
12 des pourvoyeurs du Québec, ou même de façon plus
13 locale, avec divers conseils de bande ou nations
14 autochtones?

15 THÉRÈSE FARAR: Il n'y a pas de
16 relation, à ma connaissance, directe. Vous savez,
17 les pourvoyeurs sont à mon avis semblables à des
18 gens qui ont une ferme. Là-dessus ils ont la
19 gestion faunique de ce territoire-là.

20 C'est sûr quand il arrive des
21 Autochtones ou non-Autochtones sur le territoire
22 ça crée des problèmes. Qu'ils soient non-
23 Autochtones ou Autochtones, ce n'est pas seulement
24 les Autochtones, ça crée des problèmes. C'est
25 qu'un fermier aurait un champ et tout le monde

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1 co-operative agreement was signed between the
2 university and the Governing Board, a second
3 co-operation agreement was signed between McGill
4 University and Yukon and Arctic Colleges, with the
5 intent in relation to CINE and the mandate of
6 those two colleges and the mandate of the
7 university in general that these three
8 institutions would work in co-operation.

9 Finally, the last way that we are
10 involved in education is very much in the way that
11 my colleagues have already spoken about -- the
12 normal university context that trains students and
13 grants degrees both at the undergraduate and
14 graduate level.

15 Certainly we are very excited that
16 we have a very important research model in
17 relation to the issues that we are concerned
18 about. These are issues that certainly are
19 important to Aboriginal people, and I think we can
20 make at least a small contribution in this regard.
21 I think these are also issues that are of great
22 global importance. We are well aware in the
23 national and international arenas that we have
24 received attention from a number of people.

25 The Macdonald campus is in Ste-

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1 pigerait dedans.

2 C'est assez difficile de faire la
3 gestion pour en donner parce que nous, nous avons
4 une clientèle qui est de plus en plus exigeante et
5 sur la faune et sur les investissements
6 d'infrastructure. Alors comment gérer une chose
7 quand on n'a pas les moyens de le faire? C'est
8 très difficile.

9 C'est sûr qu'il y a des endroits
10 où c'est plus difficile. Comme tout ce qui
11 concerne les réserves à castors, c'est sûr que les
12 pourvoiries qui sont là ont beaucoup plus de
13 problèmes. Ça, c'est évident. Maintenant il reste
14 à savoir que ce soit déterminé à l'avance.

15 Il y a le territoire libre, il y a
16 les ZECs, en fait il y a les parcs, les réserves,
17 et il y a les pourvoiries, et il y a des
18 pourvoiries qui exercent sur le territoire libre.
19 C'est sûr que celles-là n'ont pas la gestion de la
20 faune comme telle autant que celles qui ont un
21 territoire exclusif qui paient un bail au
22 ministère et qui sont obligés de voir à la
23 ressource faunique. C'est pour ça que dans ces
24 territoires-là exclusifs il y a des problèmes
25 majeurs.

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1 Anne de Bellevue. You people who have to travel
2 between Montreal and Ottawa have to pass through
3 our campus every time you drive either on Highway
4 20 or on Highway 40. We would certainly welcome
5 you and your colleagues to drop in any time you
6 wish to see our facility.

7 JOYCE PICKERING, Northern Quebec
8 Module, Public Health Unit, Montreal General
9 Hospital, McGill University: I am from the
10 Northern Quebec Module, and I will just explain
11 very briefly what we do.

12 We have a contractual arrangement
13 with the Cree Board of Health and also the Kativik
14 Boards of Health. We provide tertiary care and
15 referral services for those two Boards of Health,
16 and we also have a mandate to support the Cree
17 Board of Health in community health programming
18 and evaluation.

19 I would like to address really
20 only one thing right now verbally, and that is the
21 issue of health careers. We do believe that
22 Native people should have control over their
23 health services. There are right now Kativik and
24 Cree Boards of Health that we actively work with.
25 I will speak more about the Cree because that is

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1 COPRÉSIDENT RENÉ DUSSAULT: C'est
2 un peu comme du côté de l'industrie forestière, où
3 on a aboli les concessions centenaires pour faire
4 des contrats d'approvisionnement pour la
5 production de la ressource avec des obligations de
6 reboisement, et caetera, mais où on n'a pas tenu
7 compte des usages multiples qui pourraient être
8 faits de la forêt, qui ont un certain impact sur
9 le niveau de production mais qui à long terme
10 pourraient être plus rentables.

11 C'est tout le débat du côté de
12 l'industrie forestière, où les zones sensibles sur
13 le plan de la flore, de la faune, ne sont pas
14 tenues en ligne de compte. C'est ce qui nous a
15 amenés à tout le débat qui a donné lieu à
16 l'entente du Lac Barrière, l'entente bilatéral.
17 Il y a eu des ratés dans la mise de l'application
18 de l'entente.

19 De la même façon je comprends que
20 la dynamique s'est passée essentiellement entre
21 les pourvoiries, qui avaient un bail avec le
22 ministère et qui avaient des obligations en
23 contre-partie de son bail.

24 Donc cette discussion-là va devoir
25 être reprise à un niveau plus large dans le cadre

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1 the group with which I am more familiar.

2 The Cree Board of Health does have
3 Cree people in senior administrative positions.
4 The Executive Director, the heads of some of the
5 CLSCs and so on are Cree. But technical
6 competence remains largely in the hands of the
7 non-Cree people. They are dependent on non-Cree
8 for their physicians, almost all their nurses.
9 There are no people trained in public health who
10 are Native.

11 I think, until technical
12 competence can also be in Native hands, the power
13 they have over their own health services will be
14 limited.

15 I wish I could say that the
16 Faculty of Medicine at McGill had as good a record
17 as the Faculty of Education has in community
18 involvement, in providing health care services and
19 in encouraging Native people to be active and to
20 participate in university programs. But I don't
21 think we do. I think we have done very little, if
22 anything at all, to promote Native health careers
23 at McGill.

24 What I would like from this
25 Commission is your active support and your push to

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1 de la clarification des droits autochtones et
2 ancestraux ou issus de traités, mais ancestraux
3 particulièrement au Québec.

4 Il reste que je repose la question
5 de la relation avec les Autochtones en général.
6 Ce qui ressort de votre mémoire c'est un peu un
7 désir de dire nous, on fonctionne dans un cadre
8 avec le gouvernement du Québec et on veut pouvoir
9 exercer en toute quiétude notre métier et exercer
10 nos droits tels qu'ils sont donnés. On voudrait
11 par ailleurs que les gouvernements règlent ce
12 qu'on appelle le problème autochtone.

13 Je comprends que sur le plan local
14 à un moment donné les choses peuvent s'envenimer
15 au niveau d'une pourvoirie, mais au niveau d'une
16 association comme la vôtre, est-ce qu'il y a la
17 possibilité de faire le lien avec les
18 organisations autochtones au Québec pour faire en
19 sorte qu'il y ait moins de problèmes dans le
20 quotidien et que les objectifs de part et d'autre
21 soient plus respectés? Est-ce que c'est quelque
22 chose qui est impensable?

23 THÉRÈSE FARAR: Je comprends bien
24 votre question. Non, ce n'est pas impensable et
25 je ne crois pas qu'il y ait eu de rapprochement

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1 McGill and to other educational institutions to
2 say that we need, as an institution, to look
3 carefully at what we are doing. We need to do
4 more to support Native health careers.

5 It has been said that knowledge is
6 power. Until we can transfer our knowledge to
7 Native people, there is a lot of power that won't
8 remain with them. It goes the other way, too.
9 They have knowledge that we need to have.

10 Thank you.

11 MARIANNE STENBAEK: In our brief
12 we have sections 3 and 4. Section 3 is just a
13 directory of Faculty at McGill that is involved in
14 either northern and/or Aboriginal issues, all 99
15 Faculty members. I think we have missed a few.
16 It constitutes approximately 8 per cent of the
17 Faculty at McGill who work in this area. Then we
18 have a list of some of the physical resources that
19 are particularly applicable to what we are talking
20 about here today. We won't go into that.

21 Martha Crago will sum up some of
22 our recommendations and our conclusions to you.

23 MARTHA CRAGO, Professor, School of
24 Communication Sciences and Disorders, McGill
25 University: I think you have probably gotten the

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1 comme tel. C'est une question de territoires, en
2 fait.

3 C'est difficile pour la Fédération
4 d'établir des territoires où...c'est
5 essentiellement territorial chez nous. Donc c'est
6 difficile pour la Fédération de s'entendre sur un
7 territoire quand il n'y a pas d'entente globale.
8 C'est possible qu'il y en ait. C'est bien
9 évident.

10 Justement on a notre congrès en
11 fin de semaine, et ça va être soulevé. Par contre
12 on ne peut pas dire on va s'entendre sur certains
13 territoires quand la problématique globale n'est
14 pas définie. On aurait peut-être pu aller au-
15 devant, mais on attend un peu de voir ce qui se
16 passe.

17 Comme au ministère, au MLCP, quand
18 on touche les Autochtones là, ah, il faut
19 attendre. Il faut voir. Donc ça nous met un peu
20 en retrait et on attend très passivement.

21 COPRÉSIDENT RENÉ DUSSAULT: Il y a
22 deux dimensions. Il y a le respect des
23 réglementations et des lois, mais il y a aussi des
24 prélèvements sur les territoires qui sont concédés
25 par des baux pour les pourvoiries. Si je ne me

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1 sense, as you have heard other people talk, that
2 there are things that we are very proud of at
3 McGill, and there are other things that became
4 very clear to us as we started to prepare the
5 document about the situation at McGill. I want to
6 address some of those things.

7 McGill doesn't have any
8 comprehensive policy on the role of Aboriginal
9 students at McGill, and it doesn't have any
10 comprehensive policy on the place of Aboriginal
11 content and context in course curricula and
12 research, nor does it have any centralized plan
13 for program development.

14 Overall, we feel there has been
15 insufficient co-ordination of university efforts
16 with the Aboriginal communities and within the
17 university itself. Of course, we see some very
18 notable exceptions to that, but the major point is
19 the comprehensiveness and the centrality of these
20 issues at McGill.

21 These limitations I think we see
22 best as problematic challenges that await McGill's
23 efforts in the future. The kinds of limitations
24 that we have seen associated with educational
25 programming, some of which have been mentioned by

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1 trompe c'est ce deuxième aspect-là sur lequel vous
2 mettez d'abord l'accent.

3 THÉRÈSE FARAR: En fait c'est sur
4 le prélèvement sur les territoires où il y a des
5 baux. C'est le grand point majeur.

6 Sur les autres, c'est sûr que la
7 pourvoirie qui est en territoire libre s'attend et
8 s'attendait à ce qu'il y ait d'autres qu'eux, donc
9 que ce soit autochtone ou non-autochtone il y a
10 une certaine tolérance là-dessus, quoique les
11 problèmes sont moins marqués que dans les
12 pourvoiries à droits exclusifs.

13 COPRÉSIDENT RENÉ DUSSAULT: Les
14 baux en général sont signés pour une période...

15 THÉRÈSE FARAR: Une période de
16 neuf ans, renouvelable à tous les neuf ans.

17 COPRÉSIDENT RENÉ DUSSAULT: Vous
18 parlez d'un investissement financier important, 8
19 millions par année. Pouvez-vous élaborer là-
20 dessus? Est-ce que c'est le budget de
21 fonctionnement, ou les bénéfices rapportés, le
22 roulement financier à chaque année?

23 THÉRÈSE FARAR: C'est le budget
24 d'investissement des pourvoiries. Vous savez ça
25 fait 30 ans les pourvoiries, c'était un petit

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1 others, are:

2 - There have been problems in
3 attracting and retaining Aboriginal students that
4 have not been systematically addressed.

5 - There has been no systematic,
6 across-the-university consultation with Aboriginal
7 communities about their educational needs.

8 - There have been no organized
9 investigations of educational possibilities
10 developed at other universities that might be
11 applied at McGill.

12 - There has been extremely limited
13 organized support for students studying on campus.

14 - There is a limited number of
15 educational programs specially designed to suit
16 Aboriginal educational needs.

17 Those are some, among a few
18 others, that we have been able to look at.

19 We also see limitations associated
20 with research efforts:

21 - There has been no systematic
22 consultation by McGill with Aboriginal communities
23 about their research needs and their research
24 agendas.

25 - There hasn't been any mechanism

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1 shack avec même pas d'eau.

2 Maintenant, étant donné la demande
3 croissante de la clientèle d'un certain confort,
4 donc les investissements sont énormes. Ils sont
5 dans le bois, dans la forêt, donc c'est pas comme
6 en ville. Tu peinture une maison au centre-ville,
7 mais dans le bois ça se détériore tellement
8 rapidement. Donc il y a beaucoup, beaucoup
9 d'infrastructure, de sentiers, d'aménagement des
10 lacs, d'ensemencement. Il y a énormément de frais
11 pour les pourvoiries pour se maintenir à la
12 demande.

13 COPRÉSIDENT RENÉ DUSSAULT: Le
14 rapport financier en d'autres termes, ça génère
15 pas nécessairement des profits mais le flux
16 financier qui est généré par l'opération des
17 pourvoiries à chaque année, ça représente quoi?

18 THÉRÈSE FARAR: Ça rapporte une
19 valeur additionnée, une plus valu, si vous voulez,
20 au territoire.

21 COPRÉSIDENT RENÉ DUSSAULT: En
22 termes de profits, par exemple, ça représente
23 combien? Est-ce que vous avez ces chiffres-là?

24 THÉRÈSE FARAR: Je ne pourrais pas
25 vous donner au point de vue du MLCP parce qu'on

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1 for putting McGill's research potential at the
2 disposition of Aboriginal communities.

3 - We also find that present
4 federal and provincial granting structures place
5 limitations on how researchers can incorporate and
6 respect Aboriginal research agendas.

7 - We also find that there are
8 limited numbers of Aboriginals involved in the
9 peer review process associated with obtaining
10 grants.

11 These limitations, among others,
12 remind us of the kind of concerted activity and
13 action that needs to be undertaken in the future.
14 To this end, we have come up with a set of
15 recommendations that we would like to make to the
16 university itself, and which we would like to look
17 to you to help endorse, if they are the kinds of
18 recommendations that you think would be important
19 to have put into place.

20 We have come up with a set of
21 recommendations first that concern changes to
22 university structure and organization, in an
23 attempt to put into place some centralized and
24 comprehensive programs related to Aboriginal
25 education.

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1 doit faire tous les ans un rapport financier et un
2 rapport faunique.

3 C'est un peu comme les fermiers.

4 Il y a beaucoup, beaucoup à mettre. Nous ne
5 sommes pas des sociétés à but non lucratif, donc
6 les employés, on ne les a pas à 100 pour cent sur
7 des programmes d'aide. On a peut-être de l'aide
8 sur certains programmes mais étant donné qu'on
9 doit s'occuper financièrement de tout, ça demande
10 beaucoup.

11 On s'imagine dans le grand public
12 que les pourvoyeurs font de l'argent comme de
13 l'eau. Mais attention, c'est trompeur, parce
14 qu'on demande beaucoup, beaucoup
15 d'investissements.

16 COPRÉSIDENT RENÉ DUSSAULT: C'est
17 une industrie qui représente combien d'employés au
18 Québec?

19 THÉRÈSE FARAR: Malheureusement je
20 ne pourrais pas vous donner les chiffres, mais
21 c'est quand même une grosse entreprise au Québec.

22 COPRÉSIDENT RENÉ DUSSAULT: Vous
23 ne savez pas non plus s'il y a des employés
24 autochtones qui travaillent pour les pourvoiries,
25 et dans quelle proportion?

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1 1. We feel that McGill should
2 create a university structure which involves
3 representatives from Aboriginal communities in
4 making decisions about how McGill can best proceed
5 in supporting the needs of Aboriginal communities
6 and their students.

7 2. We feel McGill should create a
8 full-time post for an Aboriginal person who would
9 work with a half-time McGill professor to document
10 the existing Aboriginal student body, their needs
11 for support, to consult with the communities about
12 their educational needs, and to develop plans in a
13 series of "think tank" in conjunction with the
14 Centre for Aboriginal and Northern Affairs of how
15 these needs can be operationalized into
16 educational, support and research programs at
17 McGill. These personnel then need to be supported
18 by a network of professors at McGill who have
19 worked extensively in Aboriginal communities.
20 They need to be carried out under the direction of
21 the Vice-Principal Academics office, and there
22 should be advisory boards of representatives from
23 Aboriginal communities to work in partnership with
24 these two particular people.

25 3. The present Centre for

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1 THÉRÈSE FARAR: Dans certaines
2 régions il y en a. C'est difficile parce que les
3 conflits sont assez gros dans certaines régions,
4 mais par contre dans certaines régions il y en a,
5 comme guides surtout, et ça a l'air à fonctionner
6 très bien.

7 Lorsqu'ils emploient leur temps à
8 faire la fonction demandée c'est excellent. Et on
9 voudrait qu'il y en ait un peu plus parce que
10 c'est un plus aussi pour le pêcheur. Qu'il soit
11 Canadien ou de l'extérieur, il a toujours la
12 facilité de dire je me suis fait guidé par un
13 Autochtone. Ça a un certain plus. Il y a
14 beaucoup d'améliorations à apporter encore.

15 COPRÉSIDENT RENÉ DUSSAULT: Il me
16 semble qu'il y va de l'intérêt d'un peu tout le
17 monde de faire ce rapprochement-là et de faire en
18 sorte...

19 THÉRÈSE FARAR: Oui, de travailler
20 ensemble beaucoup.

21 Les efforts n'ont peut-être pas
22 été majeurs. C'est cette attente dont je vous
23 parle qui semble un peu retardé, mais je suis sûre
24 que d'ici une couple d'année ça va s'améliorer.

25 COPRÉSIDENT RENÉ DUSSAULT: Parce

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1 Northern Studies and Research, we feel, should
2 become the Centre for Aboriginal and Northern
3 Studies. It should become a nexus of researchers
4 who can act as advisers to the personnel we have
5 just mentioned and who can provide resources to
6 help Aboriginal people fulfill their own research
7 agendas.

8 We have recommendations concerning
9 changes regarding the Aboriginal students at
10 McGill.

11 4. There is a need for a
12 systematic effort to attract support and involve
13 Aboriginal students at all levels of education.

14 5. There should be non-
15 discriminatory ways to identify these students so
16 that we can help support them once they come on
17 campus.

18 6. Special recruitment for
19 students should be carried out.

20 7. Special orientation and
21 preparation sessions should be established for
22 these students.

23 8. There should be individualized
24 tutoring and academic support systems for
25 Aboriginal students.

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1 que souvent on attend que les gouvernements
2 bougent, mais entre-temps la vie se déroule et il
3 y a beaucoup de choses qui peuvent être faites.

4 THÉRÈSE FARAR: Soyez assuré qu'au
5 Congrès qui se déroulera en fin de semaine il va y
6 avoir beaucoup question de ce rapprochement et de
7 notre part pas juste d'attendre après le
8 gouvernement qu'il règle les territoires bien
9 définis. Ça c'est facile, ça va bien fonctionner.

10 Avant ça nous devons sûrement
11 améliorer ce rapport-là.

12 COPRÉSIDENT RENÉ DUSSAULT: Un
13 dernier point.

14 Vous constatez dans votre mémoire
15 et peu-être en déplorant un peu...évidemment la
16 situation est complexe parce qu'il y a une
17 diversité de peuples autochtones, que les
18 Autochtones qui seraient uniformes ça fait partie
19 de la donnée.

20 Je pense qu'il est important de le
21 reconnaître, autrement c'est difficile de
22 fonctionner sans accepter cette réalité-là.

23 THÉRÈSE FARAR: C'est sûr que
24 chaque secteur est bien différent d'un autre. Les
25 problèmes ne sont pas partout pareils.

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1 9. There should be a university-
2 wide Aboriginal student centre so that these
3 people have a place to meet.

4 We have some recommendations
5 concerning teaching at McGill.

6 10. We believe that a university-
7 wide effort should be made at an official level to
8 include Aboriginal and traditional knowledge in
9 courses and research projects where it is
10 warranted. This means that McGill would need to
11 consult with Aboriginal communities about the
12 kinds of educational programs, both existing and
13 non-existing, that are of interest to the ongoing
14 needs of their students.

15 11. We think McGill should study
16 the possibilities for additional field-based and
17 long-distance continuing education in other
18 domains besides education. We certainly support
19 that there needs to be more education for health
20 care professionals in the north.

21 12. We feel there is a need for
22 students to be able to write their exams and
23 theses in their Aboriginal language, if they want
24 to.

25 There is a number of

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1 Si on parle de la côte nord, si on
2 parle de l'Outaouais, les problèmes ne sont pas
3 les mêmes du tout.

4 COPRÉSIDENT RENÉ DUSSAULT: Je
5 vous remercie d'être venue nous rencontrer.

6 Je vais demander à ce moment-ci à
7 ma collègue Mary Sillett de compléter.

8 COMMISSIONER MARY SILLETT: Thank
9 you very much.

10 I felt like we were having the
11 same meeting that we were having this morning. I
12 will respond the same way.

13 As you know, we've heard from well
14 over 2,000 people. We've gone to many, many
15 communities.

16 In your second paragraph on the
17 final page I just want to say generally that I
18 really am convinced that there are differences in
19 the world view of Aboriginal people and non-
20 Aboriginal people.

21 In your presentation you say the
22 Native problem is difficult to resolve. We've
23 heard many Aboriginal people that will say that
24 it's a non-native problem that's very difficult to
25 resolve.

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1 recommendations that we have mentioned concerning
2 research:

3 13. The Centre for Aboriginal and
4 Northern Studies should organize a network of
5 researchers whose expertise would then be
6 communicated to the communities. The research
7 potential of the group would then be disseminated
8 so that interested people can call upon McGill.

9 14. This research network should
10 encourage federal and provincial funding agencies
11 to prioritize funds for research and networking
12 efforts.

13 15. The Centre should address
14 intellectual property rights and ownership rights
15 of research carried out in Aboriginal communities.

16 16. This consortium of
17 researchers should attempt to integrate Aboriginal
18 students into their research network and include
19 Elders in this research network as well.

20 Finally, we think there is a
21 number of things that McGill could do to create an
22 Aboriginal context on campus:

23 17. We could have an Aboriginal
24 peoples Awareness Day, which could become part of
25 Open House events at McGill.

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1 You say there are ethnic
2 minorities. We hear a lot of Aboriginal people
3 saying we're not ethnic, nowhere near ethnic.
4 We're Aboriginal, we're original, we're not
5 immigrants. We were here first.

6 You say that ancestral activities
7 such as hunting, fishing and trapping are losing
8 their meaning in the modern world. We've heard
9 from many, many people who will say that hunting,
10 fishing and trapping are not recreational, they're
11 the only way to feed their family.

12 We heard for example from the
13 Nunavut Tunngavik Inc. yesterday about Aboriginal
14 rights. They're on their way to concluding
15 Nunavut, they're on their way to becoming a
16 territory, they're on their way to self-
17 determination. On that road they say we've
18 identified Aboriginal rights. One of them is the
19 ability to determine your own life, your own
20 institutions, the right to hunt, fish and trap. I
21 think there are many people, for example, who will
22 argue with that.

23 As well you say that Indians want
24 to preserve their heritage. We've heard from many
25 Aboriginal groups saying our heritage is not

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1 18. We feel that cross-cultural
2 awareness courses and seminars could be made
3 available to all McGill Faculty.

4 19. We could have a high profile
5 Aboriginal speaker series.

6 20. We could have an Aboriginal
7 in-residence program.

8 21. We could produce Aboriginal
9 plays in our theatre festivals, along with a
10 number of other ideas.

11 Finally, the implementation of
12 these recommendations will require that within
13 McGill sufficient funds should be allocated in
14 order to implement them.

15 In short, we feel that, to fulfill
16 a social contract with Aboriginal people at
17 McGill, central and internal structures need to
18 change, and change in such a way that they are
19 highly attuned, responsive and expressive of
20 Aboriginal needs and identities.

21 I will conclude with a few words
22 from the Conclusions section of our report, hoping
23 to highlight the issues that we think are of such
24 concern to us as an individual university to
25 universities across the country and comments on

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1 locked up in museums. That's not where our
2 heritage is. We have a living culture. We're
3 living in our communities, we're practising our
4 languages, we have our values, and yes, they are
5 as good as non-native people's.

6 I guess I'm somewhat discouraged
7 by the second final paragraph which says that
8 there are going to be delays in the land claims
9 because there are differences between the
10 Montagnais and Attikameks. This is an age-old
11 argument.

12 We heard, for example, in the
13 constitutional discussions native peoples can't
14 even figure out for themselves their own common
15 definition of self-government. Why should they?
16 Why should everyone be the same?

17 When you say, for example, that
18 all residents in this province should have the
19 same rights, same obligations, same duties, same
20 advantages, meaning one justice for all, I have
21 difficulty with that.

22 As I said earlier, we've had
23 special consultations in the maximum security
24 prisons of this country, and wherever we go
25 there's too many Aboriginal people, and basically

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1 where we would love support to be able to
2 encourage our own university and other
3 universities to look at some of these
4 considerations.

5 A very telling comment emerged at
6 McGill last spring when a group of professors
7 gathered from various departments and faculties to
8 discuss Aboriginal concerns at McGill. This was
9 really a first-time event. One of the professors
10 avowed: "I feel like I'm coming out of the
11 closet." Indeed, certain of us had been working
12 away in our own closeted corners and research
13 stations, attempting to make change in our own
14 research and teaching practices regarding
15 Aboriginal issues. As well, a few brave
16 Aboriginal students have entered our gates,
17 largely unrecognized, and received an education,
18 often alone, often unsupported, often uncompleted.
19 They, too, have inhabited the corners and the
20 shadows.

21 The next years need to see the
22 beginning of a new age at McGill, as well as at
23 other Canadian universities. In these years we
24 need to heal the patterns of marginality. The
25 strengths and challenges of Aboriginal university

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1 -- there are just too many. It doesn't work.

2 People have been saying let's do
3 something different. Let us respect, let us make
4 sure that justice exists in this country. Let's
5 do something innovative.

6 As Mr. Dussault said in one of his
7 press releases, the relationships between
8 Aboriginal and non-Aboriginal peoples in this
9 province are very, very -- there's a lot of
10 conflict here. A lot of it is related to land and
11 resources.

12 We witnessed not so long ago the
13 1990 Oka crisis on television. I couldn't believe
14 this was happening in my own lifetime, almost like
15 a war. I could not believe that. I think the
16 government recognized that there's some
17 extraordinary measures had to be taken.

18 One of our responsibilities is to
19 look at how do you heal the relationship? How do
20 you make sure that the relationship between
21 Aboriginal and non-Aboriginal peoples is fixed up,
22 because it needs a lot of fixing up.

23 Having said that, my question is
24 this. Do you recognize, and I've been trying to
25 give, I guess, some of the non-Aboriginal

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1 education must be made more central. The
2 centering of Aboriginal issues needs to include
3 cultural respect, pride, open sharing, large
4 measures of hospitality, support, and social
5 justice as its principal ingredients.

6 Aboriginal education can no longer
7 be a matter of survival: the survival of
8 students, of small underfunded, understaffed
9 centres, of inadequate courses and programs, of
10 individuals without a network, of research
11 programs without communities' agendas, of
12 universities without central administrative
13 policy. The mentality of bare survival must be
14 redressed.

15 To heal the effect of this
16 mentality, universities must open their gates to
17 Aboriginal communities, to their students, seek
18 their counsel, instantiate their ideas, build
19 programs and practices that will empower rather
20 than marginalize, that will underline the strength
21 and dignity of Aboriginal students' identities,
22 their cultural holdings, their remaining
23 languages, as well as recognize their struggles
24 and serve to enrich the wider community and the
25 populations of Aboriginal communities.

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1 viewpoints, do you recognize any validity to some
2 of the things that I've said? Is there a way for
3 reconciliation, and what is that way?

4 THÉRÈSE FARAR: On ne peut pas
5 généraliser tous les secteurs. Vous avez parlé du
6 Grand Nord, du secteur plus au nord du Québec. On
7 voit ce qui se passe dans l'Outaouais, dans la
8 Haute Mauricie, en fait vers le sud du Québec.
9 C'est deux mondes différents, si on veut. On ne
10 peut pas généraliser les Autochtones et les non-
11 Autochtones partout semblables dans la province de
12 Québec.

13 On n'est pas contre, et je suis
14 sûre que personne est contre, que les Autochtones
15 aient des territoires où ils font leur propre
16 gouvernement. Ça, tout le monde est pour ça, et
17 on est d'accord.

18 Lorsqu'on va vers le sud c'est là
19 que les problèmes...c'est que les Autochtones, si
20 on prend un exemple, je m'y connaît parce que je
21 suis en Haute-Mauricie, si on va près de Sanmare
22 (PH), la réserve de Weymontachie, les gens n'ont
23 pas besoin de chasser et de pêcher pour manger
24 comme ils ont besoin à d'autres endroits ou comme
25 ils avaient besoin ça fait des centaines d'années.

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1 Educational institutions such as
2 McGill must adapt to Aboriginal ways and concerns
3 instead of insisting that Aboriginals fit into
4 existing research and educational practices. Gone
5 are the days of Native informants, of Native
6 teaching assistants in classrooms, of Native
7 nurses' aids, of health care and court room
8 interpreters. The next era must educate
9 Aboriginal doctors, nurses, elementary school
10 teachers, high school teachers, university
11 professors, social workers, scientists, lawyers,
12 judges, businessmen, linguists, audiologists,
13 communicators, geographers, actors, musicians
14 religious ministers, researchers, writers and
15 well-informed political leaders.

16 This future education must be
17 different. It needs to include and build upon
18 Aboriginal knowledge, languages and social
19 practices. It will be an education based on
20 research collaboration between Aboriginals and
21 non-Aboriginals. It will be an education that
22 reaches out to Aboriginal communities as well as
23 to other universities for information on what is
24 most needed and what can be incorporated within
25 the university framework to accomplish those

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1 Ils ont les avantages, ils ont
2 tous les avantages que nous avons. Question
3 médicale, ils reçoivent amplement de,
4 j'appellerais pas ça du bien-être, mais de
5 compensation en fait pour ceux qui ne travaillent
6 pas. Alors ils peuvent aller à l'épicerie. Il y
7 a beaucoup de familles que je connais très bien
8 qui survivent très bien et qui s'organisent tout
9 et bien.

10 Le fait de dire qu'il faut aller
11 chasser des orignaux avant l'ouverture de la
12 chasse à l'original pour manger, nous on ne voit
13 pas ça comme une nécessité. Bien des fois c'est
14 pour vendre. On le voit, nous. On voit ce qui se
15 passe.

16 C'est sûr que quand on parle de
17 manger, de s'approvisionner, et de chasser pour
18 vendre, c'est aussi très différent. Nous, on est
19 surtout dans les zones au sud, au milieu du
20 Québec, si on veut, et la situation est différente
21 que dans le Grand Nord.

22 COMMISSIONER MARY SILLETT: I'm
23 sorry I misunderstood but in your brief, in the
24 English one it says "ancestral activities such as
25 hunting, fishing and trapping generally". It

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1 needs. It will be an education to which the
2 university must make a substantial commitment and
3 for which it must evolve particular policies. It
4 will be an education that can build new programs
5 while capitalizing on and continuing to reshape
6 old programs. It will be an education that is
7 both campus- and community-based, an education
8 that may cross disciplinary and faculty
9 boundaries. It will be an education designed to
10 help accomplish the self-determination and self-
11 sufficiency of Aboriginal people. It will be an
12 equal and, at the same time, different education,
13 a more meaningful education.

14 So, too, the research personnel
15 and the physical holdings of the university need
16 to become resources for more meaningful
17 collaboration. The university's resources should
18 be become available to communities so they can
19 meet their needs rather than the communities
20 meeting the researchers' needs.

21 We have other difficult questions
22 that have to be asked, such as: Should the
23 holdings of our museums being repatriated to
24 Aboriginal communities, with the university
25 museums available for display and storage if the

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1 didn't say "ancestral activities such as hunting,
2 fishing and trapping in southern Quebec". I'm
3 sorry.

4 THÉRÈSE FARAR: C'est bien évident
5 que...comme je vous dit, c'est difficile de
6 généraliser le peuple autochtone partout au
7 Québec.

8 Si l'Autochtone fait la chasse et
9 la pêche, c'est une façon traditionnelle d'exercer
10 pas une obligation d'avoir à manger. C'est une
11 façon d'aller sur des territoires bien souvent
12 libres et de s'organiser avec des traditions.
13 Mais c'est pas une nécessité, d'aller tuer un
14 orignal pour manger, parce qu'ils peuvent très
15 bien s'en acheter avec les chèques qu'ils
16 reçoivent à tous les mois, comme tout le monde au
17 Québec.

18 Il y a des avantages aussi qu'ils
19 ont. Alors il ne faut pas le délaisser, ça. Tous
20 les avantages du monde contemporain ne sont pas
21 les mêmes que ça fait 200 ans. Alors il faut en
22 tenir compte aussi.

23 Sur les pourvoiries à droits
24 exclusifs, le MLCP nous donne un territoire à
25 gérer. Il faut améliorer la faune, il faut la

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1 communities should so choose to utilize them?

2 Unfortunately, such changes and
3 developments will have to come about at a time of
4 very limited financial resources for universities.
5 This means that funds will have to be raised from
6 both the public and the private sectors. This
7 will necessitate a commitment of time and energy
8 from the university and the need for help from
9 Aboriginal communities.

10 As we leave our closets, we would
11 like to greet the things that can and should be.
12 It is our decided belief that McGill must, can,
13 and will open its doors to innovative ways of
14 exploring in partnerships with Aboriginal
15 communities so that it, as an institution of
16 higher education, can learn, can give and can help
17 make those things happen that will lead to a truly
18 higher degree of learning and education.

19 CO-CHAIR RENÉ DUSSAULT: Thank you
20 very much for presenting us with this very
21 informative brief on the situation at McGill.

22 As an introduction, I am tempted
23 to say that, for people coming out of closets, you
24 did pretty well today. It is a certainly a good
25 start to put together the various efforts that

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1 prélever. Alors on a des obligations envers le
2 ministère et envers la clientèle.

3 C'est difficile, lorsque trois
4 orignaux viennent d'être tués avant une chasse,
5 d'aller mettre des gens qui paient pour une chasse
6 sportive, si on veut, et qui arrivent là et qui
7 voient les dégâts qui ont été faits juste avant
8 l'ouverture de la chasse. Je veux bien croire que
9 la faute n'est pas à tous ou à un ou à l'autre,
10 mais il faut voir que dans les temps
11 contemporains, dans le monde d'aujourd'hui, il y a
12 les avantages puis il y a aussi les droits, mais
13 il faut maintenir les deux.

14 COMMISSIONER MARY SILLETT: I
15 guess the real question that I had was to share
16 with you some of the things that we've
17 experienced, but also to ask the question how can
18 this issue be resolved? What is the answer to
19 resolving this issue?

20 THÉRÈSE FARAR: D'après nous c'est
21 un règlement territorial, d'après nous, pour notre
22 profession à nous.

23 Si dans des territoires donnés les
24 Autochtones peuvent aller prélever la faune mais
25 dans d'autres territoires où, justement, il y a

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1 were made in their own little corners.

2 I don't know to what extent the
3 invitation that was sent by the Commission to
4 McGill University to present a brief was part of
5 that process but, if it was, we are always happy
6 to see that there are some by-products to the
7 public participation process. We welcome it.

8 I think it tells a lot. We have
9 tried to have public hearings with many
10 universities across the country, and we have not
11 been very successful in doing so with the
12 institutions themselves or as a group in an
13 integrated fashion. Of course, we have had many
14 professors in their own fields who have made
15 presentations to the Commission. Most of them
16 discovered, even in the western part of the
17 country where they have had Native Studies
18 Departments for a long time, training lawyers and
19 so on, that there was nothing in their mission
20 statement about Aboriginal people.

21 We certainly welcome the
22 information that you are providing us with.

23 One of the first questions that
24 comes to my mind is that many of the
25 recommendations are addressed to McGill itself. I

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1 des Québécois qui gèrent cette faune-là, à un
2 moment donné il devrait être interdit d'aller
3 chasser là. C'est minime, vous savez. Les 185
4 pourvoiries à droits exclusifs ont une portion
5 minime du territoire. C'est minime. Je crois que
6 c'est 15 000 km². Je m'excuse, j'ai été désignée
7 pour venir ici ça fait deux jours alors j'aurais
8 dû me documenter mieux.

9 Le territoire est minime si on le
10 compare au ZEC, aux réserve, et aux parcs. Alors
11 c'est un petit territoire. Nous, ce qui nous
12 intéresse dans l'immédiat c'est les territoires
13 que nous avons, qu'on puisse les gérer sans qu'il
14 y ait de guerre. Il faut qu'on s'entende.
15 Précisément chez nous, les pourvoiries, c'est une
16 question territoriale.

17 Si dans un endroit où il y a des
18 pourvoiries à droits exclusifs, ou même des
19 pourvoiries permissionnaires, sans droits
20 exclusifs, qui sont dans des territoires
21 autochtones, il pourrait y avoir une gestion.
22 Nous, au lieu de payer au MLCP on peut donner à la
23 bande locale ou à la bande autochtone des droits
24 pour gérer cette petite portion de territoire.

25 Il ne faut pas s'imaginer que

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1 know you have asked for some support from the
2 Commission to give a context and to be in a better
3 position to push them within the institution.

4 My first question is: What kind
5 of process do you have in mind? What is the next
6 step internally within McGill with this brief that
7 you have presented to us today? Is there a
8 process whereby you plan to go through the various
9 structures, up to the Senate? Could you tell us a
10 bit more about that.

11 MARTHA CRAGO: I will tell you
12 what have envisioned, but it is simply a vision.

13 This all began, really, with a
14 meeting that Gretta Chambers called together. I
15 think, as you said, the process of writing this
16 brief did an enormous service to all of us at
17 McGill. I think now we have a document that we
18 can take back, and we might start by taking it
19 back to Gretta Chambers, since she got everything
20 going, to say to them: These are the kinds of
21 things we put together. As we thought about the
22 total situation at McGill, these are some of the
23 resources and the strengths and these are some of
24 the problems that we need to address, to see if we
25 cannot, with some help and structuring by the

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1 c'est grand, des pourvoiries à droits exclusifs,
2 vous savez. Quand il y a 200 km² c'est beau, et
3 c'est pas tellement grand.

4 Donc il y aurait une gestion sur
5 le territoire autochtone qui serait fait par des
6 pourvoyeurs, et on ne voit pas de problèmes majeur
7 dans ce sens.

8 COMMISSIONER MARY SILLETT: Thank
9 you very much.

10 COPRÉSIDENT RENÉ DUSSAULT: En
11 terminant, à la lumière de la discussion qui vient
12 de prendre place, j'aimerais revenir sur
13 l'importance d'une connaissance réciproque. Par
14 exemple, vous êtes du côté de la Haute-Mauricie
15 chez les Attikameks.

16 On sait que la façon dont la forêt
17 avait été exploitée, par exemple, est une
18 préoccupation majeure par rapport aux zones
19 sensibles sur le plan de la faune en particulier,
20 et les Attikameks ont entrepris des discussions
21 avec les entreprises forestières.

22 Il me semble que là il y a un
23 point commun avec certainement les 420 pourvoiries
24 en zone libre qui est un peu identique, des
25 préoccupations par rapport à la sauvegarde de la

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1 upper administration, figure out some ways to put
2 together sufficient money to start off the process
3 by having a small office with a small resource
4 facility to create the blueprints for the future
5 stages.

6 That will require some additional
7 financing by the university, and we need to figure
8 out ways to do that with them, so that we can
9 create a blueprint for where things can go.

10 CO-CHAIR RENÉ DUSSAULT: Reading
11 from Part 5 on the Problematics, one of the
12 questions I would like to ask is: What do you
13 feel is the number of Aboriginal students in the
14 various components of McGill, centrally? I
15 understand that there are programs delivered in
16 the north, and we also realize that often people
17 do not identify as Aboriginal people, so it is a
18 bit tricky. Do you have some kind of idea about
19 that?

20 Viola Robinson and Bertha Wilson
21 and I had a meeting in mid-March last year at
22 McGill under the auspices of the Law Faculty and
23 the teaching staff, and there were many people
24 from other departments at McGill. In the process
25 of participating in this event, we realized, for

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1 faune et l'impact qu'un certain type de
2 développement de la forêt a.

3 Ce que j'essaie de dire est qu'il
4 y a des points communs. Il n'y a pas uniquement
5 des points de divergence. Les objectifs peuvent
6 être les mêmes.

7 Si on vit dans des mondes
8 parallèles, et dans le fond en relation avec le
9 gouvernement et en attendant que tout se règle,
10 pendant ce temps-là cette relation ne prend pas
11 place. Donc les problèmes qui sont relatifs
12 prennent une ampleur.

13 C'est dans ce sens-là qu'on ne
14 peut pas faire autrement que de souhaiter que vous
15 abordiez ces questions-là lors de votre prochain
16 congrès.

17 Vous n'êtes pas les seuls. On
18 était à Montréal il y a deux semaines. Que ce
19 soit les caisses populaires Desjardins,
20 l'Association des hôpitaux du Québec, la
21 Corporation des médecins, l'Ordre des infirmières,
22 ils nous ont tous dit, un, si vous ne nous aviez
23 pas invités, deux, si vous ne nous aviez pas un
24 peu tordu les bras comme commission pour venir et
25 réfléchir à la question, on n'aurait pas commencé

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1 example, that in the Faculty of Law there were a
2 couple of Aboriginal students.

3 Again, I don't want you to commit
4 a number that is not reliable, but as a matter of
5 range do you have an idea?

6 **MARIANNE STENBAEK:** We don't
7 really have an idea. That is one of the problems,
8 that there is no way at the moment on application
9 forms or registration forms to ask that question
10 without it being discriminatory. We do have some
11 of the students here today, and I think John has a
12 good idea of how many there are in Education.

13 **JOHN WOLFORTH:** Again, if you
14 exclude the students that we serve in community-
15 based programs, we are dealing really with a
16 handful of students. In the Faculty of Education,
17 seven or eight students at the undergraduate level
18 and three or four at the graduate level would be
19 my guess. Of course, if you include the
20 community-based programs, then that figure becomes
21 very, very much larger. We serve maybe 400
22 Aboriginal students in the field.

23 So it is indeed very difficult to
24 identify the numbers.

25 There is one point I would like to

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1 un processus. Au moins on s'est arrêté et on a
2 regardé un peu qu'est-ce qu'on peut faire pour
3 essayer d'établir une relation avec les
4 Autochtones et dans le contexte de notre propre
5 organisation.

6 Je pense que ça fait partie de ça,
7 mais c'est particulièrement important parce que
8 c'est une question très sensible au Québec comme
9 ailleurs au Canada. Ce n'est pas un problème qui
10 est propre au Québec.

11 On va essayer comme commission de
12 faire des recommandations qui vont clarifier
13 l'aspect un peu plus macroscopique au niveau des
14 droits, et caetera, mais on est très conscient que
15 s'il n'y a pas une action quotidienne
16 d'entreprise, un certain rapprochement et de
17 compréhension des conflits au niveau du terrain
18 même par les diverses composantes de la société,
19 qu'on n'arrivera pas, en tout cas certainement pas
20 aussi rapidement et probablement on n'arrivera pas
21 du tout si on fie uniquement au niveau des
22 gouvernements pour apporter des solutions.

23 Dans ce sens-là on vous souhaite
24 un congrès fructueux, et on espère qu'on va garder
25 le contact dans les prochains mois pendant qu'on

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1 make. I think in some ways the perception in the
2 Montreal area is that the other anglophone
3 university in Montreal, Concordia, is often seen
4 as a more welcoming institution, not just for
5 Aboriginal students but for other students in what
6 are sometimes called non-traditional groups --
7 visible minorities, for example, or students with
8 disabilities. This is partly a result of history,
9 I think.

10 It is particularly disturbing for
11 us at McGill because in many areas we are the only
12 game in town; we are the only opportunity that
13 people have to gain expertise and certification in
14 particular areas. For example, in Education we
15 offer programs that lead to provincial
16 certification, and our sister university does not.

17 For Aboriginal students that
18 presents a quandary. They either go to the
19 university where they feel they have support
20 services -- and I must say that Concordia has
21 created over the last year, I believe, excellent
22 support services for Aboriginal students and has
23 an Advocacy Office for Aboriginal students and has
24 really led the way in this respect. But it
25 presents a quandary for Aboriginal students in

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1 va mettre ensemble l'information qu'on a
2 recueillie depuis deux ans.

3 THÉRÈSE FARAR: Je vous remercie,
4 monsieur Dussault.

5 L'initiative de la Commission est
6 essentiellement pour faire prendre conscience.
7 Des fois on vit le quotidien tous les jours puis
8 on n'en prend pas conscience, mais cette
9 Commission je pense va sûrement nous faire prendre
10 conscience de plus en plus.

11 Il y a des points de
12 rapprochement. C'est pas des choses
13 incontrôlables où il n'y a pas de solution. Il y
14 en a, des solutions. Il s'agit de les voir
15 ensemble. Chez nous c'est le partage du
16 territoire, comme avec les compagnies forestières,
17 où ça va beaucoup mieux que ça fait dix ans.
18 C'est le même problème.

19 On a amélioré de part et d'autre
20 ce partage de la ressource. Ça pourrait aller
21 mieux, mais ça va beaucoup mieux que ça fait dix
22 ans.

23 COPRÉSIDENT RENÉ DUSSAULT: Ici
24 avec les Autochtones il y a par surcroît un défi
25 de communication interculturel important, quand

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1 making that choice. Do they go to Concordia where
2 they feel they may receive a greater welcome and
3 forgo the opportunity of following certain career
4 paths which really only McGill can offer?

5 I think we have to do more. I
6 think the support of this Commission will be very
7 important to those of us who are committed to
8 improving McGill's work in this area and in
9 opening up those opportunities to Aboriginal
10 people.

11 CO-CHAIR RENÉ DUSSAULT: Two weeks
12 ago here in Montreal Ms Robinson and I met with
13 teachers from John Abbott CEGEP. They were
14 telling us that this year they have 50 young Crees
15 and about as many Inuit. That's a big change.
16 Five years ago these numbers were not there by any
17 means.

18 That means that it is coming. As
19 you say, there is really a good opportunity to
20 make inroads. As was said, in the health
21 professions for example, we are quite concerned,
22 and many people in this country are, by the fact
23 that there are so few young Aboriginal people
24 going into the science streams and the health
25 professions as such. There are no nurses in the

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1 Mary Sillett parlait de deux visions du monde.
2 Donc ça demande un effort accru de part et
3 d'autre.

4 THÉRÈSE FARAR: Absolument.

5 COPRÉSIDENT RENÉ DUSSAULT: Merci
6 d'être venue nous rencontrer.

7 La Commission va suspendre son
8 audience pour cinq minutes. Nous allons reprendre
9 avec la présentation du Barreau du Québec.

10 --- Suspension de l'audience à 16 h 04

11 --- Reprise de l'audience à 16 h 15

12 COPRÉSIDENT RENÉ DUSSAULT: La
13 Commission royale sur les peuples autochtones au
14 Canada reprend son audience publique avec la
15 présentation du mémoire du Barreau du Québec.

16 Je cède la parole à M^e Jean
17 Pâquet.

18 M. LE BÂTONNIER JEAN PÂQUET,
19 Président, Comité du Barreau du Québec sur le
20 droit en regard des peuples autochtones: Merci,
21 monsieur le Coprésident.

22 Monsieur le Coprésident, madame la
23 Commissaire, qu'il me soit d'abord permis de
24 remercier cette Commission, ses membres, pour
25 l'invitation transmise il y a déjà quelques mois

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1 whole Baffin area. There is really a lot of work
2 to be done not only centrally but in the
3 communities.

4 I wanted to echo what you said
5 earlier. We are certainly going to stress that
6 quite a bit in our report because the need is so
7 great and because of the importance of getting
8 culturally sensitive services in the health area.

9 We have turned out quite a few
10 social workers among Aboriginal peoples, but in
11 the health sciences that has not been the case
12 yet.

13 Do you have some additional ideas
14 as to what should be done to convince more young
15 Aboriginal people to move? We were told, of
16 course, that if you bring the training home, it is
17 much easier. Also, there is the difficulty of
18 moving south because of the lack of support
19 services to accommodate the transition, and so on.

20 Are there some thoughts within the
21 institution on that very crucial question? We
22 feel we will have to act on many aspects to
23 succeed in making a breakthrough.

24 JOYCE PICKERING: I think some of
25 the people enrolled at John Abbott are nurses from

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1 au Bâtonnier du Québec, au Bâtonnier en exercice,
2 nous invitant à participer aux travaux de la
3 Commission royale d'enquête.

4 C'est un immense privilège qui
5 nous est donné aujourd'hui, et je le dit parce que
6 c'est la première fois que la corporation
7 professionnelle, que le Barreau du Québec, a
8 l'occasion de faire valoir son propos, de faire
9 valoir ses attentes, de faire valoir en quelque
10 sorte ses idées, sa façon de voir les choses quant
11 à la problématique autochtone, si vous me
12 permettez l'expression.

13 Le Barreau que je représente
14 aujourd'hui, comme vous le savez sans aucun doute,
15 est une corporation professionnelle qui tire ses
16 pouvoirs d'une loi spéciale qui concerne la
17 Corporation et concerne le Barreau. Je le dis par
18 rapport peut-être à la différence que l'on peut
19 retrouver dans d'autres, le Law Society, par
20 exemple, ou par rapport au Barreau canadien.

21 Le Barreau compte 15 000 membres,
22 15 000 avocats et avocates pratiquant sur
23 l'ensemble du territoire du Québec, monsieur le
24 Coprésident, madame la Commissaire. Donc c'est un
25 privilège pour nous que d'être ici et de présenter

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1 the Cree communities. We have had, I think, two
2 recent graduates from John Abbott in nursing.
3 Some of that training has actually been done in
4 the communities before they come down.

5 Medicine is more difficult. We
6 are not likely to teach anatomy in Chisasibi, for
7 example. They are going to have to come down
8 here. I think that is where John's suggestion
9 about active recruitment, not just a quota system,
10 is important.

11 Don't forget that McGill and the
12 Faculty of Medicine actually does have quotas for
13 Americans and for people who come from outside
14 Ontario, so we apparently think it is appropriate
15 to put in quotas for certain systems, but we have
16 probably just never gotten around to thinking
17 about it for Aboriginal people. It is true that
18 you have to get a good standard. You can't just
19 let anybody in, but I think there is a lot we
20 could do to support them before they even apply,
21 as well as after, that we haven't even looked at
22 or haven't even tried.

23 CO-CHAIR RENÉ DUSSAULT: Two weeks
24 ago we had a presentation by the self-governing
25 body of physicians within the province. They came

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1 ce mémoire que vous avez eu l'occasion de voir il
2 y a quelque temps déjà, j'imagine, et qui porte le
3 titre de "La redéfinition des relations entre les
4 peuples autochtones, l'ensemble des citoyens et le
5 droit".

6 Je n'ai pas l'intention à ce
7 moment-ci de reprendre de façon exhaustive les
8 propos contenus dans ce mémoire, mais peut-être en
9 résumer de façon succincte le dispositif qui nous
10 apparaît le plus important.

11 Pour ce faire vous me permettrez
12 un bref rappel historique de la réflexion qui a
13 amené le Barreau à présenter ce mémoire
14 aujourd'hui.

15 Nous avons été invités, en 1991, à
16 participer à cette grande aventure juridique qui
17 était le sommet sur la justice commandé, comme
18 vous le savez, par le ministre de la Justice du
19 Québec à l'époque.

20 Cette invitation tenait lieu de
21 grandes assises du droit, si vous voulez, et à
22 l'intérieur des travaux de ce sommet sur la
23 justice il y avait un volet fort important, un
24 volet autochtone. C'est donc lors de cette
25 invitation, lors de cette première réflexion, que

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1 up with the proposal of an affirmative action
2 program as far as medical doctors are concerned
3 with Quebec University. There has been a couple
4 of those programs that were started three years
5 ago in law, with the University of Ottawa on the
6 civil side and Laval University.

7 As you said, it is always a bit
8 contentious within universities, but the data is
9 staggering. There are 56 Aboriginal medical
10 doctors in the country and only four in the
11 province of Quebec.

12 I just wanted to share this with
13 you. They made the proposal that they would be
14 happy if somebody were to take the lead with that
15 kind of affirmative action program for training of
16 medical doctors. I don't know if that brings some
17 reaction.

18 JOYCE PICKERING: The only comment
19 I have is that I did read the corporation's brief
20 on that. One of the interesting things they said
21 was -- and they weren't talking only about
22 physicians, but about other types of health
23 professionals. They mentioned that, when you
24 don't have access to sophisticated equipment, as
25 you might not have in the north, you don't need as

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1 le Barreau du Québec a été amené, si vous voulez,
2 à réfléchir à cette problématique.

3 Lors du sommet sur la justice le
4 Barreau avait pris certains engagements en regard
5 des communautés autochtones, et l'un des premiers
6 éléments de ces engagements a été évidemment la
7 formation d'un comité permanent au Barreau du
8 Québec ayant pour but de conseiller la corporation
9 professionnelle sur la problématique ou les
10 questions soulevées par la problématique
11 autochtone.

12 Ce comité est formé d'avocats
13 juristes issus de tous les milieux, si vous
14 voulez, de la communauté juridique. Il est formé
15 d'avocats non-autochtones, mais aussi d'avocats et
16 d'avocates autochtones. Plusieurs parmi ceux-là
17 m'accompagnent aujourd'hui, monsieur le
18 Coprésident, madame la Commissaire, pour vous
19 présenter ce mémoire.

20 Donc ce comité a décidé, si vous
21 voulez, dans son commencement de réflexion que
22 l'un des éléments les plus importants de son
23 intervention était d'avoir ou de garder et de
24 donner un caractère permanent au niveau de la
25 corporation professionnelle, un caractère

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1 much knowledge. You don't have to be able to do
2 radiotherapy because you have no machines in the
3 north.

4 In some ways, I feel that for a
5 physician it is almost the opposite. If you have
6 limited access to referral facilities, you have to
7 be better.

8 CO-CHAIR RENÉ DUSSAULT: Or
9 certainly have good connections with the people in
10 the south.

11 JOYCE PICKERING: The airlines,
12 yes.

13 CO-CHAIR RENÉ DUSSAULT: At this
14 point I would like to ask Viola Robinson to
15 continue.

16 COMMISSIONER VIOLA ROBINSON: I
17 want to commend you on your thoughts. I think you
18 have made a very good presentation. You have
19 certainly highlighted a lot of the problems that
20 universities have in accommodating Aboriginal
21 people.

22 Some of the things that you are
23 talking about we have heard in other areas, and
24 some of them are being addressed in some
25 universities. It is a difficult situation. To

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1 permanent de réflexion sur tout ça.

2 Cela s'inscrivait bien, si vous
3 voulez, dans le rôle social dont on parle souvent
4 au niveau de la corporation professionnelle. On
5 parle du rôle social du Barreau, et je pense que
6 la permanence de ce comité-là est un outil que le
7 Barreau se donnait, finalement, et qui se mariait
8 bien avec son rôle social, avec l'incontournable
9 réalité autochtone.

10 Ce comité ainsi né s'est dit
11 quelle serait la part possible, quelle pourrait
12 être la contribution possible d'une corporation
13 professionnelle comme la nôtre dans tout ce débat.

14 Nous avons adopté une attitude que
15 je dirais humble, une attitude modeste par rapport
16 aux délicats problèmes soulevés par l'ensemble de
17 cette réalité-là, et nous avons volontairement mis
18 de côté, si vous voulez, les questions, et c'est
19 curieux que le Barreau puisse tenir un semblable
20 langage, je dis nous avons volontairement mis de
21 côté les questions de droit soulevées par la
22 problématique.

23 Je dis que c'est curieux parce que
24 normalement on pourrait s'attendre ou on devrait
25 s'attendre de la part d'une corporation

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1 get the commitment of the university itself is one
2 thing, but in a time of restraint it is really
3 difficult. I know that in a lot of instances
4 where things are happening it is as a result of
5 external funding and external support. Somebody
6 somewhere has some sympathy toward the kinds of
7 thing that a university wants to do and maybe, out
8 of benevolence, will donate sums of money just for
9 that cause. It is too bad that it is that way,
10 but unfortunately that is the way some of them
11 have evolved.

12 I don't have any major questions
13 for you. I think your document is very thorough.
14 You have given us a lot of good information. You
15 have made some very good recommendations. I think
16 the one about the support system is the one that
17 is being echoed in every university where there
18 are concentrations of Aboriginal people. A lot of
19 them have failed and dropped out for that very
20 simple reason -- lack of support system. Some
21 universities have it, as you say. They have it at
22 Concordia, and it does make a difference. It is
23 how to get something like that in place and have
24 it resourced.

25 I think you are on the right

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1 professionnelle qui regroupe des avocats et des
2 avocates qu'on se penche là-dessus.

3 Non, notre attitude a été beaucoup
4 plus modeste, beaucoup plus humble, et on s'est
5 dit nous ne voulons pas enlever, si vous voulez,
6 et prendre la place de ceux qui ont déjà réfléchi
7 à cela, et qui l'ont fait de façon très bien, avec
8 des ressources peut-être plus importantes que
9 celles dont bénéficie la Corporation à ce moment-
10 ci. Nous avons adopté une attitude qui est un peu
11 plus, je dirais, pragmatique, plus concrète, plus
12 réaliste à ce stade-ci.

13 On s'est dit, pendant tout le
14 temps où, par exemple, cette Commission que vous
15 coprésidez aussi, madame la Commissaire,
16 travaille, pendant le temps où elle fait sa propre
17 réflexion, pendant le temps où elle recueille, si
18 vous voulez, les représentations des divers
19 organismes invités, des autres intervenants du
20 milieu, l'administration de la justice
21 quotidiennement continue de se faire.

22 Aujourd'hui dans les palais de
23 justice de la province il y avait des procès. Il
24 y avait des procès où il y avait des non-
25 Autochtones, et il y avait des procès où il y

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1 track. Education is a priority with Aboriginal
2 people in communities, and there is this whole
3 recognition of the lack of sciences. I think it
4 stems from the elementary and secondary
5 institutions where they are lacking the support to
6 get into sciences. Once they discover that they
7 want to get into something in that line, they
8 don't have the qualifications to get entrance into
9 the universities. I think that is important, that
10 we have to go lower than the universities.

11 That is something the Commission
12 is very aware of. It has been brought to our
13 attention.

14 I don't have any questions. I
15 can't think of anything else, even if I wanted to
16 make another recommendation, that I could put in
17 there. You have covered just about everything.
18 You must have really looked at universities and
19 all the problems they have had. There has been
20 some research done somewhere, and it is very well
21 done. The recommendations are all good.

22 I am sure the educational
23 component of our work will certainly be interested
24 in your brief. I thank you for this. It is going
25 to be very helpful.

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1 avait des Autochtones qui étaient confrontés à
2 cette réalité d'administration de la justice.

3 On s'est dit, donc, qu'est-ce
4 qu'on pourrait faire comme corporation
5 professionnelle pour aider ceux et celles qui sont
6 confrontés au quotidien de l'administration de la
7 justice pour améliorer le sort de ceux qui sont
8 confrontés devant cette même administration de la
9 justice.

10 En se posant cette question-là on
11 a été obligé, évidemment, de faire la réflexion ou
12 de faire certains constats.

13 Ces constats-là nous ont amenés à
14 réaliser que d'abord les communautés autochtones
15 et la réalité autochtone faisaient souvent l'objet
16 d'informations incomplètes, d'informations
17 tronquées, engendrant, si vous voulez, l'existence
18 de préjugés malsains, une attitude, si vous
19 voulez, quelque peu je dirais, entre guillemets,
20 paternaliste de la réglementation, de la
21 législation qui gouverne les communautés
22 autochtones notamment.

23 Tous ces constats nous ont amenés
24 à réaliser cette espèce de climat
25 d'incompréhension, d'incommunication et de

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1 CO-CHAIR RENÉ DUSSAULT: In
2 closing, I would like to share with you also that
3 many groups have raised a concern about the
4 importance of raising data from the Aboriginal
5 communities in the health field. We had a
6 presentation in Ottawa a month ago by the Canadian
7 Security Council, and the level of accidents is
8 tremendously high. This brings us to the
9 relationship with the communities.

10 The Commission has had an
11 opportunity to put up 130 case studies in the
12 communities, where we really had to secure the
13 consent and the participation and the willingness
14 of the communities to address, in part, that very
15 difficult issue. I know you allude to it in your
16 brief. You are certainly aware that we have
17 published a Code of Ethics on the conduct of
18 research with and on Aboriginal peoples. Although
19 it addresses the human sciences more than the
20 sharp medical or other scientific research, the
21 principle is roughly the same.

22 It is a big debate. It is
23 difficult, and it is challenging. Yesterday we
24 had a presentation by the Association of Canadian
25 Universities for Northern Studies, and they were

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1 difficulté de relations, de communications saines,
2 de dialogue entre les communautés autochtones et
3 les organismes non-autochtones, enfin, en regard
4 évidemment et toujours de l'administration de la
5 justice.

6 En partant de ces constats nous
7 nous sommes dits le premier devoir que nous avons
8 comme corporation professionnelle c'est évidemment
9 peut-être, si vous me passez l'expression, de
10 faire nos devoirs, faire nos leçons nous-mêmes.
11 Nous nous sommes dit nous allons donc faire en
12 sorte que nos membres, les premiers à qui nous
13 voulons nous adresser et à qui nous avons déjà
14 commencé de s'adresser, sensibiliser ces membres à
15 la réalité du droit en regard des communautés et
16 des peuples autochtones et au-delà des membres
17 comme tels toute la communauté juridique.

18 Nous avons réalisé qu'il n'y avait
19 pas seulement que les avocats et les avocates au
20 Québec qui avaient peut-être besoin d'être
21 sensibilisés ou informés dans ce sens-là, mais
22 aussi la magistrature, nos juges, de façon plus
23 particulière, tous les intervenants du milieu
24 judiciaire.

25 Nous nous sommes dits nous devons

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1 raising the issue that less and less money,
2 because of the financial constraints, was going to
3 the main program of funding research in the north
4 and also the requirement that research on the
5 north be done with Aboriginal peoples. We had a
6 good discussion on the whole issue of researchers
7 going to the communities, getting back to their
8 university and making a career of publishing among
9 mainstream society.

10 It can't be done that way any
11 more. We have to share.

12 I just wanted to share that with
13 you in closing and maybe ask a last question as to
14 whether this issue has been addressed or whether
15 you plan to address it. I don't think I saw a
16 recommendation that would address that. It is a
17 subject matter as such as to the way to conduct
18 research with Aboriginal peoples.

19 **MARTHA CRAGO:** I think it is a
20 very crucial issue to address. I am glad that you
21 have pointed out that it is not addressed in a
22 recommendation, per se.

23 For instance, the Centre at
24 Macdonald campus has done an excellent job in
25 helping to define what kinds of standards could be

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1 donc travailler à la préparation d'outils nous
2 permettant de faire cette formation et de donner
3 cette information-là dans le but d'améliorer, si
4 vous voulez, l'ensemble de la communauté juridique
5 par rapport à sa perception de la problématique ou
6 de la réalité du droit en regard des Autochtones.

7 Cette réalité-là est intimement
8 reliée à l'histoire, à la culture, à la réalité
9 sociale des communautés autochtones. Tout ça est
10 intimement relié au droit.

11 C'est dans cet esprit-là que nous
12 avons parrainé, que nous avons organisé et que
13 nous continuons, si vous voulez, de travailler à
14 des outils qui pourraient permettre une meilleure
15 compréhension de cette réalité-là.

16 Nous nous sommes dits aussi,
17 monsieur le Copräsident, madame la Commissaire,
18 que si cela devait s'avérer bénéfique pour nos
19 membres, pour la communauté juridique, peut-être
20 que ça pourrait l'être aussi pour le public en
21 général, pour ceux qui de près ou de loin sont
22 partie à cette information du public -- les
23 journalistes, les gens des divers milieux, des
24 divers médias d'information -- si l'expertise, les
25 ressources que le Barreau peut mettre à leur

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1 used for research. I think a number of
2 individuals try to involve themselves in making
3 changes in this direction.

4 Sometimes this process isn't
5 always easy. One would like to involve a lot of
6 Aboriginal students in research. If there is not
7 a lot of Aboriginal students on campus, that is
8 hard, and if there is not a lot that are at a
9 degree level.

10 There is another problem in that a
11 number of our very gifted Aboriginal students have
12 so many demands made on them to do so many things
13 which are so important to their people and to this
14 country that it becomes hard for them to use their
15 time to be involved in research projects that are
16 perhaps a less dynamic use of their talents.

17 It is a complex issue, but it is
18 certainly one that the groups need to address and
19 to address the kinds of ownership issues that
20 research brings along with it.

21 JOHN WOLFORTH: There is another
22 point that I would like to make.

23 Although the model is always one
24 of partnership and, if possible, of doing research
25 that is initiated by community needs, I guess we

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1 disposition étaient utiles, tant mieux. Dans une
2 certaine mesure c'est ce que l'on souhaite.

3 Tout ça dans le but, si vous
4 voulez, de ramener dans une certaine mesure à leur
5 juste mesure les problèmes soulevés, manifester
6 peut-être un peu plus d'objectivité, s'élever un
7 peu au-dessus des émotions pour regarder la
8 réalité des problèmes de droit soulevés, la
9 réalité sociale, la réalité culturelle, la réalité
10 historique parce que, je le répète, tout ça nous
11 apparaît relié. Tout ça dans le but, évidemment,
12 de rétablir une meilleure communication, un
13 dialogue plus serein, si vous voulez, et tout ça
14 évidemment dans un esprit de communication
15 positive.

16 Vous savez, c'est pas compliqué.
17 Quand on ne se parle plus ou quand on se parle mal
18 ou quand on se parle alors que nous sommes
19 imprégnés de préjugés et d'incompréhension, et de
20 mauvais jugement, c'est évident qu'on n'arrive pas
21 à des résultats très, très concrets.

22 C'est un peu ça que vous
23 retrouvez, si vous voulez, dans les trois premiers
24 volets du mémoire que l'on vous soumet et du
25 mémoire que l'on porte à votre attention

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1 shouldn't lose sight of the other possibility as
2 well. Applied research is, of course, very
3 important. Pure research can often produce some
4 benefits and, by its very nature, it is very
5 difficult to predict what the benefits of that
6 pure research can be.

7 As an example of this, I often use
8 the kind of research that was done in the late
9 1960s on the occupants of land by Aboriginal
10 peoples -- I am a geographer by training, so this
11 is my field of interest -- which at the time would
12 have been seen as perhaps esoteric and rather
13 useless research. But, of course, as soon as land
14 claims came into the arena, then suddenly this
15 body of research which had been seen as being not
16 very useful was suddenly seen as being absolutely
17 crucial to the kinds of legal arguments that
18 Aboriginal people should make.

19 I think, as a kind of caveat, I
20 would say that, although applied research should
21 be given high priority and certainly Aboriginal
22 communities should be encouraged to tell
23 universities what kinds of questions they would
24 like answered and involve universities in
25 answering those questions, universities should

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1 aujourd'hui.

2 Une chose qui est très importante
3 dans tout ça, je vous parlais de la réflexion du
4 Barreau, que le Barreau avait réalisé ces choses-
5 là, avait décidé donc pour les contrer de se doter
6 des outils dont je viens de parler, mais nous
7 avons aussi réalisé, et cela va peut-être vous
8 paraître un peu évident pour vous au niveau de la
9 Commission, mais souvent, et c'est un exemple que
10 je donne souvent, souvent on ne voit pas la poutre
11 dans l'oeil.

12 Nous avons réalisé que pour
13 rencontrer ces objectifs-là la contribution et la
14 collaboration des communautés autochtones elles-
15 mêmes, les conseils de bande, les conseils
16 communautaires, les organismes autochtones,
17 doivent évidemment contribuer et doivent
18 évidemment participer à tout cela.

19 Tout ce que nous vous véhiculons
20 cet après-midi, monsieur le Coprésident, madame la
21 Commissaire, est évidemment conditionnel à ce que
22 nous ayons une collaboration et un apport et une
23 manifestation concrète d'encouragement de la part
24 des ces organismes auxquels je viens de faire
25 référence. Ça ne se fait pas à sens unique. Il

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1 involve Aboriginal communities in partnership in
2 working on research problems. We shouldn't always
3 think of those as being research problems that
4 have an immediate, foreseeable end in sight.
5 There are many other issues that can be developed
6 in partnership which can be enriching and
7 fulfilling, but may be, at least in the first
8 instance, seen as being issues of pure scholarship
9 which, in the long run, may in fact turn out to
10 provide useful information.

11 The nature of knowledge, of
12 course, is that we simply cannot predict that that
13 is going to happen.

14 CO-CHAIR RENÉ DUSSAULT: You are
15 certainly quite right in pointing out that there
16 is not only applied research. Of course, it is
17 more spontaneous when it is applied research, but
18 the debate goes farther than that. Even in more
19 theoretical research, when, at one point, it is to
20 have a bearing on Aboriginal peoples, the debate
21 is still there about the world view and the
22 approach even in quite theoretical research.

23 It is a difficult debate to live
24 through in a way because it could be exhausting,
25 but it is necessary to a large extent.

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1 faut d'abord que ça commence par là.

2 Je peux vous dire que nous avons
3 déjà fait des démarches à cet égard depuis le
4 début de nos travaux et nous sommes très
5 encouragés et nous sommes très heureux des
6 résultats que nous avons obtenus jusqu'à
7 maintenant dans cet esprit.

8 Voilà donc, je le redis, ce que
9 contient, si vous voulez, l'essence de notre
10 rapport dans ces trois premiers volets. Il y en a
11 deux autres. Vous retrouvez à l'intérieur du
12 mémoire de façon plus exhaustive la documentation,
13 la description et la justification de l'ensemble
14 des outils que le Barreau veut bien se donner.

15 Nous nous sommes dit, et c'est le
16 quatrième volet de notre mémoire, qu'en formant,
17 en informant et en sensibilisant davantage nos
18 propres membres sur cette réalité-là nous ferions
19 donc et nous développerions donc à l'intérieur de
20 notre propre corporation une expertise de juristes
21 qui pourra desservir de façon plus complète, de
22 façon meilleure, il va sans dire, l'ensemble de la
23 clientèle, l'ensemble des gens ou des intervenants
24 dans le processus judiciaire où la problématique
25 autochtone pourrait être soulevée, et cela partout

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1 I just wanted to share this
2 concern. The Commission, of course, had to go
3 through this, and we are doing it on a daily basis
4 We know that there isn't much written on it as a
5 field of study. The trend will make it more and
6 more important in the future.

7 I wanted to share that concern
8 with you in terms of the need to reflect on the
9 way to conduct research on Aboriginal peoples. I
10 agree that, obviously, there is some research
11 where we don't know what the impact will be in
12 many years. On the other hand, I think we have to
13 maybe not bend over backward, but certainly we
14 have been so far trying to get Aboriginal people
15 on board and to do both.

16 This debate on decolonizing
17 research, when it goes to the other extreme, says
18 that only Aboriginal people can do research on
19 Aboriginal people. Of course, that leads us to
20 another kind of situation.

21 I would like to thank you very
22 much for coming and sharing with us. We hope you
23 will be successful in getting some of your
24 recommendations implemented during the life of the
25 Commission. We hope to be able to give you some

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1 en région.

2 En développant de meilleurs
3 membres, en les formant davantage nous allons par
4 le fait même faire en sorte que nous allons
5 probablement engendrer une plus grande
6 sollicitation des services de ces gens-là partout
7 en région, partout sur le territoire de la
8 province.

9 L'autre volet sur lequel je veux
10 m'attarder quelque peu est ce volet par lequel
11 nous voulons, toujours dans l'esprit d'une saine
12 contribution et collaboration avec les communautés
13 autochtones, favoriser avec elles l'implantation
14 des modes non-judiciaires de règlement des
15 litiges. Il y a beaucoup à apprendre de ce côté-
16 là et il y a beaucoup à faire. Encore faut-il que
17 nous ayons la possibilité de travailler ensemble,
18 de concert, pour faire en sorte que ces outils-là,
19 ces nouveaux éléments, permettent une meilleure
20 administration de la justice.

21 Dans cet esprit-là vous avez
22 certainement, monsieur le Coprésident, madame la
23 Commissaire, entendu parler du comité de
24 consultation sur l'administration de la justice en
25 milieu autochtone au Québec, comité présidé par le

hand in our final report to push for some of the others that may be left over.

Thank you very much again.

MARIANNE STENBAEK: We say thank you to you also. In fact, it was the Commission that made us get all of this together. We had been talking about it for a while, and we obviously have had the building blocks of it for a while. We are hoping there will be a good follow-up now.

Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Thank you.

The Commission adjourns its work until tomorrow morning. We shall resume the hearings tomorrow morning with the presentation by Dr Hugues Cormier from the Fernand-Seguin Research Centre at the Louis-Hyppolyte Lafontaine Hospital at the University of Montreal. We shall also hear presentations from teachers at the University of Sherbrooke, the Fédération québécoise des ZECs [Quebec federation of controlled economic exploitation zones] and, finally, a presentation by François Larose, also from

le 30 novembre 1993

Commission royale sur
les peuples autochtones

1 juge Jean-Charles Coutu de la Cour du Québec.
2 Nous avons déjà établi avec ce dernier des
3 relations et des communications, des échanges de
4 documents de travail.

5 L'expertise du Barreau et des
6 membres du comité que j'ai le privilège de
7 présider pourront apporter certains éléments
8 constructifs, du moins je l'espère, à ce comité.
9 Et tout ça, je le répète une fois de plus, en
10 collaboration et avec la participation essentielle
11 des communautés autochtones et des organismes les
12 représentant.

13 En conclusion, monsieur le
14 Coprésident, madame la Commissaire, comment vous
15 dire, cette espèce de...disons les choses telles
16 qu'elles nous apparaissent, telles que nous les
17 avons réalisées. Cette espèce de climat malsain,
18 d'incompréhension, entretenu, je le répète, par
19 des préjugés, par des informations incomplètes, ne
20 nous mènera, à mon sens, nulle part. Il est
21 évident que nous n'arriverons à rien là.

22 Les outils que nous nous sommes
23 donnés et que vous retrouvez dans le mémoire sont
24 les moyens que nous, comme corporation
25 professionnelle, le Barreau, nous nous donnons

1239

December 2, 1993

Royal Commission on
Aboriginal Peoples

the University of Sherbrooke.

Now we adjourn the public hearings
until tomorrow morning at 9:00 am. Thank you.

--- The hearing is adjourned at 5:11 pm and will resume at
9:00 am on Friday, December 3, 1993.

le 30 novembre 1993

Commission royale sur
les peuples autochtones

1 aujourd'hui pour, je dirais en conclusion,
2 rétablir le nécessaire dialogue pour favoriser ce
3 rapprochement qui est le gage de succès, je pense,
4 la seule possibilité de succès par rapport à
5 l'ensemble des difficultés soulevées par cette
6 problématique.

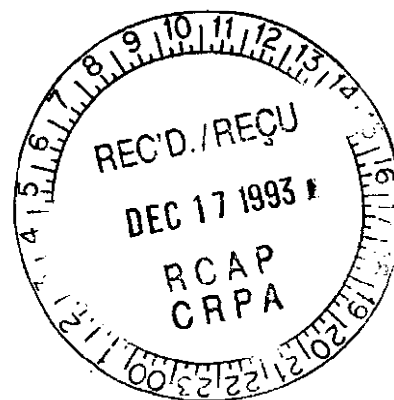
7 Si aujourd'hui peut-être le projet
8 du Barreau pouvait servir d'exemple à d'autres
9 organismes, et je vous entendais vous adresser à
10 l'orateur précédent, monsieur le Coprésident, si
11 notre projet pouvait servir d'exemple à d'autres
12 organismes, je le répète, je pense que déjà notre
13 but, l'objectif que nous nous sommes fixé, serait
14 déjà partiellement atteint.

15 Voilà donc, monsieur le
16 Coprésident, madame la Commissaire, le message que
17 le Barreau du Québec voulait vous transmettre
18 aujourd'hui.

19 Je vous remercie.

20 **COPRÉSIDENT RENÉ DUSSAULT:** Je
21 vous remercie, monsieur le Bâtonnier Pâquet.

22 Avant d'aborder la période des
23 questions, pour les fins de la transcription je
24 pense qu'il serait bon de faire la présentation de
25 tous les membres du comité. Est-ce que vous



**COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES**

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

ENDROIT/LOCATION: LE NOUVEL HÔTEL
1740, BOUL. RENÉ-LÉVESQUE OUEST
MONTRÉAL (QUÉBEC)

DATE: LE JEUDI 2 DÉCEMBRE 1993

VOLUME: 4

"for the record..."
STENOTRAN
1376 Kilborn Ave.
OTTAWA 521-0703

le 30 novembre 1993

Commission royale sur
les peuples autochtones

1 pouvez, s'il vous plaît?

2 M^e JEAN PÂQUET: Oui, très
3 certainement.

4 D'abord, à ma gauche il y a M^e
5 Yvon Parent; à ma droite, M^e Paul Dionne; M^e
6 Pierrette St-Onge; M^e Serge Tremblay.

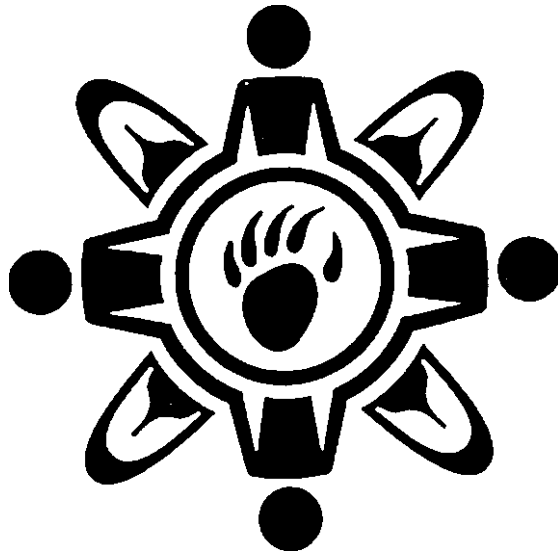
7 Derrière nous, M^e Myriam
8 Bordeleau, en commençant par l'extrême droite; M^e
9 Robert Pratt; et, finalement, M^e Marc Sauvé, du
10 Service de recherche du Barreau du Québec.

11 Voilà une partie des membres du
12 comité du Barreau du Québec pour la présentation
13 de ce mémoire.

14 COPRÉSIDENT RENÉ DUSSAULT: Merci.

15 Vous avez commencé votre
16 présentation en disant que le Barreau du Québec a
17 choisi d'avoir une attitude plutôt modeste que
18 trop entreprenante, faisant bien sûr allusion au
19 fait que vous ne parlez pas dans votre mémoire de
20 droits autochtones comme tels mais d'information
21 du public au sujet de la réalité autochtone au
22 Québec auprès de vos membres, auprès du grand
23 public, auprès de la profession juridique, du
24 grand public.

25 Je voudrais simplement dire que ça



COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

ENDROIT/LOCATION: LE NOUVEL HÔTEL
1740, BOUL. RENÉ-LÉVESQUE OUEST
MONTREAL (QUÉBEC)

DATE: LE JEUDI 2 DÉCEMBRE 1993

VOLUME: 4

"for the record..."
STENOTRAN
1376 Kilborn Ave.
OTTAWA 521-0703

le 30 novembre 1993

Commission royale sur
les peuples autochtones

1 fait partie d'un des volets du mandat de la
2 Commission royale sur les peuples autochtones au
3 Canada de susciter un maximum d'éducation du
4 public.

5 On est bien conscient et on l'a
6 été dès le départ que ce n'est pas une mince
7 tâche, que ce n'est pas une tâche qui peut être
8 accomplie en trois ans par une commission royale.
9 C'est absolument essentiel que des organismes
10 comme le vôtre essentiellement emboîte le bas et
11 prennent la relève.

12 Nous serons disparus de
13 l'existence juridique, je l'espère bien, d'ici un
14 an ou à peu près, donc fondamentalement ce que je
15 désire dire c'est que c'est pas une mince tâche à
16 laquelle vous vous attellez comme corporation
17 professionnelle. C'est extrêmement important.

18 Deuxièmement, quand vous dites
19 qu'il y a beaucoup d'incompréhension, de
20 mécontentes souvent dues à l'absence
21 d'informations, vous ne pouvez pas être davantage
22 dans le mille d'une certaine façon, parce qu'on le
23 vit tous les jours, y compris à l'intérieur même
24 de la profession juridique, et aussi y compris,
25 comme vous en faites état, du côté de

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LE 2 DÉCEMBRE 1993 / DECEMBER 2, 1993

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le 30 novembre 1993

Commission royale sur
les peuples autochtones

1 l'information en ce qui a trait à la magistrature,
2 sur le plan canadien, sur le plan du Québec.

3 Je pense que tous les milieux au
4 Canada ont un besoin important, et le
5 reconnaissent de plus en plus, d'informations, de
6 s'arrêter aussi et de faire une démarche un peu
7 comme la vôtre qui est démarrée essentiellement,
8 comme vous le dites, lors du sommet de la justice
9 au Québec. Il y avait une journée consacrée au
10 dossier autochtone et ça a forcé un certain nombre
11 d'organismes de s'arrêter et de regarder ce qui se
12 faisait, le type de contributions qui pouvait être
13 apporté.

14 Cette remarque générale étant
15 faite, il y a un certain nombre de questions de
16 clarification qui découlent de votre mémoire.

17 Il est bien sûr quand vous dites
18 que le Barreau représente tous les justiciables et
19 responsables de la protection du public, et ça
20 inclut bien sûr les Autochtones au Québec, de là
21 la relation avec la préoccupation du système de
22 justice, de l'interface entre les Autochtones et
23 le système de justice.

24 Je procède un peu à rebours. Sur
25 votre plan d'action c'est le cinquième élément

Le 2 décembre 1993

Commission royale sur
les peuples autochtones

1 Montréal (Québec)

2 --- L'audience reprend à 9 h 05 le jeudi

3 2 décembre 1993

4 **COPRÉSIDENT RENÉ DUSSAULT:** La
5 Commission royale sur les peuples autochtones au
6 Canada reprend son audience publique avec la
7 présentation d'un premier mémoire par M. Roger
8 Julien.

9 Monsieur Julien.

10 **ROGER JULIEN:** Merci beaucoup.

11 Madame Robinson, Madame Sillett,
12 Monsieur Dussault, je suis un Québécois dit de
13 souche né à Montréal il y a 53 ans; un Québécois
14 dit de souche mais qui se sent très près de la
15 philosophie, de la spiritualité et des valeurs
16 dites traditionnelles des peuples autochtones.
17 C'est à titre personnel que je vous fais ce matin
18 cette présentation, et je me présenterai tout
19 simplement comme étant, comme vous, un enfant de
20 notre mère commune, un enfant de notre mère-terre.

21 La Commission royale sur les
22 peuples autochtones doit analyser l'évolution de
23 la relation entre les autochtones, le gouvernement
24 canadien et l'ensemble de la société canadienne.
25 Elle doit proposer des solutions précises aux

le 30 novembre 1993

Commission royale sur
les peuples autochtones

1 dans votre mémoire.

2 Nous avons l'occasion aujourd'hui
3 d'avoir une présentation du juge Jean-Charles
4 Coutu, non seulement à titre de personne sans
5 doute la plus expérimentée du côté de la
6 magistrature du Québec sur la dispensation de la
7 justice auprès des Autochtones, en particulier du
8 Nord, mais comme président du groupe de travail
9 qui a été mis sur pied dans le sillage du sommet
10 de la justice.

11 Une des choses qui nous a beaucoup
12 frappés, et pour un, qui m'a frappé de façon
13 significative c'est qu'il y a eu, somme toute, peu
14 de réflexion dans les milieux juridiques au Québec
15 sur la réalité de la justice et des Autochtones,
16 tout le débat qui a cours sur le plan des valeurs
17 autochtones et des valeurs véhiculées par le
18 système de justice.

19 Il y a eu des enquêtes évidemment
20 bien connues en Nouvelle-Écosse dans le cas de
21 l'Indien Donald Marshall, au Manitoba, en Alberta
22 il y a eu des groupes de travail, en Saskatchewan
23 il y a eu le rapport de la Commission de réforme
24 du droit du Canada sur la justice pénale des
25 Autochtones.

Le 2 décembre 1993

Commission royale sur
les peuples autochtones

1 problèmes qui ont entravé ces relations, faire un
2 examen et des recommandations concrètes
3 touchant 16 points en particulier qui sont
4 énumérés dans la description du mandat de la
5 Commission royale. Le mémoire que je vous ai
6 adressé touche surtout deux de ces 16 points, à
7 savoir: le point 3, l'assise territoriale des
8 peuples autochtones, les liens spirituels et
9 culturels profonds qui unissent les peuples
10 autochtones et la terre, et l'importance de la
11 protection environnementale; et, deuxièmement, le
12 point 11, les préoccupations culturelles des
13 peuples autochtones, où on dit:

14 "La Commission pourra
15 examiner la reconnaissance
16 par la société et les
17 institutions canadiennes de
18 la valeur intrinsèque de la
19 spiritualité autochtone."

20 Vous disiez aussi, Monsieur
21 Dussault, il y a deux semaines que, pour éviter
22 que le rapport final de cette Commission ne
23 ramasse la poussière, il nous faut trouver une
24 solution d'équilibre, avoir une vision d'avenir,
25 et il faut qu'il y ait profonde compréhension des

le 30 novembre 1993

Commission royale sur
les peuples autochtones

1 La Commission a mis sur pied une
2 Table ronde nationale sur la justice et les
3 Autochtones en novembre 1992. En faisant le tour
4 pour avoir des participants et des ressources
5 juridiques au Québec qui avaient amorcé une
6 réflexion sur les questions qu'on avait suggérées
7 à la Table ronde nationale on s'est rendu compte
8 que tant dans les facultés de droit que les
9 milieux académiques et juridiques, et également
10 assez largement du côté du Barreau, on avait été
11 relativement absent. Bien sûr ça se comprend en
12 partie.

13 Le taux d'incarcération des
14 Autochtones au Québec n'a rien en comparaison de
15 l'importance du taux d'incarcération par rapport à
16 ce qui se passe dans l'ouest du pays. On parle de
17 présence de 90 pour cent des détenus dans les
18 prisons provinciales de la Saskatchewan ou 80 pour
19 cent au Manitoba, et caetera. C'est évident, y
20 compris au niveau des gouvernements, on constate
21 de façon encore plus immédiate qu'il y a un
22 problème majeur.

23 Tout ça pour dire que c'est
24 extrêmement important que le Barreau, à notre
25 point de vue, s'implique dans la réflexion de ce

Le 2 décembre 1993

Commission royale sur
les peuples autochtones

1 deux côtés. Vous avez dit encore que l'élément
2 clé de votre mandat, c'est de réunir tous les
3 intéressés en vue d'une réconciliation générale,
4 en vue d'une meilleure compréhension, en vue d'une
5 réflexion en profondeur.

6 Votre travail n'est pas des plus
7 faciles, mais j'envie votre travail et aimerais
8 être un des vôtres, car votre travail, votre
9 tâche, votre mission à l'heure actuelle est parmi
10 les plus essentielles qui puissent être: faire se
11 rencontrer deux mondes différents pour que
12 s'établisse un dialogue constructif; faire se
13 rencontrer des gens aux visions différentes pour
14 qu'ils se parlent, s'écoutent, partagent leurs
15 visions et puissent se comprendre. Si vous avez
16 besoin de moi, si je puis vous être utile durant
17 l'année qui vient, je suis disponible.

18 Deux mondes bien différents.

19 D'un côté une spiritualité riche,
20 qui conduit à un très grand respect de la vie, de
21 toute vie, de la vie de la terre-mère; et pour
22 l'humain partageant cette spiritualité, la
23 certitude d'appartenir à la terre, la certitude
24 d'être un enfant de la terre.

25 De l'autre côté, une religion vide

le 30 novembre 1993

Commission royale sur
les peuples autochtones

1 côté-là.

2 Il y a un débat dans le domaine de
3 la justice qui a cours depuis quelques années non
4 seulement sur la possibilité d'une charte des
5 droits qui véhiculerait les valeurs autochtones en
6 même temps que les principes de base de la
7 Déclaration des droits aux Nations Unies. C'est
8 un débat évidemment qui a eu cours en partie
9 pendant les négociations constitutionnelles qui
10 ont conduit à l'entente de Charlottetown. C'est
11 un débat qui est encore présent.

12 Il y a également un débat
13 important sur les valeurs autochtones par rapport
14 au système adversaire et par rapport à des
15 concepts de plaidoyers de culpabilité, par rapport
16 au système des procès tel qu'on le connaît. C'est
17 sans doute le noyau dur.

18 Il y a beaucoup de réflexions qui
19 se font du côté des sentences. On commence à le
20 faire du côté de la non-judiciarisation, mais
21 c'est évident que le noyau dur de la gestion du
22 procès comme tel par rapport aux valeurs
23 autochtones est sans doute la question la plus
24 difficile.

25 Tout ça pour dire qu'il y a

Le 2 décembre 1993

Commission royale sur
les peuples autochtones

1 de sens, vide de spiritualité; une religion de
2 dogmes et de péchés; une religion créée par des
3 hommes non pour répondre à des besoins spirituels
4 mais bien plutôt pour asservir les humains en
5 exploitant leur sentiment religieux. On connaît
6 le discours: "L'essentiel, c'est le ciel.
7 Laissez les choses de la terre à ceux qui se sont
8 approprié la terre. Vous êtes sur terre pour vous
9 taire. Soyez dociles, soumis, obéissants.
10 Renoncez au plaisir, faites des sacrifices,
11 acceptez d'être dépossédés, acceptez la pauvreté
12 et vous aurez la vie éternelle."

13 On comprendra alors la réaction du
14 chef algonquin Richard Kistabish -- ou Richard
15 Tcikabes -- quand on lui pose la question "Quels
16 sont vos rapports avec l'Église catholique" et le
17 chef algonquin de répondre: "Lorsque le pape est
18 venu au Québec, l'Église a signé des formules où
19 elle reconnaissait son erreur et regrettait
20 d'avoir détruit la spiritualité autochtone, mais
21 des bouts de papier", dit-il, "ce n'est pas assez.
22 Il faut que des gestes concrets soient posés. Il
23 faut des images fortes qui parlent d'elles-mêmes
24 pour que nos aînés aient envie de retrouver leurs
25 coutumes. Le seul moyen serait que les prêtres

le 30 novembre 1993

Commission royale sur
les peuples autochtones

1 certainement une contribution importante dans les
2 années à venir de la part d'un organisme comme le
3 Barreau du Québec. On est très heureux que ça
4 fasse partie de votre programme d'action au point
5 cinq de votre mémoire sur le système de justice
6 dans les milieux autochtones, autant au niveau de
7 l'adoption du système actuel, bien sûr.

8 Il nous apparaît que c'est évident
9 qu'il faut travailler sur les deux plans et aussi
10 sur la réflexion de base d'une marge de manoeuvre
11 pour laisser place à des initiatives locales dans
12 le domaine de la justice.

13 Le Juge Coutu ce matin nous a
14 remis un document de travail sur l'état des
15 travaux de son comité. Entre autres il y avait un
16 élément où on prévoyait la possibilité éventuelle,
17 et c'était dans le milieu davantage du nord du
18 Québec, chez les Cris et les Inuits d'avoir des
19 responsables de la poursuite parajudiciaire.

20 Évidemment je lui ai demandé si le
21 comité avait amorcé des discussions avec le
22 Barreau. Il m'a dit non, avec son bon naturel
23 habituel.

24 Ce que j'indique par là c'est
25 qu'il y a des choses dans le domaine du système de

Le 2 décembre 1993

Commission royale sur
les peuples autochtones

1 eux-mêmes disent à nos gens de retourner à leurs
2 valeurs et à leurs coutumes. L'Église
3 contribuerait énormément à notre essor si elle
4 s'engageait à détruire ces bâtiments qui sont sur
5 les réserves indiennes. Il faut faire les
6 choses." Il continue: "Des prêtres et des
7 religieuses qui m'avaient invité à un congrès se
8 disaient prêts à faire preuve de bonne volonté et
9 ils m'ont demandé de leur donner un exemple
10 d'action concrète. Quand j'ai parlé de brûler une
11 église, la porte s'est fermée."

12 Deux mondes bien différents.

13 D'un côté on parle de
14 développement spirituel, social et économique. De
15 l'autre on parle de développement économique,
16 social et culturel.

17 D'un côté on parle de
18 développement spirituel d'abord; on parle d'une
19 dimension essentielle de notre être: la
20 spiritualité; on parle donc d'un développement axé
21 sur l'être. De l'autre côté on parle d'abord de
22 développement économique, d'argent, de possession,
23 de profit; on parle de développement axé sur
24 l'avoir plutôt que sur l'être.

25 D'un côté, très grand respect de

le 30 novembre 1993

Commission royale sur
les peuples autochtones

1 justice et des Autochtones qui vont sans doute
2 interpellier le Barreau comme champ de
3 professionnels dans les prochaines années.

4 Simplement je pourrais attirer
5 l'attention sur un projet de loi du 16 juin 1993
6 qui a été déposé à la Législature du Manitoba, je
7 ne sais pas si vous le connaissez, qui modifie la
8 loi sur la société d'aide juridique pour permettre
9 justement le travail de personnel parajudiciaire
10 dans les régions éloignées dans le Nord.

11 C'est plus une amorce de dialogue
12 de ce côté-là, une incitation, en tout cas, à
13 poursuivre activement du côté du système de
14 justice et des Autochtones.

15 Par rapport à votre plan, quand
16 vous dites que vous avez l'intention de favoriser
17 une collaboration avec les communautés
18 autochtones, une implantation de mode non-
19 judiciaire de règlement de litiges, comme
20 négociations, médiations, et caetera, est-ce que
21 vous pourriez peut-être élaboré, ou si vous aviez
22 de points de vue à exprimer sur la réflexion par
23 rapport à l'application du système judiciaire lui-
24 même et de ses adaptations.

25 M^e JEAN PÂQUET: Ça s'inscrit très

Le 2 décembre 1993

Commission royale sur
les peuples autochtones

1 la vie. De l'autre, très grand respect pour
2 l'argent, pour le profit, et ce au détriment de la
3 vie elle-même, au détriment de l'environnement:
4 pollution de l'eau, de l'air et du sol,
5 déforestation, désertification, et caetera.

6 D'un côté, des peuples dont les
7 relations avec l'argent font heureusement
8 cruellement défaut: absence de cartes de crédit,
9 on n'a pas l'habitude de budgéter, d'épargner, de
10 capitaliser; si on emprunte, on n'a même pas le
11 réflexe de remettre. De l'autre côté, des gens
12 qui s'appauvrissent individuellement et
13 collectivement en vivant à crédit; des gens qui
14 vivent au-dessus de leurs moyens et trouvent leur
15 bonheur dans la surconsommation et le gaspillage.

16 D'un côté, un très grand respect,
17 un très grand amour pour la terre, considérée à
18 juste titre comme une mère: c'est elle qui nous
19 nourrit, c'est elle qui nous donne vie. De
20 l'autre, la terre est un bien comme un autre que
21 l'on peut s'approprier; et, quand on possède la
22 terre, on peut en faire ce qu'on veut; le droit de
23 propriété sur la terre nous donne le droit de la
24 saccager, de la creuser, de la détruire, de la
25 raser, de la brûler, de l'inonder, de la meurtrir,

le 30 novembre 1993

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les peuples autochtones

1 bien dans la réflexion et le mandat que notre
2 comité a bien voulu se donner.

3 Vous avez fait référence au
4 document de travail que le juge Coutu a peut-être
5 présenté ici à la Commission ce matin. Il a été
6 porté à notre attention, et il est sur nos
7 tablettes pour étude prochaine et réflexion
8 prochaine.

9 La question plus précise que vous
10 avez soulevée, monsieur le Copräsident, est ce
11 délicat problème de la représentation qui est du
12 ressort exclusif des avocats au Québec au moment
13 où on se parle.

14 Vous avez fait mention aussi, avec
15 justesse, du manque peut-être de formation que
16 l'on retrouve notamment, ou d'information et de
17 formation en matière de droit autochtone.
18 Contrairement à certaines autres provinces peut-
19 être au Québec nous avons le malheur d'avoir
20 malheureusement pas eu jusqu'à maintenant beaucoup
21 de préoccupations semblables, notamment au niveau
22 de nos facultés de droit, que je ne blâme pas, et
23 au niveau de nos universités aussi. Cela est en
24 train de changer.

25 Je pense qu'à plus ou moins brève

Le 2 décembre 1993

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les peuples autochtones

1 de la tuer.

2 D'un côté, le primitif qui
3 considère la terre sacrée comme une mère qui a
4 fait vivre ses ancêtres, qui le fait vivre et qui
5 fera vivre ses enfants et petits-enfants jusqu'à
6 la septième génération et au-delà. De l'autre
7 côté, le terrain, le territoire est considéré
8 comme une chose qui s'achète, qui se vend, et la
9 terre, quand on en parle, c'est pour désigner la
10 terre des cultivateurs; terre que l'on pollue, que
11 l'on appauvrit, que l'on empoisonne à coup
12 d'engrais chimiques, d'insecticides, de
13 pesticides, et j'en passe.

14 D'un côté, enfin, le consensus
15 traditionnel, tous participant aux prises de
16 décision. De l'autre, la délégation de pouvoirs
17 et donc la monopolisation du pouvoir par quelques-
18 uns.

19 D'un côté, le partage: tout pour
20 tous. De l'autre, la possession: chacun pour
21 soi, et caetera, et caetera.

22 On pourrait continuer comme ça
23 longuement la description de ces deux mondes qui
24 sont passablement en opposition à cause
25 principalement des valeurs très différentes sur

le 30 novembre 1993

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1 échéance nous allons avoir de plus en plus de
2 gens, d'abord au niveau de la formation,
3 préoccupés par une formation que les avocats
4 autochtones ou les futurs avocats et avocates
5 autochtones pourront se procurer par le biais de
6 ces facultés de droit, par le biais de ces
7 universités.

8 De ce fait, à plus ou moins brève
9 échéance peut-être que le problème pourra se
10 régler de cette façon-là. S'il y a de plus en
11 plus d'avocats et d'avocates autochtones ils
12 pourront dispenser dans le meilleur respect de nos
13 lois leurs services partout dans les communautés,
14 y compris dans le Grand Nord.

15 Dans l'intervalle il est évident
16 qu'il y a une espèce, vous me permettrez
17 l'expression, de vide juridique peut-être
18 temporaire. Alors il est évident que le comité, à
19 l'invitation qu'en faisait le juge Coutu et avec
20 le même esprit de collaboration que je vous
21 indiquais tantôt, réfléchira là-dessus pour tenter
22 de trouver les solutions les plus heureuses peut-
23 être temporairement pour ce problème-là et peut-
24 être à plus long terme, qui sait. Nous en sommes
25 là.

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1 lesquelles ces deux mondes reposent. Et c'est de
2 ces valeurs dont j'aimerais parler, c'est de ces
3 valeurs dont je parle essentiellement dans le
4 mémoire que je vous ai adressé et dont je vais
5 commencer la lecture, ces valeurs qui sont à mon
6 avis les piliers des ponts que l'on peut bâtir
7 entre peuples autochtones et peuple canadien,
8 entre peuples autochtones et peuple québécois,
9 piliers des ponts que l'on doit bâtir aussi entre
10 peuple canadien et peuple québécois et entre tous
11 les peuples autochtones entre eux.

12 "Il est aussi absurde de vouloir
13 s'approprier la terre que de vouloir s'approprier
14 le vent", dit la sagesse amérindienne.

15 L'ensemble des problèmes étudiés
16 par cette Commission ne seront résolus de façon
17 satisfaisante et permanente que si nous savons
18 reconnaître que les valeurs qui sont le fondement
19 de notre société doivent totalement être repensées
20 et faire place à des valeurs plus positives et qui
21 correspondent davantage à notre nature d'êtres
22 vivants doués de raison. Dominer et posséder sont
23 les mots clés de notre système et les fondements
24 d'un désordre mondial plusieurs fois millénaire.
25 Et, pour pouvoir dominer, conquérir et posséder

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1 COPRÉSIDENT RENÉ DUSSAULT: Il y a
2 eu des programmes de promotion sociale en droit
3 civil à Ottawa et à l'Université Laval il y a deux
4 ou trois ans qui sont en marche.

5 Est-ce que le Barreau a participé
6 à cette évolution ou est-ce que vous comptez
7 plutôt jouer un rôle -- je pense par l'éducation
8 publique -- d'attrait. Par exemple, il y a un
9 certain nombre de postes à Laval. Ils ne sont pas
10 tous comblés. Il y a des programmes de pré-droit.
11 Effectivement on a beaucoup de rattrapage à faire
12 au Québec dans la formation d'avocats autochtones.

13 Vous faites état de ces programmes
14 de promotion sociale à la page 2 de votre mémoire.

15 Est-ce que vous voyez un rôle pour
16 intéresser les jeunes Autochtones à participer à
17 ces programmes conjointement, bien sûr, avec les
18 communautés autochtones?

19 M^e JEAN PÂQUET: C'est toujours la
20 prémisse de base qu'il ne faut jamais oublier.
21 Oui, c'est bien sûr.

22 Nous avons indiqué dans notre
23 mémoire que nous souhaitions favoriser cela mais
24 comme notre mémoire l'indique aussi, notre
25 première étape est quand même celle de s'adresser

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1 toujours davantage, les maîtres du monde, on le
2 sait, de tout temps auront régné, régenté,
3 gouverné, légiféré, ordonné, écrasé, réduit les
4 humains au rang d'esclaves soumis, dociles,
5 obéissants.

6 Les humains, exception faite de
7 ceux-là que l'on qualifie de primitifs, n'ont pas
8 encore compris, semble-t-il, ce que dit la sagesse
9 amérindienne: "Il est aussi absurde de vouloir
10 s'approprier la terre que de vouloir s'approprier
11 le vent." Et parmi les humains, ceux-là surtout
12 qui possèdent et dominant ont intérêt ou croient
13 avoir intérêt à ne pas comprendre qu'ils sont eux
14 aussi enfants de la terre et qu'il est absurde
15 d'ainsi s'approprier, spolier et meurtrir sa
16 propre mère, sa mère-terre.

17 Réaliser des changements autres
18 que partiels, superficiels ou temporaire, est-ce
19 possible? Beaucoup disent que non. On entend
20 souvent des affirmations comme: "Il y a toujours
21 eu des guerres, il y en aura toujours"; "Il y a
22 toujours eu de la pauvreté, il y en aura
23 toujours"; "Il y a toujours eu l'exploitation de
24 l'homme par l'homme, il y en aura toujours"; "Il
25 y a toujours eu des dominants et des dominés, il y

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1 à nos membres. C'est là que le maximum d'énergie
2 de nos efforts sont consacrés à ce stade-ci.

3 Cela n'empêche pas évidemment de
4 favoriser une plus large participation, une plus
5 large collaboration avec les autres intervenants.

6 On a parlé brièvement des facultés
7 de droit. On a parlé aussi des universités. Vous
8 savez, dans le milieu juridique tout le monde est
9 un peu jaloux, entre guillemets, de son autonomie.

10 Ce que nous pouvons faire c'est
11 d'encourager nos facultés de droit, encourager
12 aussi les universités, mais encore faut-il
13 qu'elles-mêmes, par le fruit de leurs propres
14 réflexions, par le fruit de leurs propres
15 décisions, posent des gestes aussi concrets que
16 celui que le Barreau pose aujourd'hui par rapport
17 à ses membres.

18 Dans ce sens-là il est évident que
19 nous ne demandons pas mieux que de contribuer, que
20 de favoriser, voire même participer à ces
21 initiatives-là, nos énergies étant consacrées au
22 départ cependant auprès de nos propres membres à
23 ce stade-ci.

24 COPRÉSIDENT RENÉ DUSSAULT: Encore
25 une fois, je pense que les démarches du côté des

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1 en aura toujours"; "Partout où il y a de l'homme,
2 il y a de l'hommerie"; "C'est humain; tu ne
3 changeras pas l'humain"; et caetera. Et ces
4 affirmations faciles sont très rarement
5 contredites, car l'humain ne semble connaître ni
6 sa vraie nature ni son histoire. On a tout fait
7 pour cacher, d'ailleurs, à l'humain et sa nature
8 et son histoire.

9 Si l'humain connaissait sa vraie
10 nature, il saurait que la dualité universelle se
11 retrouve en lui, qu'il y a en lui autant de
12 propension à la non-violence qu'à la violence, à
13 la sagesse qu'à la folie, à l'amour qu'à la haine,
14 à l'égalité et à l'équité qu'à l'inégalité et à
15 l'injustice; autant de propension en l'être humain
16 à la collaboration, à l'entraide, à la coopération
17 qu'il y en a à l'opposition et à la confrontation;
18 autant de propension au partage qu'à la
19 possession; autant de propension au service qu'à
20 la domination. Et si l'humain connaissait bien
21 son histoire, il saurait que guerres et misère
22 sont autant causées par la domination de
23 possédants inconscients que par le fait de notre
24 propre nature.

25 Réaliser de véritables

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1 facultés de droit sont enclenchées.

2 M^e JEAN PÂQUET: Oui.

3 COPRÉSIDENT RENÉ DUSSAULT: Ces
4 deux programmes là sont des démarches extrêmement
5 significatives.

6 Une clarification. À la page 3 de
7 votre mémoire, quand vous faites référence aux
8 événements d'Oka, vous dites à ce moment-là que le
9 Barreau a fait le constat à cette époque quant aux
10 limites du milieu juridique local, quand il faut
11 assumer complètement et dans l'immédiat une crise
12 aux nombreuses conséquences civiles et
13 criminelles.

14 Est-ce que vous pourriez
15 expliciter peut-être davantage ce que vous avez à
16 l'esprit. Est-ce que les procès qui ont donné
17 suite ou est-ce que c'est pendant le déroulement
18 même, la connaissance du milieu autochtone? Est-
19 ce que vous pouvez élaborer?

20 M^e JEAN PÂQUET: De fait, ce que
21 nous voulons dire de façon plus explicite par là
22 c'est que nous avons constaté que ces événements-
23 là ont engendré non seulement des conséquences
24 criminelles mais aussi de nombreuses poursuites de
25 nature civile. Donc toutes les facettes du droit

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1 changements, est-ce possible? Oui. Des
2 changements fondamentaux sont dès maintenant
3 possibles car enfin la nature, ou la conscience
4 plutôt, émerge -- et la nature aussi, faut-il
5 l'espérer -- l'être conscient apparaît qui
6 reconnaît en lui des valeurs qui sommeillaient ou
7 étaient étouffées. On a essayé d'étouffer chez
8 l'Amérindien les valeurs de partage, d'égalité, de
9 respect de toute vie et, heureusement, on n'a pas
10 réussi. Les Amérindiens -- et tous ceux-là qu'on
11 appelle primitifs sur terre, les Aborigènes
12 d'Australie et les autres autochtones sur tous les
13 continents -- sont, paraît-il, de plus en plus
14 nombreux à vouloir vivre leurs valeurs
15 traditionnelles, et c'est tant mieux et pour eux
16 et pour nous et pour notre avenir commun.

17 Trois de ces valeurs me semblent
18 fondamentales: respect de la vie, égalité,
19 partage. C'est ce que je qualifie de trois
20 piliers essentiels aux ponts que nous voulons
21 bâtir.

22 Le cercle sacré de la vie.
23 Ceux-là sur terre que nous
24 appelons primitifs considèrent tous que dans le
25 grand cercle sacré de la vie il n'y a ni espèces

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1 étaient touchées et non pas, comme on a tendance à
2 le penser, réduites, si vous voulez, à l'aspect
3 pénal ou à l'aspect criminel relié aux événements.

4 Ce que l'on a retenu cependant à
5 partir de ces événements-là c'est qu'il y avait
6 peu d'expertise auprès de nos membres pour pouvoir
7 aider ou contribuer à solutionner ces problèmes-là
8 ou à faire les représentations nécessaires au
9 niveau des tribunaux ou ailleurs pour représenter
10 les intérêts le plus objectivement possible à la
11 fois des Autochtones et à la fois des non-
12 Autochtones dans la problématique.

13 C'est une façon que l'on a eue de
14 réaliser le manque d'effectifs ou le manque de
15 connaissances, et qui nous a amenés à nous dire il
16 faut dorénavant, le plus rapidement possible, que
17 nous développons cette expertise auprès de nos
18 membres, expertise nécessaire que l'on retrouvait
19 partiellement, si vous voulez, peut-être davantage
20 jusqu'à maintenant dans les grands centres, mais
21 que l'on retrouve de plus en plus un peu partout
22 en région.

23 En donnant cette formation et en
24 initiant davantage, en sensibilisant davantage ou
25 en favorisant l'information et la formation de nos

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1 supérieures, ni espèces inférieures, d'où un très
2 grand respect pour toute vie. Je parle bien sûr
3 des traditionalistes chez nous et non pas de ceux-
4 là que le pouvoir blanc a réussi à déculturer et
5 en quelque sorte à dénaturer. Je ne parle pas
6 bien sûr de ceux-là que le pouvoir blanc a créés à
7 son image et ressemblance, à savoir, dominateurs,
8 violents, très bien armés. Très grand respect de
9 la vie qui se manifeste par ses rapports
10 harmonieux qui unissent l'Amérindien à sa terre-
11 mère. Respect pour la terre, qui a donné vie à
12 ses ancêtres, qui lui donne vie et donnera vie à
13 ses enfants et petits-enfants pour de nombreuses
14 générations à venir.

15 Comment donc établir des relations
16 harmonieuses entre, d'une part, l'Amérindien
17 respectueux de la vie, qui pense cercle sacré de
18 la vie, et d'autre part le Blanc dominateur, qui
19 pense développement industriel et économique en
20 s'imaginant qu'il est acceptable de dominer la
21 nature et qui n'a pas compris que pour commander à
22 la nature il faut d'abord lui obéir? Quand on
23 considère le résultat de notre développement
24 industriel sauvage, qui ne tient aucunement compte
25 du capital nature -- désertification,

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1 membres on va développer à plus ou moins brève
2 échéance une expertise qui sera utile, le cas
3 échéant, partout au Québec. Et c'est le volet 4
4 de notre mémoire qui est l'aboutissement, si vous
5 voulez, du constat que nous a permis de faire les
6 événements auxquels on vient de faire référence.

7 C'est dans cet esprit-là que vous
8 retrouvez cette mention-là dans notre mémoire,
9 monsieur le Coprésident.

10 COPRÉSIDENT RENÉ DUSSAULT: Il n'y
11 pas de doute qu'il y a un besoin de formation
12 interculturelle de la part des membres du Barreau
13 par rapport à la réalité autochtone et aux valeurs
14 autochtones.

15 Il faut bien comprendre la vision
16 du monde, qui est différente, et qui a des
17 répercussions sur un certain nombre de gestes
18 juridiques.

19 C'est ce que vous avez constaté
20 lors des événements d'Oka.

21 M^e JEAN PÂQUET: Nous en sommes
22 bien conscients, et de plus en plus ce que nous
23 souhaitons c'est que l'ensemble de nos membres
24 puissent l'être aussi. Et tout ça n'est pas
25 qu'une simple question de droit, je le disais tout

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1 déforestation, inondation de territoires,
2 appauvrissement du sol, pollution de l'air et de
3 l'eau, effet de serre, et caetera -- un fait
4 semble alors évident, et il m'est évident depuis
5 au moins un quart de siècle: Nous courons d'une
6 course folle vers notre autodestruction.
7 Détruisant la vie autour de nous, nous progressons
8 vers notre autodestruction. C'est ce que nous
9 appelons progrès.

10 Les autochtones n'ont certes pas à
11 faire de compromis sur une question aussi
12 primordiale. C'est nous qui devons changer, et ça
13 presse. On parle de plus en plus d'environnement
14 et de développement durable. On en parle. Il ne
15 suffit pas de parler correctement d'environnement
16 et de développement durable. Ces mots n'auront de
17 sens que lorsque nous serons reconnectés avec
18 notre vraie nature et que, de ce fait, nous aurons
19 pris place dans le grand cercle sacré de la vie.
20 Pour harmoniser nos rapports avec les premières
21 nations, nous avons d'abord à nous harmoniser avec
22 la terre, qui n'est pas que la mère des primitifs
23 mais qui est aussi la nôtre.

24 Deuxième pilier: l'égalité.
25 Égalité et pouvoir.

le 30 novembre 1993

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1 à l'heure, mais est une question de droit
2 intimement reliée à la réalité socio-culturelle
3 historique des communautés autochtones impliquées.

4 **COPRÉSIDENT RENÉ DUSSAULT:**

5 Revenant au rôle d'éducation du public, vous dites
6 à la page 3:

7 "Les juristes et le grand
8 public doivent savoir que la
9 grande majorité des
10 autochtones choisissent des
11 moyens légaux, dont la voie
12 judiciaire, pour régler leur
13 litiges et véhiculer leurs
14 revendications."

15 Je pense que vous mettez le doigt
16 sur quelque chose d'extrêmement important.

17 Même si très souvent bien sûr les
18 litiges sont connus compte tenu du développement
19 dans le nord du Québec, et caetera, de quoi
20 l'emporte dans l'opinion publique c'est bien sûr
21 l'inégalité souvent au niveau de...que ce soit la
22 contrebande de cigarettes, et caetera. Le rôle du
23 Barreau sur ce plan-là est important.

24 On manque souvent d'interlocuteurs
25 pour présenter le dossier de façon plus

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1 Dans le grand cercle sacré de la
2 vie, point d'espèces inférieures, point d'espèces
3 supérieures. Toute vie est égale. Les humains
4 aussi sont donc égaux entre eux. Quand les
5 primitifs se réunissent pour prendre des décisions
6 ils forment le cercle sacré. Dans un cercle
7 chaque point est égal aux autres points. Dans le
8 cercle sacré chacun a un pouvoir égal, chacun
9 conserve tout son pouvoir: pouvoir de penser, de
10 parler, de décider et d'agir en conséquence. Pour
11 pouvoir en arriver à de sages décisions, on prend
12 le temps nécessaire pour se parler, s'écouter et
13 réaliser le consensus. Il n'y a pas de pouvoir
14 délégué. Le chef n'a pas plus de pouvoir que les
15 autres. Il ne commande pas, il ne domine pas; il
16 est au service de ses frères et soeurs. Il voit à
17 ce que soit exécutée la volonté commune. Il est
18 question ici bien sûr du chef traditionnel. Le
19 chef de bande élu de par la loi des Blancs, de par
20 la Loi fédérale sur les Indiens, ce chef de bande
21 s'est en quelque sorte lui-même exclu du cercle
22 sacré.

23 Les primitifs ont donc réalisé ce
24 qui semble irréalisable ou impossible pour les
25 civilisés, à savoir, un modèle de démocratie

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1 équilibrée, plus juste.

2 Vous voyez un rôle pour la chambre
3 professionnelle. Pouvez-vous élaborer là-dessus?

4 M^c JEAN PÂQUET: Certainement,
5 monsieur le Coprésident.

6 Il n'est pas question pour nous
7 comme corporation professionnelle, si vous voulez,
8 de prendre fait et cause pour l'une des parties ou
9 de tenter de vouloir justifier auprès du public
10 les prises de position autochtones.

11 L'idée est davantage de pouvoir
12 expliquer en toute objectivité l'argumentation au
13 soutien, si vous voulez, des prises de position
14 relativement à la problématique.

15 Il est facile, je pense, de
16 pouvoir expliquer quels sont les arguments de l'un
17 pour mieux comprendre, si vous voulez, leur
18 position ou leurs revendications, leurs attentes,
19 sans prendre partie, et c'est dans ce genre de
20 rôle-là, si vous voulez, que le Barreau pourrait
21 avoir un impact utile auprès du public -- auprès
22 de tous les intervenants, finalement.

23 C'est dans cet esprit-là et non
24 pas dans l'esprit de vouloir parrainer, encourager
25 ou justifier une position par rapport à l'autre,

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1 directe ou participative, démocratie directe qui
2 de tout temps a été considérée comme étant un
3 idéal à atteindre. Le cercle sacré plutôt que la
4 pyramide du pouvoir.

5 Comment harmoniser les relations
6 entre les premières nations composées d'humains
7 qui se considèrent comme des égaux et le peuple
8 canadien chez lequel l'inégalité est la règle?
9 Est-ce que les autochtones devraient renoncer à se
10 considérer comme des égaux pour nous faire
11 plaisir? Encore là, ce serait une erreur grave et
12 pour eux et pour nous si les autochtones faisaient
13 des compromis. C'est nous qui avons à apprendre
14 l'égalité. L'égalité en tout, et donc aussi
15 l'égalité dans le pouvoir.

16 Pour nous comme pour tout le monde
17 la recette est relativement simple. Il s'agit,
18 pour démolir la pyramide du pouvoir, pour mettre
19 fin à la délégation de pouvoirs et donc à la
20 monopolisation du pouvoir par quelques-uns, que
21 chacun devienne conscient qu'il a du pouvoir et
22 que nous devons le conserver, ce pouvoir. Il faut
23 que chacun devienne conscient que ce pouvoir ne se
24 donne pas, ne se délègue pas. Devenir conscient,
25 donc, que je puis déléguer des responsabilités,

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1 au contraire, de l'avoir de façon très objective
2 et de l'expliquer en ce sens, avec l'expertise
3 juridique que nous possédons.

4 COPRÉSIDENT RENÉ DUSSAULT: Je
5 pense que vous avez entièrement raison. Ce qui
6 manque souvent c'est le faits, l'explication
7 technique sur les faits. Déjà ça aide à ce
8 moment-là aux gens -- libre à chacun de se former
9 une opinion, mais d'avoir...

10 M^e JEAN PÂQUET: Il y beaucoup,
11 monsieur le Copräsident, de croyances que
12 j'appellerais des croyances populaires attachées à
13 l'ensemble de toute cette réalité-là.

14 Les Autochtones ne paient pas de
15 taxe, et c'est pas tout à fait ça. C'est ce genre
16 de chose-là qui peut facilement s'expliquer sans
17 qu'on soit taxé de vouloir prendre partie pour
18 l'un comme pour l'autre. Et cela, en donnant des
19 explications objectives, peut contribuer, je
20 pense, à cette nécessaire sensibilisation de
21 l'ensemble de la communauté juridique et du public
22 pour faire en sorte qu'on puisse rétablir cette
23 nécessaire communication, ce nécessaire dialogue,
24 pour tenter de trouver des solutions à l'ensemble
25 de tout ça.

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1 peut-être, mais pas mon pouvoir. Conserver
2 l'entièreté de mon pouvoir de penser, de parler,
3 de décider et d'agir et renoncer à ne céder ne
4 fût-ce qu'une parcelle de mon pouvoir personnel.

5 Nous avons donc à apprendre le
6 consensus, à apprendre la démocratie directe ou
7 participative. C'est aussi pour cette raison que
8 nous avons intérêt à respecter le désir
9 d'autonomie des premières nations. Nous avons
10 intérêt à avoir à nos côtés des humains aptes à
11 nous prouver qu'il est possible de vivre autrement
12 et que ce n'est pas faire marche arrière que de
13 retrouver et de vivre des valeurs fondamentales,
14 comme ce n'est pas faire marche arrière non plus
15 que de découvrir pour toutes choses les seuils que
16 nous avons outrepassés et que nous aurions eu
17 intérêt à ne jamais dépasser.

18 Notre démocratie représentative à
19 laquelle ont adhéré certains chefs autochtones
20 leur permet de faire certaines déclarations à la
21 Mercredi ou à la Norton, déclarations ne résultant
22 pas du consensus traditionnel. Certains
23 autochtones ont donc, comme nous, à apprendre ce
24 qu'est l'égalité: chez eux aussi il y en a qui
25 sont plus égaux que les autres. Des rapports

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1 Et c'est ça que nous souhaitons.
2 Et c'est à ça que nous voulons travailler dans la
3 mesure de nos modestes moyens.

4 Vous faisiez une remarque au tout
5 début de votre intervention, monsieur le
6 coprésident, sur le rôle que la Commission royale
7 elle-même avait d'éducation et d'information.

8 Le Barreau ne veut pas se
9 dédoubler évidemment à la Commission, bien au
10 contraire, mais si son apport pouvait être un
11 élément utile, une contribution dans le même
12 objectif, dans le même esprit, eh bien tant mieux.
13 Plus il y en aura, à mon sens, de ce genre
14 d'intervention, mieux tout le monde s'en portera
15 dans ce débat-là.

16 COPRÉSIDENT RENÉ DUSSAULT: J'ai
17 eu l'occasion de dire que le Barreau va être là
18 longtemps après nous, et heureusement. Je pense
19 qu'il y a beaucoup de rattrapage à faire dans ce
20 domaine-là. Il y a une certaine poussée qu'il
21 faut faire, et on ne peut pas faire autrement
22 qu'être heureux que le Barreau décide d'emboîter
23 le pas dans cette direction.

24 Sur votre plan d'intervention vous
25 dites qu'il y a un comité permanent sur le droit

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1 vraiment harmonieux entre peuple canadien, peuple
2 québécois et premières nations ne peuvent naître
3 que de l'apprentissage de cette égalité,
4 apprentissage relativement facile quand il y a
5 acceptation réelle de l'idée ou plutôt de la
6 réalité du cercle sacré de la vie.

7 Troisième pilier essentiel aux
8 ponts que nous voulons bâtir: le partage.

9 Quand on se considère comme des
10 égaux, le partage devient facile. Quand on se
11 considère tous égaux en droits et en
12 responsabilités à l'intérieur du grand cercle
13 sacré de la vie, le partage va alors de soi.
14 Cette valeur fondamentale de partage semble être
15 la règle chez les primitifs, chez les autochtones
16 qui vivent leurs valeurs traditionnelles; non pas
17 une règle imposée mais plutôt une règle ou une loi
18 naturelle.

19 Coupés que nous sommes de notre
20 nature profonde, nous acceptons, nous, un système
21 économique tout à l'opposé de cette loi naturelle
22 du partage, un système économique basé sur des
23 notions de propriété privée, de profit monétaire
24 et de laisser-faire, un laisser-faire qualifié
25 faussement de liberté. Ainsi, on dit "libre

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1 en regard des peuples autochtones de créé, qui
2 cherchera à obtenir des consultations et de la
3 collaboration tant avec les conseils de bande, les
4 conseils communautaires, et les organismes
5 autochtones qu'avec le gouvernement du Québec et
6 du Canada.

7 Évidemment le Québec est grand sur
8 le plan géographique. Je présume que vous incluez
9 les contacts avec la réalité inuite du nord du
10 Québec et non pas uniquement indienne.

11 M^e PAUL DIONNE: En fait, oui.
12 Lorsqu'on mentionne les conseils communautaires ou
13 les conseils municipaux, c'est ce à quoi on
14 faisait allusion.

15 M^e JEAN PÂQUET: Et l'autre
16 élément, si vous me le permettez, vous parliez
17 tout à l'heure du juge Coutu. S'il en est un qui
18 est particulièrement bien au courant de cette
19 réalité-là c'est bien lui et je vous le répète,
20 son document de travail a été déjà porté à notre
21 attention et ça s'inscrit dans la contribution,
22 dans la collaboration que nous voulons bien
23 manifester aussi pour ces gens du Nord.

24 COPRÉSIDENT RENÉ DUSSAULT: Du
25 côté des centres d'amitié autochtones qui, comme

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1 entreprise" alors qu'il faudrait plutôt dire
2 "entreprise du laisser-faire", "économie de
3 laisser-faire": laissez les riches s'enrichir,
4 laissez les pauvres s'appauvrir; et l'écart croît
5 de plus en plus.

6 Le partage nous est presque
7 totalement inconnu. On connaît ça au temps des
8 fêtes; quand Noël approche, on parle partage. Le
9 partage nous est presque totalement inconnu;
10 partage de ce que notre mère-terre nous donne en
11 abondance. Il y en a pourtant assez pour
12 satisfaire les besoins de tous; nous n'avons même
13 pas à nous sentir insécures et à devoir
14 capitaliser.

15 À propos des revendications
16 territoriales des uns et des autres, quand je
17 parle de partage je parle aussi du partage de
18 l'espace vital. Quand il n'y aura plus assez
19 d'espace vital, c'est certain que notre raison,
20 notre nature nous commandera de mettre un terme à
21 l'accroissement démographique. Si déjà il n'y a
22 pas assez d'espace vital, notre raison nous
23 commande la réduction graduelle de la population.
24 Mais, quoi qu'il en soit, il n'y a vraiment pas
25 d'autre solution raisonnable ou humainement

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1 vous le savez, sont sans doute le réseau et
2 parfois l'unique réseau de dispensation des
3 services aux Autochtones dans les villes, est-ce
4 que le Barreau a eu des contacts, est-ce que vous
5 comptez établir un lien avec les centres d'amitié
6 autochtones dans le cadre de ce comité permanent?

7 J'aurai une question
8 supplémentaire sur la justice en milieu urbain
9 après, à Montréal en particulier.

10 M^e JEAN PÂQUET: La réponse à ça
11 est très certainement oui. Il y a déjà des
12 contacts qui ont été établis avec les services
13 parajudiciaires autochtones et mon collègue ici,
14 Serge Tremblay, qui connaît bien ces services,
15 pourrait peut-être compléter un peu la réponse que
16 je peux vous donner, monsieur le Coprésident.

17 M^e SERGE TREMBLAY: Effectivement,
18 monsieur le Coprésident, c'est une démarche qui
19 s'est déjà entamée avec le Barreau. On a déjà
20 rencontré l'organisme, parce que c'est un
21 organisme qui oeuvre déjà dans le milieu
22 judiciaire, qui possède déjà une expertise,
23 d'autant plus qu'il est déjà également réparti un
24 peu partout sur le territoire du Québec.

25 Bien entendu dans les moments qui

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1 acceptable qu'un partage équitable de l'espace
2 vital. C'est parce que les autochtones pensaient
3 partage et parce que le territoire leur semblait
4 assez grand qu'a priori ils ne s'opposèrent pas à
5 l'installation ici de Blancs venus d'un autre
6 continent. Ils pensèrent que les Blancs pouvaient
7 avec eux gérer le territoire de façon responsable.
8 Il est normal que leur attitude ait changé quand
9 ils s'aperçurent qu'ils avaient affaire à des
10 conquérants irrespectueux de toute vie.

11 Le partage équitable de l'espace
12 vital doit être la règle première. Aux
13 revendications territoriales des uns et des autres
14 il n'y a vraiment pas, encore une fois, d'autre
15 solution raisonnablement acceptable. Non pas les
16 traités des siècles passés, non pas des droits
17 ancestraux et, à plus forte raison, non pas la loi
18 du plus fort ou du vainqueur; et cela, même si les
19 autochtones avaient été vaincus par les armes.
20 Les traités d'il y a quelques siècles valaient
21 peut-être pour les gens de ce temps-là. La
22 réalité d'aujourd'hui, c'est que la terre-mère des
23 autochtones, c'est aussi ma terre-mère et que je
24 puis, tout comme eux, en être un bon gardien. Je
25 n'ai pas besoin de droits ancestraux pour

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1 vont se poursuivre, dans les périodes à venir, le
2 Barreau va consulter, comme M^e Pâquet le disait
3 tantôt, des conseils de bande, et par la suite
4 évidemment on va approcher les organisations
5 autochtones qui désirent collaborer et amener une
6 réflexion avec le Barreau du Québec.

7 COPRÉSIDENT RENÉ DUSSAULT: Merci.

8 Peut-être dans la même ligne, et
9 ça touche le point 5 de votre mémoire qu'on a
10 discuté tout à l'heure sur le système de justice.

11 Évidemment on n'a pas la même
12 réalité à Montréal qu'à Toronto, par exemple.
13 Vous n'êtes pas sans savoir qu'à Toronto il y a un
14 projet pilote au niveau des sentences, avec un
15 conseil. Il y a une population autochtone plus
16 considérable qu'à Montréal encore que la tendance
17 lourde est très claire partout au Canada avec la
18 jeunesse autochtone et malgré les développements
19 qui vont prendre place dans le Nord.

20 Je vous incite peut-être de façon
21 un peu préventive à ne pas oublier la réalité des
22 Autochtones quant au système de justice à Montréal
23 par rapport aux diverses régions.

24 Ça m'amène à la page 7 de votre
25 mémoire, au deuxième paragraphe, et je suis assez

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1 revendiquer légitimement un espace vital qui me
2 permette à moi, Blanc, de pouvoir vivre heureux
3 parce qu'en harmonie avec la nature et vivant dans
4 la nature.

5 Je suis né sur l'asphalte et le
6 béton mais j'ai toujours su qu'un humain, ce n'est
7 pas fait pour vivre sur l'asphalte et le béton.
8 Je revendique autant que les autochtones le droit
9 aux grands espaces, à l'air pur, à l'eau qui soit
10 vraiment de l'eau, à un sol qui soit bien vivant.
11 C'est un droit naturel que j'ai, tout comme les
12 autochtones. Je revendique pour tous les Blancs
13 qui le désirent le droit légitime à l'exode
14 urbain, tout comme l'autochtone a raison de
15 revendiquer le droit de sortir de la réserve où on
16 l'a confiné de force. Je revendique pour tous les
17 humains habitant ce vaste territoire et qui en
18 exprimeraient le désir, autochtones et non-
19 autochtones, le droit de pouvoir vivre heureux, en
20 harmonie avec la nature, à l'intérieur d'un espace
21 le permettant. C'est pour tous un droit naturel.
22 Pourquoi parler de droits légaux, ancestraux? Si
23 de tels droits devaient primer, alors je
24 revendique moi aussi mes droits légitimes
25 ancestraux: mes ancêtres n'ont pas toujours vécu

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1 sensible à ça, où vous faites état que les avocats
2 de l'administration publique doivent s'assurer que
3 l'obligation fiduciaire de la Couronne à l'égard
4 des Autochtones, enchâssé dans la Constitution en
5 1982, ne risque pas d'être morte. Donc c'est une
6 préoccupation supplémentaire par rapport aux
7 avocats gouvernementaux.

8 On a eu l'occasion d'entendre une
9 présentation de la part de la Commission des
10 droits de la personne ici à Montréal il y a deux
11 semaines, qui faisait une recommandation d'une
12 nouvelle éthique dans les négociations. Il y a le
13 rapport de force qui mettait beaucoup d'emphasis
14 sur l'établissement d'une nouvelle éthique.

15 Essentiellement je disais au
16 Président de la Commission que du côté des
17 Autochtones, où on a vécu toutes sortes de
18 négociations avec un rapport de force la plupart
19 du temps non équilibré, on souhaite changer le
20 rapport de force en prenant une base au niveau des
21 droits.

22 Je voyais une analogie entre ce
23 que vous exprimez ici dans votre mémoire et ce que
24 la Commission des droits de la personne exprimait
25 sur une nouvelle éthique. Je ne sais pas si vous

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1 à la ville.

2 En cette fin de vingtième siècle
3 où un seul choix s'offre aux humains, ce serait,
4 il me semble, la plus élémentaire sagesse que de
5 profiter du travail de réflexion de la présente
6 Commission pour amorcer résolument et très
7 sérieusement dans toute la société canadienne,
8 d'un océan à l'autre, un vaste, un immense débat
9 public sur ces valeurs fondamentales de respect de
10 la vie, d'égalité dans le pouvoir et de partage.

11 Les travaux de cette Commission
12 peuvent servir d'amorce à un véritable débat de
13 société qui tarde à se faire et nous permettre
14 d'enfin nous définir un projet de société qui soit
15 intéressant, emballant. Nous n'aurons ensuite,
16 autochtones et non-autochtones, qu'à harmoniser
17 nos projets de société.

18 Si les peuples autochtones
19 devaient renoncer à leurs valeurs traditionnelles
20 et si nous n'avons pas la sagesse de nous inspirer
21 de ces mêmes valeurs, les solutions proposées par
22 cette Commission, quelles qu'elles soient, ne
23 pourront alors, si elles ne sont pas "tablettées",
24 que conduire tout au plus à résoudre
25 superficiellement ou partiellement certains

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1 avez une réflexion additionnelle.

2 Je pense qu'il faut miser sur
3 plusieurs tableaux en même temps mais je présume
4 que vous ne voyez pas ça comme la panacée au
5 rapport de force qui a souvent été par le passé
6 difficile, sinon défectueux, n'étant pas égal à
7 égal tout le temps.

8 Est-ce que vous avez une réflexion
9 supplémentaire à faire sur ce plan-là?

10 M^e JEAN PÂQUET: Avant de céder
11 la parole à mon confrère Paul Dionne de façon plus
12 particulière là-dessus, c'est qu'évidemment compte
13 tenu de ces, entre guillemets, déficiences
14 auxquelles on a fait référence dans le passé, nous
15 devons encourager ce fair play sur le plan
16 procédural.

17 Vous avez fait référence aussi à
18 un mémoire présenté par d'autres. Personnellement
19 je n'en ai pas pris connaissance, mais peut-être
20 que mon collègue ici, M^e Dionne, pourrait vous
21 aider dans ce sens-là.

22 M^e PAUL DIONNE: Monsieur le
23 Coprésident, je n'ai pas non plus pris
24 connaissance du mémoire de la Commission des
25 droits de la personne mais sur ce point très

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1 problèmes particuliers ou spécifiques. Pouvons-
2 nous humainement et raisonnablement nous le
3 permettre?

4 J'aimerais, en deuxième partie de
5 ma présentation, vous lire un extrait d'une lettre
6 ouverte que j'ai adressée à l'exécutif national du
7 Parti québécois suite à leur dernier congrès au
8 mois d'août dernier. Dans la dernière partie de
9 ma lettre, sous le titre de l'indépendance, je
10 commence par citer une entrevue entre M^{me} Francine
11 Pelletier et M. Denis Vaugois (PH), M. Denis
12 Vaugois étant un ex-ministre dans le gouvernement
13 de M. René Lévesque. Il était ministre, je crois,
14 des Affaires culturelles.

15 "M^{me} FRANCINE PELLETIER:

16 Croyez-vous toujours en
17 l'indépendance du Québec?

18 M. DENIS VAUGOIS: Comme
19 d'une chose nécessaire, oui.

20 M^{me} PELLETIER: Croyez-vous
21 qu'elle va se faire, cette
22 indépendance-là?

23 M. VAUGOIS: Normalement,
24 non.

25 M^{me} PELLETIER: Pourquoi?

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1 particulier que vous soulevez je pense que ce
2 qu'on peut ajouter pour une meilleure
3 compréhension c'est simplement que le Barreau ici
4 ne fait ni plus ni moins que se référer à ce que
5 les cours de justice, notamment la Cour d'appel de
6 l'Ontario et la Cour suprême, ont dit à propos du
7 fair play, à propos du sharp dealing, ou de la
8 finesserie, en matière de traités.

9 Nous croyons qu'au plan procédural
10 dans les procédures judiciaires ce sont des
11 principes qui doivent s'appliquer. Nous n'avons
12 pas voulu citer l'exemple mais je pense que pour
13 quiconque oeuvre dans le milieu il y a des
14 exemples en assez grande quantité qui démontrent
15 qu'il y a à l'occasion, malheureusement, ce genre
16 de chose qui se produit.

17 C'est ce à quoi on veut s'attaquer
18 de façon modeste, mais nous croyons que ça devrait
19 se rectifier.

20 COPRÉSIDENT RENÉ DUSSAULT: Il y a
21 communauté de pensée avec la Commission des droits
22 de la personne et je pense qu'il serait
23 intéressant que vous puissiez prendre connaissance
24 du rapport de la Commission qui a été déposé.
25 Effectivement c'est une préoccupation de la

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1 M. VAUGEOIS: Parce qu'il y a
2 des gens très puissants qui
3 ont intérêt à ce que ça se
4 fasse pas. Ce sont des gens
5 très puissants qui sont au
6 pouvoir à différents
7 endroits, qui ont des moyens
8 d'empêcher que ça se fasse,
9 qui ont la volonté déjà
10 exprimée -- on le sent par
11 beaucoup de choses qui se
12 passent -- d'employer des
13 moyens de déstabiliser le
14 Québec et s'y emploient
15 depuis fort longtemps et avec
16 de plus en plus de succès.
17 Dans ces conditions-là, le
18 Québec est un État vulnérable
19 et meurtri actuellement."

20 Diviser pour régner. Ce qui
21 assurerait à ces gens très puissant la réussite,
22 c'est l'emploi de ce qui fut de tout temps l'arme
23 principale de tous les pouvoirs: diviser pour
24 régner; la division.

25 La seule définition acceptable

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1 Commission royale de trouver divers moyens pour
2 favoriser un meilleur équilibre dans les
3 négociations entre Autochtones et les
4 gouvernements au pays.

5 Peut-être si je vais sur un autre
6 point.

7 À la page 16 de votre mémoire, le
8 point 4:

9 "Une volonté d'encourager,
10 dans chaque région du Québec,
11 la formation de juristes..."

12 La question m'est venue, c'est
13 peut-être pas directement relié à votre mémoire,
14 mais la question m'est venue à ce moment-là. Le
15 Barreau fait beaucoup de représentations sur les
16 projets de loi déposés par le Québec à l'Assemblée
17 nationale, entre autres, parfois sans doute aussi
18 la législation fédérale, Chambre des communes, par
19 son service de recherche.

20 Est-ce que la préoccupation,
21 regarder les projets de loi mais par rapport à la
22 préoccupation autochtone et des droits
23 autochtones, pourrait être un rôle utile et
24 important que le Barreau pourrait jouer. Est-ce
25 que c'est quelque chose que vous pourriez

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1 d'un peuple québécois indépendant ou mature serait
2 une définition territoriale, il me semble: Seront
3 citoyennes et citoyens du Québec, pays
4 indépendant, toutes celles et tous ceux, quelle
5 que soit leur origine ethnique, qui habitent le
6 Québec. Dans un Québec indépendant on ne parlera
7 pas de peuple francophone, de peuple anglophone et
8 de peuples allophones. Il n'y aura que le peuple
9 québécois. Et aussi, parmi nous et vivant en
10 harmonie avec nous, parce que nous aurons
11 harmonisé nos projets de société, les peuples
12 autochtones. Mais eux seuls peuvent en décider;
13 nous ne pouvons décider à leur place. Ce qui sera
14 découlera d'ententes de nation à nation, de peuple
15 à peuple.

16 Un tel Québec indépendant, des
17 gens très puissants ont intérêt à ce que ça ne se
18 fasse pas. Pour eux, la solution est toute
19 trouvée: diviser; provoquer au sein du peuple
20 québécois les divisions les plus profondes
21 possibles. Et parmi ces divisions, la dernière,
22 historiquement parlant, est la division entre
23 peuple québécois et peuples autochtones.

24 Cette division-là n'existait pas
25 il y a 25 ans à peu près, si ce n'est dans

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1 envisager?

2 Je vais donner un exemple. On en
3 discutait très brièvement avec le Juge Coutu ce
4 matin. Partout dans nos audiences publiques, au
5 Québec comme à l'extérieur, on nous a parlé de
6 l'adoption coutumière dans les communautés
7 éloignées, les communautés inuites en particulier,
8 et indiennes aussi.

9 On vient d'adopter un nouveau code
10 civil au Québec. Le débat, j'ai en l'occasion
11 d'en discuter déjà avec les autorités du ministère
12 de la Justice, mais le débat n'a pas pris place.
13 Je pense que les gens sont conscients de cette
14 réalité-là mais le débat n'a pas pu prendre place.
15 Les choses n'étaient pas mûres et le réflexe n'a
16 pas été là pour englober cette question-là au
17 moment de l'adoption du nouveau code civil et sans
18 doute qu'il faudra l'aborder dans les années
19 futures parce que la réalité est là.

20 Dans ce sens-là bien sûr un
21 Barreau plus sensibilisé à la réalité autochtone
22 pourra sans doute jouer une contribution accrue
23 sur ce plan-là.

24 Est-ce que vous pourriez élaborer
25 là-dessus?

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1 l'esprit de certains qui furent victimes d'un
2 mauvais enseignement de l'histoire et de toute la
3 désinformation sur les Indiens vivant dans des
4 réserves, Indiens dont on ignorait à peu près
5 tout. Or, à peu près en même temps que les
6 Québécois commencent à penser qu'ils sont peut-
7 être assez grands pour s'autodéterminer, chez les
8 peuples autochtones également il y a un réveil.
9 Les autochtones commencent à découvrir qu'ils sont
10 eux aussi autre chose que des petits peuples,
11 qu'ils sont peut-être eux aussi quelque chose
12 comme des grands peuples.

13 Peuple québécois et peuples
14 autochtones ont été eux aussi aspirés dans ce
15 tourbillon de libéralisation qui a soufflé sur le
16 monde dans les années soixante. Il faut alors que
17 ces gens très puissants agissent et vite: diviser
18 pour régner. Les Québécois veulent
19 s'autodéterminer, les autochtones également.
20 Ensemble ils pourraient générer un projet de
21 société à nul autre pareil, projet qui mettrait en
22 cause bien sûr les intérêts égoïstes et illusoire
23 de ces gens très puissants. Il faut donc créer la
24 division entre eux pour les empêcher, les uns et
25 les autres, de pouvoir s'autodéterminer et surtout

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1 M^e JEAN PÂQUET: Définitivement,
2 monsieur le Coprésident, ça s'inscrit parfaitement
3 dans la ligne de pensée du comité. Le Barreau
4 s'est doté d'un comité permanent, je le disais
5 tout à l'heure, et son rôle est évidemment de
6 conseiller les instances décisionnelles au niveau
7 de la corporation sur tout ce qui touche, si vous
8 voulez, la réalité autochtone.

9 Il est porté à l'attention du
10 Barreau du Québec de façon pratiquement
11 systématique l'ensemble des projets de loi qui
12 sont déposés, notamment à l'Assemblée nationale.

13 Bénéficiant de l'outil qui puisse
14 permettre dorénavant de conseiller le Barreau il
15 est évident qu'il y aura là un réflexe, je dirais,
16 spontané maintenant depuis que ce comité-là
17 existe, depuis que nous sommes davantage
18 sensibilisés à cette problématique-là, pour faire
19 en sorte que quand il y aura un projet de loi qui
20 pourra venir influencer l'administration de la
21 justice, à titre d'exemple, chez les Autochtones
22 ou autrement, que la réflexion, que la sagesse du
23 comité soit mise à contribution pour le Barreau.

24 Je pense que c'est un des bons
25 exemples de ce que la corporation peut faire au

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1 pour les empêcher de réaliser le projet de société
2 qui pourrait leur être commun.

3 Ce sera relativement facile. De
4 par la Loi fédérale sur les Indiens, ces derniers
5 sont parqués dans des réserves, ont été déculturés
6 et ne peuvent plus vivre leurs valeurs
7 traditionnelles. Leurs porte-parole, les chefs de
8 bande, sont allés à l'école des Blancs et ils sont
9 élus de par la loi, de par la volonté des Blancs.
10 Cela facilitera grandement l'opération division.

11 Et si la division pouvait être
12 telle qu'il puisse y avoir violence, et idéalement
13 violence armée... mais ce serait vraiment l'idéal,
14 de penser ces gens très puissants, qui ne peuvent
15 d'ailleurs penser autrement. Et on provoque la
16 crise d'Oka, et on voit par la suite à ce que rien
17 ne se règle mais qu'au contraire le fossé
18 s'élargisse de plus en plus.

19 Oka, ce n'est pas assez; il faut
20 donner l'impression au peuple québécois que les
21 autochtones sont contre nous, contre notre
22 prospérité. Bourassa dit que les méga-projets
23 hydro-électriques assureront des emplois et la
24 prospérité parce qu'on lui dit de le dire. Les
25 Cris s'opposent à ces méga-projets; les Cris sont

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1 niveau de son comité notamment. Peut-être un
2 complément par M^e Parent.

3 M^e YVON PARENT: Je voudrais faire
4 un commentaire.

5 Je suis membre d'une communauté
6 autochtone, Mastoyach (PH), et la question
7 d'adoption est un problème vraiment concret.

8 Il y a le volet du Barreau mais en
9 même temps j'aimerais faire une parenthèse qu'on
10 semble vouloir former des avocats amérindiens,
11 mais de droit, du droit qui est voté par le
12 Parlement canadien et tout ça.

13 Au comité on avait discuté, ça
14 fait l'objet seulement de discussions, mais c'est
15 une des choses qui aiderait à régler peut-être ces
16 problèmes-là, c'est de développer du droit
17 autochtone, du droit dans les communautés elles-
18 mêmes.

19 Chez-nous il y a des raisonnements
20 et des choses qui ne sont pas nécessairement
21 incompatibles avec le système juridique ou de
22 justice canadien. Donc dans les universités ce
23 sont des choses dont on a discuté pour
24 possiblement approcher pour que ce soit développé.
25 Dans nos communautés les gens ont le sentiment de

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1 donc contre nous, contre les Québécois, ce sont
2 des ennemis. Et les Montagnais aussi, et les
3 autres nations, ce sont bien tous ces sauvages
4 qu'on décrivait dans les livres d'histoire.

5 Les gens très puissants vont plus
6 loin, affinent leur scénario. Ils sont quand même
7 plus imaginatifs que ça; Oka, ce n'était qu'un
8 prélude dans leur esprit, un échantillon, quoi.
9 De l'Université de Calgary, le politologue Barry
10 Cooper (PH) nous dit que les nations doivent
11 naître dans le sang et que le Canada n'est pas
12 vraiment un pays puisqu'il n'est jamais sorti du
13 cadre de la légalité. Ce M. Cooper dit souhaiter
14 de tout coeur que le Québec quitte la fédération
15 parce que cela, enfin, fera naître les deux
16 nouvelles nations dans le sang, au moyen d'une
17 bonne vieille guerre civile. Comment cela se
18 fera-t-il? Il s'agira pour le Canada d'aller
19 sauver militairement les Cris et les anglophones
20 qui auraient subi des mauvais traitements par la
21 Sûreté du Québec parce qu'ils s'opposent à la
22 souveraineté du Québec. C'était dans un article
23 de La Presse du 8 avril 1992, article ayant pour
24 titre "Faut-il prendre au sérieux les appels à la
25 violence qui viennent de l'Ouest?"

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1 se faire assimiler en allant à l'université à
2 l'extérieur, et c'est le contact que le comité
3 veut faire avec les communautés.

4 Pour la question d'adoption il
5 pourrait y avoir des discussions et tout ça, mais
6 il y a vraiment à développer une expertise
7 autochtone, à favoriser. Ça a déjà fait l'objet de
8 discussions et c'est un des volets qui amène des
9 Autochtones faisant partie des communautés à
10 participer à cette comité-là. C'est l'ouverture
11 sur tous ces points-là.

12 COPRÉSIDENT RENÉ DUSSAULT: Vous
13 avez entièrement raison. Une des choses qui nous
14 a frappés, on n'est pas allé beaucoup à
15 l'extérieur du Canada parce qu'il y a tellement à
16 faire à l'intérieur du Canada. On est allé au
17 Groenland et on est allé chez les Navahos en
18 Arizona. Une des choses qui nous a frappés c'est
19 l'emphasis maintenant qui est mise pour le
20 développement d'une common law navaho.

21 Il a fallu partir avec les règles
22 de la société plus large et incorporer
23 tranquillement au niveau des tribunaux des règles
24 traditionnelles, d'avoir un corpus qui devienne
25 plus distinct et adaptée à la coutume et à la

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1 Dans ce même article, Desmond
2 Martin (PH) de l'Université de Toronto, historien
3 spécialisé dans les affaires militaires, penche,
4 lui, plus pour des désordres civils importants que
5 pour une vraie guerre civile, surtout si les
6 négociations entre Québec et Ottawa, entre les
7 provinces et les autochtones durent trop longtemps
8 et qu'on ne trouve pas de terrain d'entente.

9 Le plus choquant dans cette
10 affaire, nous disent les auteurs de l'article,
11 c'est de voir le p'tit gars de Shawinigan, Jean
12 Chrétien, appuyer ces intellectuels extrémistes en
13 disant qu'il n'écarte pas le recours à l'armée
14 advenant l'indépendance du Québec, et il ajoute
15 que la meilleure façon d'éviter le recours à
16 l'armée, c'est de ne pas faire la séparation.
17 Toujours dans ce même article de La Presse du 8
18 avril 1992 on rapporte une déclaration de Jocelyn
19 Coulomb (PH), directeur de la section
20 internationale du Devoir: "La seule façon", dit-
21 il, "pour les souverainistes québécois de
22 désamorcer les scénarios de violence, c'est de
23 constituer une force de dissuasion au moment où le
24 Québec deviendra souverain." Préparer la violence
25 pour éviter la violence. Si tu veux la paix,

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1 tradition. Alors il y a évidemment un chemin
2 important à faire sur ce plan-là aussi.

3 On pourrait évidemment passer
4 plusieurs heures ensemble à discuter du dossier.
5 Je voudrais peut-être à ce moment-ci demander à ma
6 collègue, Mary Sillett, de dire quelques mots ou
7 de poser certaines questions.

8 --- (Une courte pause)

9 On me dit que j'ai couvert
10 l'essentiel du terrain, et comme nous avons une
11 autre présentation importante qui suit, nous
12 sommes déjà en retard sur l'horaire, on ne peut
13 conclure en ne pouvant faire autrement que de vous
14 souhaiter de persévérer.

15 Je pense qu'on a retenu que la
16 démarche est une démarche qui se veut permanente
17 et non pas ad hoc, et qu'une pérennité c'est
18 fondamental si ça doit porter fruit et des
19 résultats.

20 On vous remercie et on souhaite
21 que dans le courant de la prochaine année si vous
22 avez des idées additionnelles, des points à faire
23 valoir, que vous n'hésitez pas à nous contacter.
24 On est preneur jusqu'à la fin d'idées qui
25 permettront de bonifier les recommandations de la

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1 prépare la guerre.

2 Définitivement, ces gens très
3 puissants ont des bonshommes à leur service bien
4 placés un peu partout.

5 Faisons le rapprochement entre ce
6 qui précède et les extraits suivants d'une
7 présentation faite à l'Atelier des relations
8 internationales et affaires autochtones lors d'un
9 congrès régional spécial du Parti québécois
10 Montérégie le 25 janvier 1992, soit trois mois
11 avant l'article de La Presse précité. Le
12 paneliste professeur au Collège militaire de
13 Saint-Jean parla aux délégués du Parti québécois,
14 délégués des 16 comtés de la rive-sud de Montréal,
15 en ces termes:

16 "À quoi sert d'être souverain
17 si on se fait enlever le
18 territoire? Qui en veut à
19 notre territoire? La
20 question ne se posait pas
21 avant l'été 1990.

22 Vulnérabilité du territoire
23 telle qu'on a dû faire appel
24 à l'armée canadienne. Les
25 Amérindiens pouvant faire

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1 Commission.

2 Merci à tous.

3 M^e JEAN PÂQUET: Merci, monsieur
4 le Copräsident, madame la Commissaire. Merci
5 infiniment.

6 COPRÉSIDENT RENÉ DUSSAULT: Nous
7 allons suspendre les audiences pour cinq minutes,
8 pour reprendre avec la présentation du Groupe des
9 vingt-deux, qui sont des jeunes qui travaillent
10 autour du Conseil permanent de la jeunesse.

11 Merci.

12 --- Suspension de l'audience à 17 h 12

13 --- Reprise de l'audience à 17 h 32

14 COPRÉSIDENT RENÉ DUSSAULT: La
15 Commission royale sur les peuples autochtones au
16 Canada reprend son audience publique avec la
17 présentation du mémoire du Groupe des vingt-deux,
18 participants à la rencontre "Pour mieux se
19 comprendre" qui s'est tenue, regroupant des jeunes
20 Autochtones et non-Autochtones au Québec,
21 rencontre qui s'est tenue au mois de septembre.

22 Je voudrais sans plus tarder
23 demander au porte-parole du groupe de bien vouloir
24 procéder à leur présentation.

25 MICHAEL BETTS: Bonjour, monsieur

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1 appel à l'armée canadienne,
2 il faudra pouvoir se
3 défendre. Et immédiatement
4 après la déclaration
5 d'indépendance, on le sait,
6 il y a une période de
7 transition durant laquelle
8 les frontières sont plus
9 susceptibles d'être changée.
10 On ne pourra à ce moment-là
11 compter sur la Sûreté du
12 Québec. Et il faut tout
13 faire pour ne pas aller
14 devant les tribunaux; les
15 tribunaux, c'est long. On
16 pourra alors compter sur les
17 soldats québécois de l'armée
18 canadienne et sur la
19 population."

20 Je n'ai entendu aucun des quatre
21 autres panelistes, à savoir M^{me} Louise Beaudoin,
22 ex-déléguée générale du Québec à Paris sous le
23 gouvernement Lévesque, M. François Beaulne, qui
24 était le troisième paneliste, député péquiste
25 responsable du dossier des affaires

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1 Dussault. Mon nom est Michael Betts. Je suis un
2 des membres du Groupe des vingt-deux, et aussi
3 membre du conseil permanent.

4 Les autres personnes qui sont avec
5 moi sont Anick Riverin, Julie Bretons, et Suzy
6 Basile, qui sont aussi membres du Groupe des
7 vingt-deux, et aussi ceux qui étaient responsables
8 de la rédaction du présent mémoire qu'on a ici.

9 Pour les personnes qui veulent
10 suivre un peu notre présentation, il y a des
11 mémoires en arrière que vous pouvez prendre.

12 L'objectif que nous avons fait
13 c'est que le Conseil permanent de la jeunesse
14 avait initier une rencontre avec 11 jeunes
15 Autochtones et 11 jeunes non-Autochtones venant
16 d'un peu partout de la province de Québec.
17 L'objectif de cette rencontre était de mieux se
18 comprendre, d'arriver et de pouvoir dialoguer, de
19 pouvoir discuter de problèmes, de problématique
20 sociale, de problématique économique, et de
21 pouvoir voir si on était capable d'arriver et
22 mieux se comprendre.

23 Suite à cette rencontre le Groupe
24 des vingt-deux qui avait participé à cette
25 rencontre-là avait décidé de préparer un mémoire

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1 internationales, M. David Cliche, quatrième
2 paneliste, et M^{me} Anne Légaré, du secrétariat du
3 Comité des affaires internationales du Parti
4 québécois... je n'ai entendu aucun des quatre
5 autres panelistes manifester ne fût-ce que l'ombre
6 d'un désaccord avec le discours précédent.

7 Il faudrait être bien naïf ou bien
8 aveugle pour ne pas voir le scénario que nous
9 préparent ces gens très puissants auxquels faisait
10 allusion M. Denis Vaugeois. Une bonne vieille
11 guerre civile pour que le "Canabec" libre naisse
12 dans le sang. Qui dit mieux? Et moi qui espérais
13 naïvement que les Québécois du PQ puissent être
14 conscients de l'avantage premier d'être reconnu
15 internationalement par les premières nations
16 d'abord. Non, ça ne se fera pas ainsi, selon M.
17 Parizeau.

18 C'était un congrès régional
19 spécial du PQ Montérégie. Si les dirigeants du
20 Parti québécois étaient des gens favorables à
21 l'établissement de relations harmonieuses entre
22 peuple québécois et peuples autochtones, il me
23 semble qu'on aurait pu faire mieux ce jour-là,
24 le 25 janvier 1992, qu'un appel aux armes.

25 M. Parizeau dit que ce n'est ni à

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1 qui devait être présenté ici à la Commission
2 royale d'enquête. C'est pour ça que nous sommes
3 ici aujourd'hui.

4 L'objectif que nous avons fixé
5 était d'apprendre à mieux se connaître, autant du
6 côté des cultures autochtones que des cultures
7 québécoises.

8 Ici aujourd'hui on ne prétend pas
9 arriver avec des solutions à tous les problèmes,
10 mais on veut arriver et amener des solutions qui
11 sont humaines à des problèmes très humains.

12 Une chose qui était très claire et
13 qui est ressortie de façon très précise était le
14 besoin de communiquer, le besoin d'arriver et de
15 s'exprimer et d'apprendre ce que l'autre est. Et
16 cela est ressorti de façon claire et précise.

17 C'est un peu ça l'objectif de
18 cette rencontre-là.

19 Je ne sais pas si vous avez besoin
20 de savoir ce que le Conseil permanent de la
21 jeunesse est ou si c'est suffisant pour vous.

22 COPRÉSIDENT RENÉ DUSSAULT: Ce
23 serait peut-être utile, très, très brièvement de
24 dire un mot sur l'organisme qu'est le Conseil
25 permanent de la jeunesse.

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1 eux, les autochtones, ni à nous, Québécois, de
2 décider; c'est le droit international qui va
3 décider à notre place. Et il le disait tout
4 dernièrement dans une conférence de presse le 29
5 juillet 1993 à Québec... et bien sûr aussi que les
6 armes décideront si nécessaire. Diviser pour
7 régner.

8 En terminant cette lettre ouverte
9 à l'exécutif national du Parti québécois
10 j'écrivais:

11 "Ce que je souhaite au peuple
12 québécois, c'est d'apprendre
13 et de comprendre, et ce, dans
14 les plus brefs délais, ce que
15 signifient 'indépendance
16 nécessaire' et 'projet de
17 société nécessaire'..."

18 projet avant et non après l'indépendance. Avant
19 de construire une maison nouvelle, on dessine
20 d'abord le plan d'architecture. On fait les plans
21 habituellement avant de construire et non après.

22 "Ce que je souhaite au peuple
23 québécois, c'est d'apprendre
24 et de comprendre, (...) ce
25 que signifient 'indépendance

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1 **MICHAEL BETTS:** Le Conseil
2 permanent de la jeunesse est un conseil privé. Ce
3 sont des jeunes qui sont élus à travers la
4 province de Québec sur un mandat de trois ans.
5 Ils doivent conseiller le gouvernement du Québec
6 sur toutes les questions relatives à la jeunesse.
7 Grosso modo c'est ça un peu.

8 **COPRÉSIDENT RENÉ DUSSAULT:** Il y a
9 une loi de l'Assemblée nationale qui a constitué
10 cet organisme. C'est un organisme, dans le fond,
11 mais ils appellent ça privé parce que...évidemment
12 ça appartient à ceux qui sont élus.

13 **MICHAEL BETTS:** C'est ça. Ce sont
14 des jeunes qui sont élus qui représentent
15 différents organismes de jeunes à travers la
16 province de Québec.

17 Je vais passer la parole à Anick.

18 **ANICK RIVERIN:** Pour nous
19 introduire à la rencontre on a commencé par voir
20 une pièce de théâtre présentée par la compagnie
21 Parminou, qui portait le titre "À temps pour
22 l'Indian Time", ou "À temps pour le temps indien".

23 Dans cette pièce-là on a surtout
24 discuté des préjugés. C'était une pièce qui était
25 interactive. Donc ce sont surtout des préjugés

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1 nécessaire' et 'projet de
2 société nécessaire' de telle
3 sorte que personne ne puisse
4 dire, suite à un prochain
5 référendum sur
6 l'indépendance, ce que Félix
7 Leclerc disait du
8 Québécois..."

9 Félix, dans un de ses derniers interviews, disait:
10 "Le Québécois, il a même voté contre lui en
11 refusant l'indépendance, ne sachant pas ce que
12 c'était." Et ce n'est pas le PQ présentement,
13 malheureusement, qui dit au Québécois ce que c'est
14 que l'indépendance. Il le trompe, au contraire,
15 en mettant de l'avant le mot "souveraineté" mais
16 sans jamais expliciter, sans jamais dire ce que
17 signifie ce terme, "souveraineté", et en proposant
18 au peuple québécois une bien drôle de
19 souveraineté.

20 Je terminerai en citant le dernier
21 paragraphe d'une lettre... c'est un mémoire.
22 C'est un mémoire qui a été adressé à la Commission
23 sur l'avenir politique et constitutionnel du
24 Québec par un dénommé Antoine Babbi (PH),
25 professeur ou étudiant à la Faculté des sciences

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1 qui sont ressortis de la discussion et des
2 échanges.

3 On a donc commencé à dire...à
4 propos justement de la contrebande de cigarettes,
5 ces choses-là. Donc on a constaté qu'il y avait
6 beaucoup de préjugés au niveau des Autochtones.
7 C'est surtout ça qui est ressorti de la pièce.

8 Si vous suivez notre mémoire on va
9 commencer par aborder les préjugés.

10 Ce qu'on a surtout constaté lors
11 de la rencontre c'est qu'il y avait beaucoup
12 d'ignorance et d'incompréhension par rapport aux
13 cultures autochtones chez les Québécois. On a
14 constaté qu'il y avait une présentation souvent
15 d'informations qui étaient un peu faussées.

16 On a identifié comme principaux
17 responsables de ça les médias et aussi les cours
18 d'histoire. On a trouvé qu'il y avait un genre de
19 fausse information qui circulait par rapport à ça.

20 Surtout par rapport aux préjugés
21 on a constaté que ça les accentuait, ces deux
22 médias-là, que ces deux véhicules de
23 communication-là accentuaient souvent les préjugés
24 entre Autochtones et Québécois. Le fossé
25 s'agrandissait.

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1 de l'éducation de l'Université de Laval. Je pense
2 que ce paragraphe résume assez bien ce que j'ai
3 entendu de mieux durant ces deux dernières
4 semaines d'audiences publiques de la Commission
5 royale sur les peuples autochtones.

6 "Le parti que j'ai pris,
7 c'est celui de
8 l'incontournable
9 réconciliation historique.
10 Nous sommes pris pour vivre
11 ensemble."

12 C'est une lettre qu'il adressait, lettre intitulée
13 "À mon ami Mohawk".

14 "Tu ne veux pas disparaître,
15 mon ami Mohawk; moi non plus.
16 Pas même retourner au pays
17 des ancêtres de vieille
18 France; ça m'intéresse pas
19 pantoute. On va donc
20 s'asseoir pour réfléchir et
21 discuter puis décider d'un
22 pays vivable. D'entrée de
23 jeu, je reconnais que tu as
24 le droit du premier occupant,
25 comme les Palestiniens, et ce

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1 Pour ce qui est de la réalité
2 autochtone on a constaté que justement c'est
3 paradoxal, c'est contraire. Les Autochtones, vu
4 qu'ils sont obligés souvent d'aller étudier en
5 ville ils côtoient beaucoup les Québécois. Donc
6 la société québécoise, ils la connaissent, ils la
7 voient souvent, et y vivent aussi souvent.

8 Donc souvent ils ont une bonne
9 connaissance, justement, du système québécois de
10 qu'est-ce que les Québécois vivent un peu. Mais
11 on a remarqué que c'est un peu le contraire au
12 niveau des Autochtones. La connaissance était
13 plutôt, on pourrait dire, limitée.

14 Pour ce qui est du pouvoir établi
15 et les jeunes, on a souvent remarqué que les
16 jeunes sentaient qu'il n'y avait pas de place au
17 niveau du pouvoir dans le sens qu'ils n'étaient
18 pas consultés pour les décisions, qu'on leur
19 demande pas souvent leur avis ou comment ils
20 appliqueraient certaines choses. Donc on a évalué
21 qu'il manquait justement de place pour les jeunes
22 au niveau du pouvoir.

23 On a aussi constaté qu'il y avait
24 souvent un écart entre ce que individuellement les
25 gens pensent et ce qui est véhiculé par la

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1 n'est pas rien. Quant à moi,
2 j'ai hérité du droit du plus
3 fort, comme Israël, et ce
4 n'est pas rien non plus. Je
5 te l'ai dit tout à l'heure,
6 j'ai pris tout l'héritage.
7 Il faudra donc cette fois
8 apprendre à vivre ensemble.
9 J'ai compris que tu ne
10 supporterais plus que je
11 fasse comme si de rien
12 n'était, comme si tu
13 n'existais plus. Il faudra
14 bien trouver un moyen terme
15 vivable qui s'enracine dans
16 des réalités qui se
17 contredisent et se complètent
18 tout à la fois: celle d'hier
19 et celle d'aujourd'hui."

20 Enfin, en tout dernier lieu,
21 j'aimerais faire une citation de M. Pierre Trudel
22 dans son mémoire qu'il vous a adressé il y a deux
23 semaines, le 15 novembre 1993. En première page
24 il cite M. René Lévesque, qui disait, lors d'une
25 rencontre historique avec les Amérindiens en 1978:

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1 société. Donc la société ne reflète pas beaucoup
2 souvent la pensée des individus.

3 On a aussi évalué qu'une meilleure
4 communication passerait par une meilleure
5 connaissance et un respect dans les différences et
6 dans les cultures. Donc on prône qu'il y ait une
7 meilleure communication, une communication plus
8 vraie, plus juste entre la réalité des Autochtones
9 et la réalité des Québécois, qu'il y ait un
10 rapprochement qui se fasse.

11 Tout le long de la rencontre ça
12 s'est souvent déroulé avec cette optique-là, de
13 rapprocher, de mettre aussi en parallèle les
14 différences comme les similitudes.

15 Pour ce qui est des questions
16 sociales, on a abordé aussi les problèmes sociaux
17 au niveau des jeunes et de la société. Ce qu'on a
18 remarqué souvent aussi c'est encore le fait que
19 chez les jeunes le fait qu'il semble qu'ils
20 n'aient pas de place dans la société ça causait
21 des problèmes au niveau individuel aussi, des
22 crises d'identité, un questionnement par rapport
23 justement à leur place qu'ils peuvent avoir dans
24 l'avenir ou qu'ils peuvent prendre dans la
25 société.

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1 "... parce qu'on ne se
2 connaît pas, on ne peut pas
3 savoir ce qu'on doit
4 respecter dans l'identité de
5 l'autre. On ne peut pas
6 savoir ce qu'on doit
7 respecter dans ses
8 aspirations, ses idées, on ne
9 le connaît pas. Pas moyen de
10 bâtir quoi que ce soit dans
11 l'ignorance."

12 COPRÉSIDENT RENÉ DUSSAULT: Merci,
13 Monsieur Julien. "Pas moyen de bâtir quoi que ce
14 soit dans l'ignorance", je pense que ça résume
15 essentiellement ce que la Commission pense, ayant
16 circulé partout au Canada et ayant entendu aussi
17 bien les autochtones que les non-autochtones.

18 Évidemment, c'est plus facile
19 d'exprimer l'idée d'informer le public que de le
20 faire. Il y a, comme vous le savez, beaucoup
21 d'obstacles. Également, il y a beaucoup de
22 résistance psychologique de part et d'autre à
23 franchir, de conviction à faire.

24 Essentiellement, nous prenons
25 notre message ce matin comme un message qui fait

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les peuples autochtones

1 Encore une fois, le fait qu'on
2 soit peu consulté par les instances décisionnelles
3 ressort. C'est quelque chose qui est très présent
4 chez les jeunes.

5 On a remarqué aussi qu'au niveau
6 familial ce genre d'incompréhension-là se
7 retrouvait, ce qui engendre souvent des
8 difficultés dans la communication au niveau des
9 relations interpersonnelles entre les jeunes mêmes
10 et entre les gens.

11 On a sorti aussi que chez les
12 Autochtones il y avait une relation aussi qui
13 était importante. Il y avait une importance qui
14 était attachée à la relation avec les aînés, les
15 plus vieux.

16 Pour ce qui est des jeunes
17 Autochtones en société on a remarqué aussi qu'il y
18 avait justement des problèmes, comme le fait de ne
19 pas être représenté au niveau des instances
20 institutionnelles, c'était fréquent autant chez
21 les Québécois que chez les Autochtones. C'était un
22 point commun.

23 On a aussi identifié que souvent
24 les Autochtones avaient des problèmes d'identité
25 par rapport à leur place qu'ils ont dans la

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1 partie, en tout cas dans sa première dimension, du
2 message général que nous avons reçu certainement
3 des peuples autochtones de mettre davantage
4 l'accent sur une vision du monde moins
5 matérialiste, qui tient davantage compte des
6 aspects spirituels dans le sens profond du terme
7 mais en relation aussi avec la nature.

8 Encore une fois, je serais tenté,
9 au fond, de vous poser une seule question, et
10 c'est dans la façon d'y parvenir. C'est bien
11 évident qu'un exercice comme celui que nous
12 tenons, que plusieurs au fond tiennent chacun à
13 leur façon dans leur milieu... et c'est peut-être
14 important de le souligner. On a souvent tendance
15 à entendre ce qui est le plus vocal, qui ressort
16 davantage sur le plan de la société, mais il y a
17 énormément de bonnes volontés qui pensent qu'il y
18 a un objectif et des valeurs communes qui peuvent
19 permettre de construire ensemble un avenir
20 autochtone et non autochtone, au Canada comme au
21 Québec.

22 Alors je pense qu'essentiellement
23 ce sont les quelques réflexions que ce texte
24 souligne. Vous avez assisté de façon très
25 assidue. M^{me} Robinson était avec moi il y a deux

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1 société, autant autochtone que québécoise aussi,
2 il faut le préciser. Souvent on doit s'immerger
3 dans les milieux québécois et on se demande où est
4 notre place, et parallèlement suivant ça on subit
5 du racisme, ce qui aussi nous dévalorise. On se
6 sent dévalorisé dans notre culture et à ce moment-
7 là c'est un des facteurs qui peut mener justement
8 au décrochage scolaire, qui peut accentuer cette
9 tendance-là.

10 En plus, quand ils sont avec les
11 Autochtones les jeunes Québécois, c'est justement
12 cette méconnaissance-là, ce racisme-là qui se
13 subit ici de cette façon-là. Ça donne comme
14 l'impression aux jeunes Autochtones qu'ils n'ont
15 pas de place dans la société québécoise, qu'ils ne
16 font pas partie de la jeunesse québécoise. Ils se
17 sentent un peu comme en retrait déjà par rapport à
18 ça, par rapport à la méconnaissance de leur
19 culture.

20 On a aussi identifié que chez les
21 jeunes l'écart entre les besoins et les ressources
22 était grand. Ce problème-là était aussi beaucoup
23 plus accentué chez les Autochtones, mais suivait
24 aussi au niveau des Québécois.

25 En effet, au niveau des programmes

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1 semaines à Montréal, M^{me} Sillett est avec moi ici
2 pour la quatrième journée, et on sait que vous
3 avez suivi ces semaines d'audiences de façon très
4 assidue.

5 Vous voyez un peu ce que l'on
6 essaie de faire; on essaie de donner une qualité
7 d'écoute aux gens qui font des présentations. On
8 est heureux que les points de vue différents
9 s'expriment, et il y en a eu plusieurs. On est
10 heureux aussi que la réalité particulière, propre
11 au Québec en raison des deux nationalismes qui
12 sont présents, souvent qui peuvent être des alliés
13 mais tournent plutôt à l'affrontement souvent par
14 méconnaissance... ça fait partie donc d'un projet
15 qui est celui de la Commission. Cependant, on est
16 très conscient que c'est une goutte d'eau dans
17 l'océan par rapport au sens profond de votre
18 mémoire. Donc on a besoin à plusieurs niveaux
19 dans la société de gens qui y travaillent
20 activement.

21 On a eu une présentation du Forum
22 paritaire Québécois/Autochtones plus tôt cette
23 semaine, qui a certainement exposé une démarche
24 fort intéressante; et il y en a plusieurs autres.

25 Alors je voudrais simplement vous

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1 ou justement des besoins, souvent on ne consulte
2 pas les jeunes pour leur demander leur avis
3 vraiment, pour savoir ce qu'ils pensent de telle
4 décision ou justement de tel programme. Ce qui
5 arrive souvent c'est que ça se développe, ils sont
6 mal adaptés. C'est pas ce que les jeunes vraiment
7 désirent ou ce qui pourrait les toucher le plus,
8 c'est ce que les gens croient qui les toucherait.

9 Par rapport à ça on a amené
10 quelques solutions.

11 Donc, qu'il y ait plus de lieux
12 d'échange justement entre les Autochtones et les
13 Québécois, qu'il y ait plus de moments de
14 rencontres pour justement développer une meilleure
15 connaissance entre les deux peuples.

16 On a aussi que les jeunes et
17 l'ensemble des personnes concernées par les
18 différentes loi et programmes gouvernementaux
19 puissent participer davantage aux décisions qui
20 les concernent et intervenir dans l'élaboration
21 des programmes. Justement par rapport à
22 l'adaptation des programmes c'est encore ça qui
23 revenait.

24 C'est important de pouvoir
25 s'exprimer sur ça et de sentir que c'est pris en

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1 demander en terminant -- et c'est la seule
2 question -- entre un certain nombre d'idéaux que
3 vous avez exprimés et la réalité où on est
4 présentement, quelles sont les voies d'action
5 immédiates pour en tout cas se mettre dans cette
6 direction-là, pas nécessairement l'atteindre l'an
7 prochain mais être dans la bonne direction?

8 ROGER JULIEN: Et qui doit décider
9 que ce ne serait pas pour l'an prochain ou dans
10 deux ans? Voici...

11 COPRÉSIDENT RENÉ DUSSAULT: Je
12 pense que, encore une fois, le mieux est l'ennemi
13 du bien; j'aime mieux être sûr qu'on procède...
14 d'abord qu'on ait un certain consensus d'action
15 immédiate.

16 ROGER JULIEN: "Une goutte d'eau
17 dans l'océan", avez-vous dit. Il reste que sans
18 chacune des gouttes d'eau, il n'y a pas d'océan.
19 Ceci est pour dire que si tous et toutes ensemble
20 nous prenons nos responsabilités, si nous arrêtons
21 de déléguer nos responsabilités toujours aux
22 autres dans cette maudite pyramide du pouvoir, où
23 à tous les quatre ou cinq ans le droit de voter
24 n'est qu'une chose, c'est-à-dire le droit de faire
25 un petit paquet de mes devoirs, responsabilités et

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1 considération. Cette façon serait peut-être plus
2 efficace.

3 Chez les communautés autochtones
4 il y a aussi beaucoup le fait qu'on aimerait être
5 sollicité, on aimerait qu'on nous demande notre
6 avis avant souvent d'appliquer des programmes, ce
7 qui souvent pourrait s'avérer encore là plus
8 efficace et mieux adapté à la réalité des
9 Autochtones.

10 Maintenant Julie Bretons va nous
11 parler de l'éducation.

12 JULIE BRETONS: Je voudrais
13 d'abord dire, et ça va expliquer un peu le
14 fonctionnement de l'écriture du mémoire aussi,
15 qu'on s'est concentré, puisque notre but était
16 d'établir un dialogue, sur les points communs
17 entre Autochtones et Québécois d'abord. C'est pour
18 ça qu'il y a des parties séparées qui traitent de
19 la réalité autochtone spécifiquement, mais c'est
20 dit dans presque chaque partie que les problèmes
21 qu'on cite qui sont à l'échelle de la jeunesse en
22 général sont la plupart du temps plus cruciaux
23 chez les Autochtones.

24 Le problème principal pointant en
25 éducation c'est celui du décrochage scolaire. En

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1 obligations et de déléguer ça à quelqu'un d'autre,
2 si on arrête de procéder ainsi et si chacun
3 devient conscient de son pouvoir, si chacun et
4 chacune se réapproprie l'entièreté de son pouvoir
5 personnel et arrête de déléguer son pouvoir aux
6 autres mais l'exerce, son pouvoir personnel, ça va
7 faire une multitude de gouttes d'eau qui,
8 ensemble, vont former l'océan.

9 Autre chose. C'est définitivement
10 cette absence de pouvoir, c'est le fait qu'on nous
11 a volé notre pouvoir qui explique notre fort
12 sentiment d'impuissance et qu'on pense toujours:
13 "Ce que je peux faire, c'est une petite goutte
14 d'eau dans l'océan, ce n'est pas grand-chose." On
15 se sent impuissant. On se sent impuissant à cause
16 de ça.

17 Donc la première chose à faire, le
18 premier geste à poser, c'est un geste individuel
19 que chacun et chacune doit poser, à savoir, se
20 réapproprier l'entièreté de son pouvoir personnel
21 et ensuite vite passer à l'action, parce que ça
22 presse. Pour moi, étant donné les urgences, étant
23 donné que la planète se meurt, étant donné qu'on
24 la tue -- et, fous que nous sommes, si on tue la
25 planète, on s'autodétruit nous autres aussi, par

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1 fait on a parlé de beaucoup d'autres programmes
2 mais qui sont liés au décrochage parce qu'ils
3 provoquent le décrochage souvent.

4 Et on sait que le décrochage est
5 plus aigu chez les Autochtones que chez les
6 Québécois pour des raisons dont je vais parler
7 brièvement.

8 D'abord, il y a une désillusion
9 générale face à l'utilité concrète des études,
10 c'est-à-dire que tout le monde sait que le diplôme
11 ne donne pas nécessairement accès à un emploi,
12 n'est plus synonyme d'emploi ou de travail. La
13 sécurité d'emploi, bon, pour tout le monde, pour
14 les jeunes encore plus peut-être parce qu'ils
15 n'ont pas encore accès au marché du travail
16 nécessairement. La sécurité d'emploi est très
17 fragile. Les conditions salariales sont
18 difficiles.

19 Bref, on connaît les conditions
20 économiques actuelles, ce qui fait que ça n'incite
21 pas nécessairement les jeunes à étudier plus
22 longtemps ou à poursuivre leurs études.

23 Le plus gros problème associé au
24 décrochage qu'on a identifié, et ça pour les
25 Autochtones et les Québécois, c'est que l'école

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1 le fait même -- étant donné les urgences à
2 l'échelle internationale, à l'échelle de toute la
3 planète, on ne peut plus penser en termes de long
4 terme. On ne peut penser qu'en termes de court
5 terme, de très court terme et de très, très court
6 terme.

7 C'est pour ces raisons que lorsque
8 j'entends une question comme celle que M^{me}
9 Robinson posait à M. Larose vendredi il y a deux
10 semaines sur quoi faire et qu'il y a eu absence de
11 réponse, je voyais que j'avais affaire à
12 quelqu'un, M. Larose, qui ne pense pas du tout
13 comme moi en termes de court terme.

14 Quoi que l'on puisse penser de
15 concret comme moyen à prendre pour que ça change,
16 pour que l'éducation et la conscientisation se
17 réalisent, pour que s'établissent des relations
18 harmonieuses entre peuple canadien, peuple
19 québécois et peuples autochtones, pour qu'il y ait
20 enfin connaissance et reconnaissance réciproques,
21 certaines conditions préalables sont à respecter,
22 conditions auxquelles votre Commission devrait
23 apporter la plus grande attention, il me semble,
24 pour pouvoir ensuite faire les recommandations
25 appropriées. Ces conditions sont pour moi les

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1 est la plupart du temps mal adapté aux besoins des
2 jeunes. Comme Anick le disait, le manque de
3 consultation de la part des dirigeants ou des
4 instances décisionnelles au sens large est très
5 présent aussi en éducation.

6 C'est un peu contradictoire parce
7 qu'en fait les écoles on sait qu'elles existent
8 pour et par les étudiants mais, bon, on consulte
9 très peu quand on veut réformer les programmes, on
10 consulte très peu pour l'aménagement des lieux,
11 pour que l'école soit un lieu propice à
12 l'épanouissement des individus.

13 Donc les jeunes souvent se sentent
14 peu concernés par cette institution-là, qui
15 pourtant devrait être faite pour eux à la mesure
16 de ce dont ils ont besoin.

17 On écoute peu les insatisfactions
18 qu'elles soient sur le plan des acquis
19 intellectuels ou sur le plan humain, à tous les
20 niveaux.

21 Donc ça a été pointé comme un gros
22 facteur déclencheur d'abandon scolaire.

23 Ensuite ce serait que l'école
24 s'impose pour beaucoup de jeunes comme un lieu de
25 contrainte et d'obligation plutôt qu'un lieu où on

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1 suivantes.

2 D'abord, il faut y croire. Avant
3 de décider quoi faire très concrètement, il faut
4 d'abord y croire, croire que nous pouvons réussir,
5 croire que nous avons la puissance de pouvoir
6 réussir, parce que les moyens qui seront employés
7 sont fonction de notre croyance. Notre agir est
8 directement proportionnel à la foi que nous avons
9 en une réussite possible. Il faut croire que s'il
10 fut possible à certain de provoquer la crise
11 d'Oka, il est tout aussi possible de provoquer son
12 contraire; croire qu'il est possible pour nous
13 d'organiser des événements qui pourront attirer
14 l'attention des médias et de la population tout
15 autant que les événements de l'été 1990; croire
16 que nous avons assez d'esprit créateur, assez
17 d'imagination, assez de neurones entre les deux
18 oreilles pour donner naissance à de tels
19 événements qui mobiliseront le maximum d'énergie
20 positive dans la population.

21 Deuxièmement, il faut la
22 collaboration de tous, comme je le disais
23 tantôt -- gouvernements, organismes
24 gouvernementaux et non gouvernementaux, groupes de
25 toutes natures, individus -- tous voulant

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1 devrait être là pour acquérir des connaissances
2 qui nous donnent des outils pour le marché du
3 travail ensuite.

4 L'absence de corrélation entre le
5 contenu des cours et le marché du travail est
6 aussi important parce que beaucoup de jeunes
7 étudient pour pouvoir travailler ensuite et il y a
8 très peu d'application pratique liée au contenu
9 théorique de cours. Donc ça a été pointé comme un
10 problème aussi.

11 Pour résumer, on a souvent
12 l'impression comme jeunes que les gens qui
13 décident ne prennent pas en compte les besoins
14 qu'on peut avoir, donc on se désintéresse, et
15 souvent ça a comme effet de provoquer un abandon
16 pour se tourner tout de suite vers le marché du
17 travail où là la valorisation est immédiate.
18 Quand on a un emploi on est payé, on a des
19 responsabilités qui vont avec.

20 Pour les gens en région, pour les
21 Autochtones aussi le facteur de l'éloignement est
22 important parce qu'on sait que les jeunes
23 Autochtones sont souvent obligés de quitter leur
24 milieu familial -- ça arrive aussi pour les jeunes
25 Québécois en région -- pour aller étudier dans les

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1 travailler ensemble à la poursuite d'un objectif
2 commun, soit l'établissement de relations
3 harmonieuses entre peuples désireux de mieux se
4 connaître et mieux se comprendre, tous et chacun
5 étant conscient que chaque personne qui collabore
6 peut faire la différence. Chaque goutte d'eau
7 peut faire la différence. Personne ne fera à ma
8 place ce que moi-même, je puis faire. Donc
9 collaboration et responsabilisation de tous.

10 Enfin, être prêt à payer ce qu'il
11 faudra. Les gouvernements, les institutions de
12 toutes sortes, les organismes, les individus, tous
13 doivent être prêts à ne pas lésiner sur les
14 argents qui seront nécessaires dans les semaines,
15 dans les mois, dans les années qui viennent et à
16 considérer comme un investissement pour
17 l'avenir -- et je termine là-dessus -- ce qui sera
18 dépensé pour cette vaste opération de
19 conscientisation qui doit s'enclencher de toute
20 urgence; considérer que c'est un investissement
21 qui nous rapportera gros, très gros.

22 De toute façon, si nous n'avons
23 pas la sagesse de faire cet investissement, ce
24 sont des montants sans doute beaucoup plus
25 considérables que nous aurons à dépenser en pure

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1 grands centres urbains.

2 On sait aussi qu'il y a peu de
3 structure d'accueil pour ces jeunes-là, que ce
4 soit pour les barrières de la langue à franchir ou
5 même juste pour amortir le choc du changement
6 culturel. C'était aussi un facteur qui dissuade
7 les jeunes Autochtones et les jeunes Québécois des
8 régions, qui les dissuade d'étudier.

9 On a noté aussi qu'il y avait
10 beaucoup de violence souvent dans les écoles de
11 grands centres urbains où ils sont obligés
12 d'aller. La violence va avec les préjugés, avec
13 le racisme qui est peut-être plus présent qu'on le
14 croit souvent.

15 Pour l'adaptation du système
16 scolaire face aux besoins des Autochtones, c'est
17 sûr que c'est encore plus frappant que pour les
18 Québécois parce qu'il y a entre autres le facteur
19 de la langue, le facteur de la confrontation avec
20 l'inconnu en quelque sorte, avec une autre culture
21 que la nôtre et comme Anick le disait, les cours
22 d'histoire sont assez mal adaptés donc l'histoire
23 autochtone est occulté de l'histoire qui commence
24 avec le Canada et le Québec actuel.

25 En conclusion, et ça va avec les

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1 perte pour réparer les pots cassés, pour faire
2 face à de multiples crises pires que celle de
3 l'été 1990, crises dont il est facile de prévoir
4 et la nature et les conséquences, et qui se
5 produiront effectivement si nous n'agissons pas
6 pour les éviter.

7 COPRÉSIDENT RENÉ DUSSAULT:

8 Monsieur Julien, il nous reste à vous remercier de
9 ces propos qui interpellent évidemment beaucoup de
10 gens dans notre société...

11 ROGER JULIEN: Tout le monde.

12 COPRÉSIDENT RENÉ DUSSAULT: ...

13 sur souvent le plus profond. Je pense que ça
14 contribue à la réflexion qui est devant nous et à
15 laquelle on est non seulement un instrument mais
16 également une occasion qui permet à plusieurs de
17 faire leur propre cheminement.

18 Dans ce sens-là je voudrais vous
19 remercier d'avoir fait cette présentation ce
20 matin.

21 Nous allons maintenant suspendre
22 l'audience de la Commission pour quelques minutes
23 alors que nous allons reprendre avec la
24 présentation du ministre responsable des Affaires
25 autochtones du Québec, M. Christos Sirros, au nom

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1 grandes recommandations qu'on va donner en fin de
2 présentation, il ne faudrait pas minimiser
3 l'impact du décrochage scolaire chez les
4 Autochtones en l'assimilant simplement au
5 phénomène du décrochage scolaire chez les jeunes
6 en général. Il y a des problèmes qui sont
7 spécifiques aux Autochtones, il y a des problèmes
8 qui sont spécifiques aux régions québécoises
9 aussi.

10 On ne pense pas que les solutions
11 appliquées à la grandeur du Québec sont
12 nécessairement les bonnes, celles qui peuvent
13 vraiment régler les choses.

14 On pense qu'il faut consulter
15 davantage les étudiants, savoir de qu'ils veulent,
16 ce dont ils ont besoin, qu'est-ce qu'ils trouvent
17 important, et les questionner à propos de la
18 qualité de l'enseignement qu'ils reçoivent.

19 Les solutions que je vais énumérer
20 visent fondamentalement à humaniser les écoles
21 davantage, tenir compte des besoins des jeunes, et
22 leur prouver de cette façon-là qu'ils ont une
23 place dans la société, dans le milieu qui est leur
24 milieu de vie principal, donc l'école.

25 Donc la première recommandation

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1 du gouvernement du Québec.

2 Merci.

3 --- Courte suspension à 10 h 00

4 --- Reprise à 10 h 15

5 COPRÉSIDENT RENÉ DUSSAULT: La
6 Commission royale sur les peuples autochtones au
7 Canada reprend son audience publique avec la
8 présentation d'un mémoire par le ministre Christos
9 Sirros responsable des Affaires autochtones au
10 Québec, mémoire présenté au nom du gouvernement du
11 Québec.

12 Je voudrais d'abord présenter les
13 commissaires qui sont avec moi. À ma gauche est
14 Viola Robinson, qui est une Micmac de la Nouvelle-
15 Écosse. Avant sa nomination à la Commission
16 royale sur les peuples autochtones du Canada à
17 l'automne 1991, elle était présidente du Conseil
18 national autochtone du Canada. À ma droite est
19 Mary Sillett. Mary Sillett est une Inuk du
20 Labrador. Elle a été présidente de l'Association
21 des femmes inuit du Canada et également vice-
22 présidente d'Inuit Tapirisat du Canada.

23 Nous sommes sept commissaires. La
24 Commission est coprésidée par Georges Erasmus et
25 moi. Nous avons un Métis du Manitoba, Paul

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1 c'est de donner plus de pouvoir et de place aux
2 étudiants au sein des diverses instances
3 décisionnelles liées au système scolaire. Par
4 exemple, les conseils d'administration des écoles,
5 quand on fait des réformes, consulter.

6 Réformer le programme des cours
7 d'histoire dispensés au secondaire aussi, les
8 rendre plus représentatifs de ce que l'histoire
9 est réellement et du moment où l'histoire commence
10 et comme ça peut-être qu'on pourrait abolir
11 certains préjugés qui sont perpétués depuis très
12 longtemps.

13 Valoriser aussi des matières
14 d'apprentissage qui sont autres que les cours
15 obligatoires pour favoriser la créativité et
16 l'initiative qui sont nécessaires aux changements
17 sociaux et aussi à l'épanouissement de
18 l'entrepreneuriat, qui est selon nous une des voies
19 d'emploi les plus importantes pour les jeunes.

20 Je laisse maintenant la parole à
21 Suzy, qui va parler de l'emploi.

22 SUZY BASILE: Il est évident que
23 l'emploi c'est une préoccupation importante pour
24 la plupart des jeunes. Dans ce sens-là on s'est
25 entendu pour dire que l'avenir est incertain.

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1 Chartrand. Nous avons également M^{me} Bertha
2 Wilson, première femme nommée à la Cour suprême du
3 Canada, où elle a été pendant 10 ans, et Peter
4 Meekison, qui est professeur de sciences
5 politiques à l'Université de l'Alberta à Edmonton
6 et qui a été pendant de nombreuses années associé
7 aux négociations fédérales-provinciales avec le
8 gouvernement de l'Alberta à titre de sous-ministre
9 des Relations intergouvernementales.

10 Je voudrais très rapidement
11 souligner que c'est avec un grand plaisir que la
12 Commission royale reçoit ce matin un mémoire de la
13 part du gouvernement du Québec par l'entremise de
14 son ministre responsable du dossier autochtone.
15 Un certain nombre d'autres gouvernements des
16 provinces ont fait des présentations à la
17 Commission; entre autres, le gouvernement de la
18 Saskatchewan et le gouvernement du Manitoba. Il y
19 a eu aussi des participations du côté du
20 gouvernement de Terre-Neuve et du gouvernement
21 fédéral à certains moments lors des audiences
22 publiques depuis un an et demi.

23 Mais, dans le cas du Québec, je
24 pense que la participation du gouvernement du
25 Québec aux audiences de la Commission royale sur

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1 L'accent est beaucoup mis sur la
2 recherche du profit au détriment des valeurs
3 humaines, ce qui contribue au démantèlement des
4 communautés et des régions.

5 Les dirigeants prennent peu en
6 considération les conséquences du développement
7 économique sur la collectivité et les ressources
8 naturelles, ce qui donne comme résultat que de
9 moins en moins d'emplois sont créés et ça laisse
10 entrevoir une situation très sombre pour les
11 années à venir.

12 Pour nous, on s'est entendu sur
13 certains principes comme quoi il est nécessaire de
14 stimuler l'entrepreneuriat et le développement
15 durable.

16 Pour nous il est donc
17 indispensable de se prendre en main sur une base
18 individuelle et collective afin d'élargir les
19 horizons actuels en matière d'emploi.

20 Les principales recommandations
21 par rapport à la question d'emploi étaient
22 d'assurer un meilleur suivi pour les jeunes qui
23 quittent les communautés et les régions éloignées
24 pour les inciter à revenir en région ou les
25 inciter à continuer les études pour éventuellement

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1 les peuples autochtones a une valeur symbolique
2 toute particulière, d'une part parce que je pense
3 que la réalité du dossier autochtone au Québec
4 comporte une particularité par rapport à
5 l'ensemble canadien dû au fait qu'il y a ici au
6 Québec deux nationalismes qui sont extrêmement
7 vivants du côté du peuple québécois et également
8 du côté des peuples autochtones. Et, dans le
9 contexte de l'ensemble canadien, évidemment, ça
10 crée une dynamique additionnelle qu'on ne retrouve
11 pas ailleurs au Canada.

12 Également, elle a une valeur
13 symbolique importante compte tenu de la nature
14 même du dossier très délicat qui a été confié à la
15 Commission royale et, au fond, qui est un dossier
16 qui est extrêmement important sur le plan de
17 l'ensemble du Canada et des projets collectifs
18 canadien et québécois.

19 Elle est symbolique aussi parce
20 que c'est la première fois depuis plus de 55 ans
21 qu'un gouvernement du Québec accepte de faire une
22 présentation publique devant une commission royale
23 de nomination fédérale. Depuis la Commission
24 royale d'enquête Rowell-Sirois en 1937 sur la
25 Constitution, la coutume a été par la suite, pour

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1 avoir un travail.

2 On a recommandé aussi que les
3 communautés développent davantage
4 d'entrepreneurship des moyennes et des petites
5 entreprises au sein même des communautés et des
6 régions éloignées.

7 On a souligné aussi l'importance
8 d'établir de politiques de réorganisation du
9 travail, autant dans les communautés autochtones
10 que dans les régions éloignées et les centres
11 urbains.

12 On a aussi souligné l'importance
13 de stimuler l'entrepreneuriat des jeunes afin de
14 miser davantage sur leur potentiel innovateur et
15 créatif.

16 Une dernière recommandation qu'on
17 a soutenue importante est que l'information sur
18 les programmes liés à la création d'entreprises et
19 d'emplois ainsi que toute l'information
20 gouvernementale soit plus accessible et soit
21 diffusée aux jeunes dans les écoles et un peu
22 partout.

23 Je vais laisser Michael vous
24 entretenir sur le développement économique et
25 l'environnement.

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1 le gouvernement du Québec, de traiter dans le
2 cadre des relations fédérales-provinciales comme
3 étant la voie normale; je serais tenté de dire,
4 dans le contexte du dossier autochtone, de traiter
5 de nation à nation avec le gouvernement fédéral.

6 Il faut dire que le contexte dans
7 lequel se trouve la Commission royale sur les
8 peuples autochtones est tout à fait inusité et
9 certainement unique au Canada. Inusité et unique
10 d'abord par l'ampleur du mandat de la Commission,
11 qui touche aussi bien les champs de compétence
12 provinciale que fédérale. D'ailleurs de nombreux
13 comités tripartites des diverses provinces du
14 Canada groupant les provinces, le gouvernement
15 fédéral et également les autochtones sont à
16 l'oeuvre, ce qui démontre au fond que les trois
17 types de gouvernement ont partie liée et doivent
18 travailler ensemble.

19 Aussi, c'est parce que notre
20 Commission a pour mandat non pas de s'intéresser
21 uniquement aux Indiens inscrits régis par la Loi
22 sur les Indiens mais aussi aux Indiens inscrits
23 qui vivent dans les villes, aux Indiens sans
24 statut, qui ne sont pas inscrits, qui habitent à
25 l'extérieur des réserves; donc tout le phénomène

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1 **MICHAEL BETTS:** L'environnement
2 était extrêmement important pour le Groupe des
3 vingt-deux. Une chose qui était sûre c'était que
4 la surconsommation des ressources naturelles était
5 un manque flagrant des respect envers
6 l'environnement de notre planète.

7 S'il y a une chose qui est à
8 retenir c'est que la terre n'est pas à vendre, et
9 ça c'était clair pour tout le monde.

10 Nous, les jeunes, on croit
11 fermement qu'il est possible de pouvoir concilier
12 le développement économique avec l'environnement
13 et que l'on puisse arriver et prendre en
14 considération un développement qui préserve la
15 nature, ce qui fait que nous croyons que les
16 emplois doivent être orientés dans cette optique,
17 même si cela va à l'encontre un peu du principe du
18 profit à court terme.

19 On croit que si l'ensemble de la
20 société se mobilise dans cette avenue-là on serait
21 capable d'arriver et de trouver des avenues et des
22 solutions qu'on pourrait appliquer qui seraient
23 bénéfiques pour tous et chacun.

24 Les principales recommandations
25 que nous en avons tirées, vous remarquerez que

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1 urbain est extrêmement important, est important
2 pour les gouvernements des provinces mais aussi
3 pour les gouvernements municipaux -- nous avons eu
4 l'occasion cette semaine d'entendre un mémoire de
5 l'Union des municipalités du Québec et de la
6 Fédération canadienne des municipalités -- et
7 également, parce que le mandat de la Commission
8 touche le peuple inuit et également le peuple
9 métis.

10 Unique, important par l'ampleur de
11 son mandat mais aussi par sa portée profonde. Il
12 s'agit d'une commission sur des peuples et non sur
13 une matière, comme par exemple les transports ou
14 les communications ou la santé ou que sais-je
15 encore; une commission sur les peuples autochtones
16 et sur leurs rapports avec les autres peuples au
17 Canada. La seule analogie que l'on connaisse à
18 une commission royale sur des peuples est
19 effectivement la Commission royale sur le
20 bilinguisme et le biculturalisme, qui a siégé
21 durant les années soixante pour étudier le rapport
22 entre francophones et anglophones au Canada.

23 Alors il s'agit au fond, la
24 Commission royale sur les peuples autochtones, de
25 bien plus qu'une commission sur des questions

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1 plusieurs vont toucher le recyclage et
2 l'utilisation de produits biodégradables ou de
3 produits qui ne sont pas dommageables à
4 l'environnement.

5 Il y a quelque chose aussi qui est
6 bien important, et vous la voyez dans la
7 recommandation 6, rentabiliser l'écologie afin de
8 réduire le cercle vicieux qui oppose la
9 rentabilité et l'économie à l'environnement. C'est
10 quelque chose que nous croyons que le gouvernement
11 devra s'impliquer ardemment pour pouvoir arriver
12 et concilier l'économie et l'écologie.

13 Enfin dans la dernière
14 recommandation, sans arriver et prendre les
15 Autochtones comme étant les sauveurs et les
16 gardiens de l'environnement, favoriser un
17 partenariat avec ces derniers pour une meilleure
18 protection de l'environnement, pour la mise en
19 valeur de nos ressources naturelles, et pour
20 l'avancement du développement durable.

21 Nous croyons que les peuples
22 autochtones peuvent arriver et contribuer
23 grandement à l'atteinte de ces choses que nous
24 attendons tous comme jeunes.

25 Je passe maintenant la parole à

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1 autochtones, mais c'est une commission sur
2 l'essence même du Canada, l'essence même du Québec
3 comme société et des projets de société
4 respectifs.

5 C'est pourquoi, dès sa création,
6 la Commission a estimé essentiel de rencontrer
7 tous les premiers ministres des provinces et les
8 chefs de territoire très rapidement pour leur
9 faire part au fond du caractère inusité et unique
10 du mandat de la Commission, du fait que nos
11 recommandations bien sûr s'adresseraient au
12 gouvernement fédéral, à des organisations
13 autochtones aussi, mais auraient un impact
14 important du côté des provinces. On ne voulait
15 pas être vu comme concurrent à de nombreux groupes
16 de travail, comités de toutes sortes qui
17 examinaient certains aspects de la réalité
18 autochtone.

19 À l'époque, évidemment, ici au
20 Québec il y avait une démarche d'entreprise pour
21 l'élaboration d'une politique globale avec une
22 consultation, des colloques, et on voulait être
23 sûr que le rôle de la Commission serait bien
24 compris et obtenir la collaboration des
25 gouvernements et leur participation bien sûr dans

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1 Julie pour la conclusion.

2 JULIE BRETONS: Donc, en
3 conclusion, qui s'appelle "Au-delà des thèmes", ça
4 en dit long. Ce qui s'est affirmé le plus
5 important pour nous en fait c'est la volonté de
6 communiquer qui était présente pendant les trois
7 jours de discussion entre peuples autochtones et
8 québécois. Il faut établir une nouvelle forme de
9 dialogue entre ces deux nations-là parce qu'on ne
10 peut plus fonctionner dans le présent et dans
11 l'avenir comme ceux qui nous ont précédé.

12 La communication, le partenariat
13 et la consultation doivent prendre la place de la
14 confrontation.

15 Dès aujourd'hui il est primordial
16 d'aller au-delà des préjugés qui se sont perpétués
17 depuis trop longtemps, et de chercher à comprendre
18 et poser des gestes concrets dans l'optique de
19 réellement améliorer les choses dans un respect et
20 une écoute mutuels.

21 Il est essentiel pour nous de
22 réformer le fonctionnement actuel de la politique
23 afin que cette dernière soit mieux adaptée aux
24 besoins de l'ensemble de la société, donc de tout
25 le monde, les Autochtones, les Québécois, les

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1 des échanges d'information soutenus, comme ceux
2 que nous avons avec les autochtones au pays, mais
3 également idéalement au niveau du processus même
4 de participation publique. Il y a un rôle
5 d'éducation publique important qui doit prendre
6 place pendant la durée de la Commission royale sur
7 les peuples autochtones et qui devra continuer, et
8 plusieurs autres devront prendre le relais pendant
9 la Commission et après, mais il reste que ça
10 permet de donner une certaine poussée de départ
11 accentuée.

12 On sait qu'en parallèle au travail
13 il y a des forces dans la société qui travaillent
14 un peu à rebours, de façon volontaire ou
15 involontaire, mais le résultat net est que nous
16 assistons, en particulier au Québec, depuis
17 certainement 1990, à une détérioration plutôt qu'à
18 une amélioration du climat entre autochtones et
19 non-autochtones. C'était une préoccupation
20 importante à l'époque et ça l'est encore de façon
21 je dirais presque accentuée aujourd'hui.

22 Nous voulions aussi nous assurer,
23 comme nous l'avions fait pour le gouvernement
24 fédéral, que la Commission royale ne serait pas
25 utilisée par les gouvernements comme une excuse

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1 jeunes, et de tout le monde de manière générale.

2 Il faut que la recherche du profit
3 immédiat, comme le disait Michael, la recherche de
4 la rentabilité cède le pas à une plus grande
5 considération de l'environnement et des besoins
6 humanitaires d'une société.

7 Il faut que la politique
8 s'assouplisse et s'ouvre à une plus grande
9 concertation et consultation des membres de la
10 société afin que tout le monde soit respecté, afin
11 que la société soit plus équitable pour tous.

12 Comme jeunes Autochtones et
13 Québécois on veut participer davantage et plus
14 activement aux changements de société qui
15 s'impose. On veut pouvoir s'impliquer dans ces
16 changements-là parce que nous croyons que la santé
17 et le bon fonctionnement d'une société sont
18 l'affaire de tous et particulièrement la nôtre,
19 puisque ce sera bientôt notre tour de gérer et
20 d'assurer la santé de cette société-là.

21 Donc, en définitive il faut donner
22 plus de place aux jeunes, plus de place aux
23 Autochtones. Il faut que chacun puisse se
24 prononcer, ou se prononcer davantage en tout cas,
25 dans les questions et les décisions, les

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1 pour l'inaction. Nous voulions être bien clairs à
2 l'effet que c'était à nous à s'adapter aux
3 processus qui se déroulaient un peu partout au
4 Canada et non pas l'inverse, qu'il y avait
5 tellement de rattrapage à faire dans le dossier
6 autochtone qu'il ne fallait surtout pas utiliser
7 la Commission royale comme un prétexte, parfois
8 légitimement pour avoir des éclairages
9 additionnels, mais pour ne pas bouger.

10 Je dois dire qu'on a eu un accueil
11 extrêmement chaleureux de la part de tous les
12 premiers ministres au Canada, qui essentiellement
13 nous ont dit: "Dans le dossier autochtone on a
14 besoin d'aide. Si des solutions concrètes,
15 réalistes, pratiques, équilibrées nous sont faites
16 par la Commission royale, nous serons certainement
17 intéressés à les considérer de très près et sommes
18 preneurs en bout du compte si tel est le cas."

19 La collaboration s'est déroulée
20 dans des relations régulières avec tous les
21 gouvernements depuis ce temps-là. Nous avons par
22 exemple échangé sur le programme de recherche de
23 la Commission, qui est considérable; nous avons
24 établi près de 400 projets de recherche, contrats
25 de recherche, dans tous les domaines, dans tous

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1 orientations gouvernementales qui les concernent.

2 On va maintenant passer aux trois
3 grandes recommandations.

4 Je passe la parole à Suzy.

5 **SUZY BASILE:** Nous avons cru bon
6 de privilégier, si vous voulez, quelques
7 recommandations que nous avons considéré très
8 importantes. Nous en avons conservé trois, dont
9 la première concerne un conseil de jeunes.

10 Afin de travailler activement au
11 démantèlement des divers préjugés qui divisent les
12 nations autochtones et québécoises nous
13 recommandons la formation d'un comité jeunesse
14 autochtone et québécois conjoint. Ce dernier
15 aurait pour but de poursuivre et approfondir la
16 démarche entamée lors de ladite rencontre qui fait
17 l'objet de ce présent mémoire.

18 Nous croyons qu'il est essentiel
19 de mettre sur pied un organisme qui pourrait
20 travailler à long terme sur les relations entre
21 Autochtones et Québécois et du coup offrir une
22 meilleure représentativité aux jeunes
23 représentants des diverses nations du Québec.

24 Afin d'améliorer la communication
25 inter-nations l'amorce d'un travail et d'une

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1 les aspects des 16 points de notre mandat. Nous
2 les avons discutés avec des représentants
3 gouvernementaux comme autochtones pour essayer de
4 viser le plus juste possible, s'assurer qu'on ne
5 faisait pas double emploi avec des démarches
6 entreprises ailleurs mais que ça allait servir
7 l'ensemble des communautés autochtones, des
8 gouvernements, des milieux académiques également
9 qui s'intéressent au domaine autochtone.

10 La participation publique tire à
11 sa fin comme processus pour la Commission. Ici,
12 c'est la dernière semaine d'un processus qui a été
13 considérable, en quatre séries d'audiences
14 publiques, où nous avons présenté un document qui
15 rendait compte de ce que l'on avait entendu et
16 également qui essayait de regrouper autour de
17 certains thèmes comme les éléments clés de
18 changement les propos que nous avons entendus et
19 essayait de voir où étaient les points communs de
20 consensus sur lesquels on pourrait asseoir les
21 recommandations de la Commission. Il y a des
22 divergences qu'il faut reconnaître, mais il est
23 évident qu'également il faut reconnaître les
24 points communs et tabler sur ces points communs
25 pour amener des consensus et asseoir les

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1 réflexion conjointe s'impose.

2 **ANICK RIVERIN:** La deuxième
3 recommandation touchait surtout l'application des
4 Autochtones, justement, dans les décisions
5 gouvernementales. On demande d'avoir une plus
6 grande autonomie, un plus grand droit de regard
7 sur les orientations de notre communauté et aussi
8 la société en général.

9 On croit que la paix sociale va se
10 construire maintenant, surtout sur le respect,
11 l'implication et l'écoute de chacune des
12 communautés qui font partie de la réalité
13 québécoise.

14 On croit que pour évaluer le
15 bienfait des mesures gouvernementales et des
16 programmes sociaux on doit demander l'avis des
17 gens qui sont justement visés par ces mesures-là.
18 On doit les consulter, ce qui va vraiment leur
19 offrir à ce moment-là d'avoir plus main mise sur
20 les programmes et que ces programmes-là s'adaptent
21 à eux et non pas que les programmes doivent être
22 toujours...que tu doives toujours trouver un moyen
23 de te faufiler ou trouver à l'adapter toi même,
24 que ce soit déjà fait, que ce soit un travail qui
25 est essentiel.

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1 recommandations de la Commission.

2 Je termine en disant que nous
3 comptons terminer nos délibérations comme
4 Commission dans un an, ce qui veut dire que le
5 rapport final devra déborder peut-être de quelques
6 mois au début de 1995 pour des problèmes
7 d'impression et de traduction. D'ici là, nous
8 comptons présenter au gouvernement canadien un
9 certain nombre de rapports intérimaires sur des
10 questions où nous estimons urgent de le faire, ou
11 autrement, des questions sur lesquelles il est
12 essentiel d'attirer l'attention de façon
13 particulière, quitte à y revenir dans le rapport
14 final: les questions de suicide chez les
15 autochtones; la fameuse question de la disposition
16 qui demande l'extinction des droits dans les
17 revendications territoriales; également la
18 violence familiale dans les communautés
19 autochtones, qui est une réalité qui nous
20 préoccupe au plus haut point; la question de la
21 réinstallation des Inuit du nord du Québec,
22 d'Inukjuak, à l'époque Port Harrison, en 1953-55,
23 à Resolute Bay et à Grace Fjord. On a eu
24 l'occasion d'entendre les deux points de vue, le
25 point de vue des Inuit eux-mêmes par la tradition

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1 Justement, ce droit de regard là,
2 qu'il soit accordé autant aux Autochtones qu'aux
3 autres réalités ethniques.

4 Je vais maintenant passer la
5 parole à Julie.

6 JULIE BRETONS: Donc la troisième
7 recommandation, on en a parlé déjà, qu'une plus
8 grande place soit faite aux jeunes. L'importance
9 de ça, en fait, c'est qu'on a découvert qu'on
10 avait beaucoup de points communs comme jeunes dans
11 une société qui est difficile à vivre pour
12 beaucoup de jeunes.

13 On avait beaucoup de points
14 communs, donc c'était important de laisser plus de
15 place aux jeunes et vu les positions qu'on a,
16 nous, face à l'avenir puisqu'on veut que les
17 choses changent, qu'on prenne en considération
18 l'environnement, les valeurs humanitaires, on
19 pense que comme jeunes on a peut-être notre mot à
20 dire, plus qu'on l'a actuellement.

21 SUZY BASILE: Alors, voilà, c'est
22 la fin de notre présentation.

23 COPRÉSIDENT RENÉ DUSSAULT: Merci.

24 Je voudrais d'abord vous remercier
25 d'avoir poursuivi la réflexion que vous aviez

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1 orale sur leur perception de ce qui s'est vécu, et
2 également les fonctionnaires, les chercheurs,
3 les gens qui se sont intéressés au dossier.

4 Nous allons aussi faire un rapport
5 intérimaire sur toute la question des pensionnats,
6 qui a été une politique fédérale à laquelle ont
7 été associées les principales églises
8 missionnaires -- catholique, anglicane,
9 presbytérienne et unie -- qui a laissé beaucoup de
10 séquelles chez les autochtones, qui a eu un impact
11 individuel mais aussi collectif par la perte des
12 langues et des cultures.

13 Nous espérons pouvoir faire des
14 propositions dans le domaine de la justice. Il y
15 a eu plusieurs enquêtes qui se sont penchées sur
16 la question de la justice chez les autochtones, il
17 y a des groupes de travail qui sont à pied
18 d'oeuvre. Nous avons l'occasion plus tôt cette
19 semaine d'en discuter avec le juge Jean-Charles
20 Coutu du Québec, qui préside un comité qui découle
21 du Sommet de la justice.

22 Quant au rapport final, nous
23 comptons tenter une approche qui n'a pas encore
24 été tentée par une commission royale, c'est-à-dire
25 que sur les points principaux de notre mandat nous

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1 amorcée lors de cette rencontre et autour de la
2 pièce de théâtre pour en faire un mémoire à la
3 Commission royale sur les peuples autochtones du
4 Canada.

5 On a eu souvent l'occasion de le
6 dire, la Commission va donner ce que les gens
7 mettent dedans essentiellement, et on est très
8 conscients de ça. Sur ce plan-là je pense que
9 votre contribution est très importante.

10 On a eu plusieurs contributions de
11 la part de groupes de jeunes au pays. Ça n'a pas
12 été toujours facile au niveau des audiences
13 publiques d'avoir des présentations de jeunes non-
14 Autochtones. On a eu dans les communautés
15 plusieurs présentations de jeunes dans les
16 communautés autochtones. On a fait beaucoup de
17 rencontres dans les écoles également au niveau du
18 primaire mais aussi au niveau du secondaire, 9^e,
19 10^e, 11^e, 12^e année, pour discuter de la façon dont
20 les jeunes voient l'avenir et des barrières qu'ils
21 voient à la poursuite au niveau postsecondaire.

22 On a essayé d'avoir des Tables
23 rondes régionales où on avait des jeunes qui
24 venaient exprimer leur point de vue à la
25 Commission, Autochtones et non-Autochtones, mais

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1 comptons présenter des documents de politiques
2 publiques, une analyse de politiques publiques
3 avec un certain nombre d'options qui sont
4 plausibles, en ayant éliminé les options les plus
5 extrêmes, et de les tester en séminaires
6 restreints comme banc d'essai avec les
7 gouvernements des provinces, les gouvernements des
8 territoires, le gouvernement fédéral et les
9 organisations autochtones; et, dans certains cas,
10 en ce qui a trait à la question urbaine par
11 exemple, y associer les gouvernements municipaux.

12 De la sorte, au bout du compte, la
13 Commission pourra avoir une bonne idée des points
14 communs, des points de convergence, pour faire en
15 sorte que ces recommandations, tout en étant
16 appuyées sur des principes clairs, puissent aussi
17 être stratégiques en termes de résultats
18 d'implantation et de réception.

19 Alors ce sont les quelques propos
20 que je voulais avoir l'occasion de tenir au moment
21 où le gouvernement du Québec, par l'entremise du
22 ministre Sirros, s'apprête à faire sa
23 présentation. Passer du rejet au respect, passer
24 du paternalisme au partenariat, passer au fond
25 souvent d'une situation où on a des murs, où on a

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1 je pense que c'est certainement une des
2 présentations les plus structurées qu'il nous ait
3 été donné d'entendre à ce moment-ci. Nous vous en
4 remercions.

5 Comme première question, et je
6 suis très conscient que c'est dans le sillage de
7 la démarche du mois de septembre dernier du Groupe
8 des vingt-deux. Vous avez réuni des jeunes
9 Autochtones et non-Autochtones.

10 Comment avez-vous procédé au choix
11 de la constitution de ce groupe de 22 personnes
12 qui a passé une fin de semaine d'apprentissage
13 interculturel? Comment ça s'est passé?

14 MICHAEL BETTS: Ça s'est passé de
15 façon différente un peu du côté des Autochtones et
16 des non-Autochtones.

17 Du côté des Autochtones ce que
18 nous avons fait, on a produit une affiche disant
19 ce qu'on voulait faire, et on a envoyé ça dans
20 chacune des communautés autochtones à travers la
21 province de Québec, dans les 11 nations et dans
22 toutes les réserves.

23 On a aussi contacté des personnes-
24 ressource dans chacune des communautés pour nous
25 suggérer des gens.

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1 l'impression qu'il y a des murs qui se dressent à
2 la construction de ponts de solidarité, c'est plus
3 facile à dire qu'à faire, qu'à réaliser.

4 Les autochtones nous ont dit au
5 Canada qu'ils désirent largement, la grande
6 majorité, s'autodéterminer dans le cadre canadien
7 par la voie d'une autonomie gouvernementale. Sur
8 le principe ils sont très fermes. Sur les
9 modalités, ils sont prêts à négocier, à discuter.
10 Ils sont conscients qu'ils sont dans un contexte
11 de coexistence, où on doit harmoniser avec les
12 autres niveaux de gouvernement.

13 Il n'y a aucun doute qu'un projet
14 de société au Canada comme au Québec qui
15 n'inclurait pas les autochtones comme partenaires
16 véritables à partir d'une négociation d'égal à
17 égal serait trop étroit et serait impertinent pour
18 le monde dans lequel on est appelé à vivre d'ici
19 la fin du siècle et au tournant du prochain
20 siècle.

21 Alors, sur ces quelques mots,
22 Monsieur le Ministre, j'aimerais vous remercier
23 encore une fois d'être venu nous rencontrer. Je
24 pense que c'est une occasion collective importante
25 pour l'ensemble de la société québécoise et qui

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1 À partir de ça il y a eu beaucoup
2 de mises en candidature qui ont été faites et il y
3 avait un comité de sélection qui avait été fait
4 conjointement avec le Conseil permanent de la
5 jeunesse et le Secrétariat aux Affaires
6 autochtones. Et là on a sélectionné 11
7 représentants pour les nations autochtones.

8 Du côté des non-Autochtones on a
9 fonctionné avec les relations que le Conseil
10 permanent de la jeunesse a avec différents
11 organismes de jeunes à travers la province de
12 Québec, pour réussir à arriver et aller chercher
13 un peu une certaine disparité ou une certaine
14 représentativité générale un peu. Donc ça a été
15 plus au niveau de certains contacts pour avoir des
16 gens qui venaient autant de la Côte-nord que de
17 l'Abitibi et des régions métropolitaines ou qui
18 représentaient des fois des communautés
19 culturelles de Montréal.

20 COPRÉSIDENT RENÉ DUSSAULT: Et je
21 présume que vous aviez un certain financement de
22 la part du Conseil du Secrétariat pour les
23 dépenses, parce que souvent c'est la difficulté de
24 l'organisation d'une telle démarche. Donc vous
25 avez le soutien du Conseil permanent de la

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1 aussi aura une portée à l'extérieur du Québec.
2 Sans plus tarder, je vous cède la parole et vous
3 souhaitez la bienvenue. Merci.

4 CHRISTOS SIRROS, ministre délégué
5 aux Affaires autochtones, gouvernement du Québec:
6 Merci beaucoup, Monsieur le Président et Mesdames
7 les Commissaires. Permettez-moi également de vous
8 présenter d'abord les personnes qui
9 m'accompagnent: à ma gauche, M. Jean Rochon,
10 directeur de la Recherche, des Affaires juridiques
11 et du Développement des politiques au Secrétariat
12 aux Affaires autochtones que je dirige, ainsi que
13 M. André Maltais, secrétaire général associé au
14 même Secrétariat.

15 Permettez-moi peut-être d'abord de
16 vous donner quelques commentaires suite à votre
17 introduction et de vous dire combien je partage
18 votre analyse de la situation et votre entrée en
19 matière. Effectivement, vous avez raison de dire
20 que la présence du Québec devant une commission
21 royale date de longtemps. On me dit que c'était
22 Rowell-Sirois en 1937. Donc, en soi, c'est un
23 événement spécial.

24 Mais c'est un événement que, je
25 pense, comme vous l'avez bien dit, il ne faut pas

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1 jeunesse.

2 Une deuxième question, sur le plan
3 technique.

4 Je comprends que le temps n'a pas
5 permis d'aller plus loin au niveau des structures
6 du Conseil permanent de la jeunesse. Est-ce que
7 vous avez l'intention de poursuivre au niveau de
8 l'ensemble du Conseil sur le plan de la démarche
9 de mise en commun des jeunes, Autochtones et non-
10 Autochtones au Québec?

11 En d'autres termes, ce mémoire est
12 un mémoire du Groupe des vingt-deux qui se sont
13 réunis et non pas approuvé par les instances du
14 Conseil, et caetera.

15 Ma préoccupation est plus de
16 savoir pas tellement par rapport au mémoire mais
17 est-ce que votre démarche va avoir des suites dans
18 le cadre même des activités du Conseil permanent
19 de la jeunesse? Quel est le niveau de
20 sensibilisation à cette démarche de rapprochement
21 des jeunes Autochtones et non-Autochtones au
22 Québec de la part du Conseil? Quel est votre
23 point de vue là-dessus?

24 Je sais que vous ne parlez pas au
25 nom du Conseil à ce moment-ci mais comment est-ce

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1 examiner sous l'angle des relations fédérales-
2 provinciales au niveau des juridictions mais bien
3 sous l'angle des relations entre les peuples.
4 Tout simplement, le fait qu'on peut avoir, en
5 cette fin du vingtième siècle, un groupe d'humains
6 qui relève de la juridiction, au même titre que
7 les postes, les transports, et caetera, d'un
8 niveau de gouvernement est la démonstration on ne
9 peut plus claire de l'aberration dans laquelle
10 nous vivons en cette fin de vingtième siècle.

11 Dans ce sens-là, ma présence ici
12 se veut une démonstration on ne peut plus claire
13 de la volonté qui m'anime, qui anime le
14 gouvernement du Québec, qui anime j'en suis
15 certain la société québécoise dans son ensemble,
16 de passer à une autre étape, d'établir une
17 relation nouvelle qui nous permettra d'envisager
18 nos relations dans un esprit de respect mutuel,
19 d'harmonie, de paix et de sortir finalement de ce
20 cercle que les événements récents, qui ont des
21 racines profondes, nous ont amenés à vivre ces
22 temps-ci.

23 Sans plus tarder, j'entrerais peut-
24 être dans la matière comme telle, étant donné que
25 la présentation que j'ai a une certaine longueur.

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1 que vous...

2 SUZY BAZILE: Est-ce que je peux
3 me permettre? Je voudrais juste rajouter quelque
4 chose.

5 Ce que je voulais dire, au sujet
6 du financement tout à l'heure, on a eu le
7 financement pour la réunion mais pas pour le
8 reste.

9 Deuxièmement, je pense que le
10 Conseil se renouvelle en février prochain et la
11 question autochtone, j'espère, va être reprise par
12 un membre, soit autochtone ou non-autochtone, peu
13 importe, et va donner une suite à ce qu'on a fait
14 pendant la fin de semaine en septembre, et une
15 suite aussi à ce mémoire-là, et encore plus
16 approfondir les différentes questions.

17 On ne peut pas assurer qu'il y en
18 ait une mais on espère. Personnellement, enfin,
19 je pense qu'on peut dire qu'il va y avoir une
20 suite.

21 JULIE BRETONS: La première
22 recommandation dans les grandes recommandations
23 qu'on a faites vise exactement ça. En fait ce
24 qu'on voudrait c'est qu'il y ait un comité qui
25 soit formé à part du Conseil et qu'il travaille

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1 Je voudrais donc remercier la
2 Commission royale sur les peuples autochtones pour
3 cette occasion qui nous permettra d'aborder les
4 avenues que nous envisageons pour favoriser une
5 réconciliation et relancer le véritable dialogue
6 porteur d'avenir.

7 Vous n'êtes pas sans savoir, comme
8 on vient de le dire, que la présence du Québec à
9 une commission royale revêt un caractère
10 exceptionnel. Mais la situation que tous vivent
11 actuellement et ont vécue depuis les dernières
12 années est en elle-même exceptionnelle. L'état
13 actuel des relations entre autochtones et non-
14 autochtones forme un tableau que je n'hésite pas à
15 qualifier de très préoccupant, tant pour le
16 gouvernement du Québec que pour les populations
17 autochtones du Québec et non autochtones. Je
18 souhaite devant cette Commission rétablir les
19 faits et distinguer les mythes de la réalité quant
20 à ces relations.

21 L'actualité nous renvoie l'image
22 d'une escalade des confrontations: déclarations
23 dans les médias au pays, utilisation des tribunes
24 internationales, accrochages sur le terrain,
25 affrontements judiciaires. Et pourtant, cette

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1 strictement sur ces questions-là de rapport inter-
2 nations parce que c'est une question qui est très
3 vaste.

4 Justement, comme on n'a pas pu
5 approfondir les différents points de discussion
6 qu'on avait on n'a pas pu fournir de solution
7 vraiment adéquate à tous les problèmes. On pense
8 que ce sera un moyen.

9 Dans la recommandation un des
10 exemples d'activité du comité serait la rédaction
11 d'un journal qui ferait, en fait, une espèce de
12 contre-information en matière de questions
13 autochtones et des questions québécoises aussi.
14 Ce serait une des activités qu'on aimerait faire à
15 part du Conseil et c'est sûr que ce serait le fun
16 que le Conseil continue aussi.

17 Je pense qu'il nous appuie dans
18 cet objectif-là de formation d'un comité mais ça
19 reste à évaluer.

20 COPRÉSIDENT RENÉ DUSSAULT: Merci.

21 Si je comprends bien, après cette
22 réunion de septembre dans le fond il y a un groupe
23 qui s'est réuni, a mis l'effort pour la
24 préparation de ce mémoire. Je pense que je peux
25 voir le type d'effort qui a été mis sur une base

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1 même actualité laisse dans l'ombre les efforts
2 réels de rapprochement déployés depuis une
3 vingtaine d'années et leurs résultats.

4 Les contrebandiers, quelques
5 leaders politiques, certaines déclarations
6 radicales, certains gestes unilatéraux et
7 l'importance que leur accordent les médias
8 compromettent cependant très sérieusement ces
9 efforts. C'est pourquoi je lance aujourd'hui un
10 appel à tous ceux et celles qui ont à coeur de
11 poursuivre des objectifs de rapprochement
12 concrets. Les enjeux sont trop grands pour
13 laisser quelques individus ou certains gestes
14 disposer de ces objectifs. Il y a urgence d'agir
15 parce que la population de quelques communautés
16 autochtones est prise en otage, que le climat
17 social y est devenu intolérable. Urgence aussi
18 parce que la population du Québec est de plus en
19 plus intoxiquée par les informations qu'elle
20 reçoit et qu'elle se dirige vers une méfiance
21 généralisée et durable à l'égard des autochtones.
22 Urgence également parce que ce contexte risque de
23 paralyser définitivement les efforts de
24 négociation entrepris et qu'il faut poursuivre
25 dans un climat plus sain.

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1 volontaire.

2 Vous avez circulé ce mémoire-là
3 aux 22 participants, c'est ça?

4 **JULIE BRETONS:** On a fourni aux
5 six qui faisaient partie du comité de rédaction.
6 En fait le Conseil a organisé une réunion après la
7 fin de semaine, une première réunion, qui
8 réunissait les membres du comité de rédaction
9 qu'on avait élus lors de la première fin de
10 semaine.

11 À partir de là on a choisi de
12 rédiger le mémoire nous-mêmes, le comité des six,
13 et on l'a fait circuler. On a apporté chacun nos
14 corrections personnelles et maintenant on va
15 l'envoyer aux 22.

16 **COPRÉSIDENT RENÉ DUSSAULT:** Merci
17 de cet éclairage je dirais un peu technique mais
18 qui nous permet de voir exactement l'ampleur et le
19 cadre du travail que vous avez accompli.

20 Je pense qu'il y a plusieurs
21 groupes dans la société qui sont préoccupés d'une
22 certaine détérioration des rapports entre
23 Autochtones et non-Autochtones. C'est vrai au
24 Québec, c'est vrai sur le plan canadien.

25 Il est évident qu'au niveau de la

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1 Pour assainir ce climat, peut-être
2 faut-il aujourd'hui plus que jamais insister sur
3 l'importance de reconnaître certaines données, je
4 dirais certaines réalités, incontournables.

5 En premier lieu, il y a ici des
6 cultures distinctes, autochtones et non
7 autochtones, qui ont chacune leurs propres racines
8 historiques et qui sont là pour durer à cause de
9 leur vigueur. En effet, que ce soit depuis quatre
10 millénaires ou quatre siècles, autochtones et non
11 autochtones ont développé un sentiment
12 d'appartenance au territoire. Affirmer ceci peut
13 paraître simpliste à première vue, mais le fait de
14 nier cette différence -- et certains le font --
15 conduit à des gestes qui tentent de façon
16 irréaliste d'éviter une spécificité qu'on ne
17 pourra esquiver de toute façon.

18 En second lieu, il faut constater
19 que nous avons tous hérité, aujourd'hui, de
20 problèmes de relations qui, historiquement, n'ont
21 jamais été résolus entre autochtones et non-
22 autochtones: les autochtones, comme nous le
23 verrons plus loin, ont été dépossédés et relégués
24 à la marge des sociétés canadienne et québécoise,
25 ce qui s'avère aujourd'hui lourd de conséquences

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1 jeunesse en particulier c'est certainement là
2 qu'il y a peut-être le plus d'espoir de construire
3 des choses qui vont être durables.

4 Une des choses qui nous a été
5 indiquée souvent, et vous le soulignez dans votre
6 mémoire, c'est la carence qu'il y a au niveau des
7 écoles publiques sur l'information. Sur le plan
8 de l'histoire évidemment c'est bien connu, on a
9 corrigé les pires stéréotypes dans les manuels
10 scolaires mais il reste qu'il y a un problème
11 majeur là, mais aussi sur le plan même de la
12 connaissance de ce qui nous entoure de façon
13 immédiate.

14 Ma première question, qui est en
15 même temps peut-être une suggestion. Je sais que
16 le Secrétariat des affaires autochtones au Québec
17 a publié une petite brochure qui, par exemple, de
18 façon très succincte présente la carte
19 géographique des 11 nations autochtones, donne un
20 certain nombre de données sur le membership, sur
21 le nombre, sur les langues.

22 Il m'apparaît que si on passait
23 une heure ou deux dans les écoles, soit de la fin
24 du primaire ou du début du secondaire, pour faire
25

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1 dans nos relations.

2 Troisièmement, nous sommes tous et
3 inévitablement interconnectés. Au plan
4 géographique autochtones et non-autochtones sont
5 distribués partout sur le territoire et forment
6 véritablement un damier géographique. Ils
7 occupent en quelque sorte toutes les pièces d'une
8 même maison. De plus, il n'y a plus un geste
9 d'importance qui n'ait, au plan social et
10 économique, de répercussions hors de son lieu
11 d'origine. Telle entreprise qui démarre a à
12 composer avec des marchés extérieurs; tel projet
13 économique d'envergure influence beaucoup plus
14 qu'une simple localité; tel choix d'aménager une
15 région affecte tous ceux qui y vivent et souvent
16 d'autres régions.

17 L'imbrication géographique des
18 autochtones et des non-autochtones fait que, dans
19 la vie de tous les jours, les uns parcourent les
20 espaces qu'occupent les autres, échangent des
21 produits et des services, utilisent, directement
22 ou non, des institutions et des services de portée
23 générale. Cette interconnexion n'a pas cessé de
24 se développer au fil des ans, malgré les
25 difficultés et les problèmes qu'ont connus les

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1 prendre une connaissance de la réalité purement
2 physique et géographique autochtone au Québec. Ce
3 serait déjà un grand progrès.

4 C'est presque un souhait de
5 souligner que dans cette direction-là j'ai
6 l'impression qu'un groupe comme le vôtre en soi et
7 peut-être via la structure du Conseil, peut faire
8 progresser un certain nombre de choses. On ne
9 parle pas d'un cours de 45 heures. On parle de
10 quelque chose qui pourrait avoir un impact
11 important sur une connaissance de base.

12 Évidemment il y a un bon nombre de
13 recommandations qui touchent les divers aspects de
14 la vie des jeunes, que ce soit du côté des écoles,
15 du côté de l'emploi, et caetera, mais aussi sous
16 le thème général de rapprochement et de
17 connaissance réciproque bien sûr qu'on est
18 privilégiés, nous, au niveau de la Commission
19 d'enquête d'avoir circulé à travers le Canada,
20 d'avoir vu ce qu'on a vu.

21 Souvent on aurait souhaité que ce
22 qu'on voyait soit répercuté de façon plus large,
23 que ce soit un avantage accessible à l'ensemble de
24 la population. Alors, la même chose, vous vous
25 êtes réunis mais il y a tellement de démarches

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1 relations entre autochtones et gouvernements,
2 entre certaines communautés ou groupes
3 d'autochtones et allochtones ces dernières années.
4 Il est difficile d'imaginer que cette
5 interdépendance va diminuer dans l'avenir, compte
6 tenu notamment du développement de plus en plus
7 grand des communications, de l'accroissement des
8 populations et de la diminution des ressources
9 naturelles.

10 Pendant plus de deux siècles nos
11 sociétés ont évolué dans des mondes séparés, et
12 nous sommes pourtant interconnectés de façon
13 incontournable aux plans géographique, social et
14 économique. Dès lors, une évidence s'impose: il
15 faut apprendre à vivre ensemble dans le respect
16 des différences et dans l'harmonie.

17 C'est dans cet esprit, Monsieur le
18 Président, que mon intervention d'aujourd'hui vise
19 à amener des avenues possibles de solutions qui se
20 veulent le plus concrètes possibles. Le défi est
21 de taille, puisqu'il faut tout à la fois répondre
22 aux heurts les plus visibles que nous vivons,
23 c'est-à-dire à cette actualité qui nous préoccupe;
24 agir sur les problèmes plus profonds et surtout
25 leurs causes; et poser des briques solides pour

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1 additionnelles à accomplir.

2 Vous avez l'intention bien sûr de
3 poursuivre dans la démarche amorcée, en tout cas
4 c'est une suggestion que je vous fait souvent, des
5 petits points ont plus de chance de s'accomplir et
6 de faire des petits que de viser des changements
7 massifs dès le départ. C'est une idée que je
8 voulais avoir l'occasion de mettre de l'avant.

9 JULIE BRETONS: Je voudrais juste
10 dire à ce sujet-là, au sujet de l'embouchure
11 justement, que je l'ai expérimenté en revenant de
12 ma fin de semaine parce qu'ils nous l'ont donné et
13 j'ai fait le test général dans mon entourage en
14 montrant la carte, et il n'y a personne qui savait
15 qu'il y avait 11 nations autochtones d'abord, et
16 qu'il y avait autant de communautés autochtones au
17 Québec. Donc c'est quelque chose, oui, qui est
18 efficace.

19 COPRÉSIDENT RENÉ DUSSAULT: Merci.

20 Je voudrais revenir sur le fond de
21 la question, la jeunesse autochtone.

22 La proportion des jeunes chez les
23 Autochtones est beaucoup plus grande que chez les
24 non-Autochtones, donc je pense que c'est une
25 raison de plus de faire la jonction avec les

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1 l'avenir, notamment via l'émergence d'une entente
2 politique d'envergure sur l'autonomie des
3 autochtones.

4 Ce défi est d'autant plus de
5 taille qu'il faut se garder d'être naïf: la
6 pression politique est constante pour régler à
7 court terme les problèmes les plus visibles. Il
8 faut dès lors rester lucide et ne pas céder à la
9 tentation de poser des gestes unilatéraux qui se
10 limitent au présent. Tous, autochtones et non-
11 autochtones, leaders et populations en général,
12 nous avons la responsabilité de ne pas attiser les
13 conflits actuels et ne pas alourdir le climat de
14 nos relations.

15 Chez les non-autochtones l'état
16 d'esprit à l'égard des autochtones donne lieu à
17 l'expression de bien des frustrations, de peurs
18 mais d'incompréhension aussi reliée à de
19 l'ignorance. Pour tout dire, l'opinion publique
20 réagit souvent de façon négative. On s'insurge
21 alors contre le deux poids deux mesures, contre
22 les privilèges qu'on accorderait aux autochtones
23 sur l'accès aux ressources, contre les
24 réclamations territoriales jugées excessives,
25 contre les impacts négatifs sur l'état de

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1 jeunes autochtones. C'est une réalité qui est
2 encore peu connue à l'extérieur des communautés
3 autochtones.

4 Il y a une promotion à faire de
5 cette réalité-là parce que c'est un dynamisme
6 d'avenir bien sûr pour les communautés autochtones
7 elles-mêmes, mais pour l'ensemble de la société du
8 Québec et la société canadienne.

9 Là encore je pense que sur le plan
10 de l'information du public il y un rôle qu'un
11 groupement comme le vôtre peut jouer. Sur le plan
12 du décrochage scolaire c'est une préoccupation
13 majeure dans l'ensemble de la société et bien sûr
14 de façon particulière du côté des Autochtones.

15 Il y a plusieurs à cela, familiaux
16 et autres, mais il y aussi la non-pertinence qu'on
17 voit dans les programmes scolaires par rapport à
18 la réalité et aussi la froideur des écoles ou de
19 systèmes. On a l'impression, comme jeunes, que
20 c'est conçu à l'extérieur de nous et c'est nous
21 qui y vivons.

22 Vous insistez entre autres sur le
23 rôle des parents, les valeurs attachées à
24 l'éducation, à la formation. Une des choses qui
25 nous a frappés, on a souvent l'occasion de dire

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1 certaines ressources dont on les rend
2 responsables, contre l'inaction gouvernementale à
3 l'égard de leurs infractions et contre l'absence
4 de positions fermes du gouvernement. D'autres
5 réclament que les autochtones cessent de menacer
6 l'intégrité du Québec et qu'ils s'intègrent dans
7 le créneau des institutions québécoises,
8 municipales et socio-économiques.

9 Par ailleurs, on associe trop
10 facilement tous les autochtones à la contrebande
11 de cigarettes, à l'utilisation d'armes et à la
12 violence. On ignore souvent les droits reconnus
13 aux autochtones et on ne comprend pas, en
14 conséquence, les gestes posés dans ce cadre tant
15 par les autochtones eux-mêmes que par le
16 gouvernement. On connaît peu et mal les
17 problèmes, historiquement jamais résolus, des
18 relations entre autochtones et non-autochtones.

19 De leur côté, les autochtones
20 véhiculent aussi leur lot de frustrations et de
21 peurs. Ils ont le sentiment de ne pas être
22 écoutés et d'avoir été dépossédés des moyens de
23 contrôler leur devenir. Ainsi, les projets de
24 développement des ressources mis de l'avant par
25 les gouvernements ou par le secteur privé sont

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1 souvent le fait qu'il n'y a pas d'emplois, et
2 caetera, mais il apparaît assez clair malgré tout
3 que, entre autres, du côté des Autochtones il y a
4 un développement phénoménal avec l'avènement de
5 l'autonomie gouvernementale, donc d'aller chercher
6 la formation même si l'emploi n'est pas demain
7 matin à sa porte, il n'est pas nécessairement très
8 loin. Enfin, d'avoir le choix.

9 Comment est-ce qu'on peut faire la
10 jonction entre les préoccupations des jeunes non-
11 Autochtones et les jeunes Autochtones? Vous avez
12 parlé au niveau de la valeur dans l'environnement
13 et ça je pense que c'est assez spontané, mais du
14 côté de l'avenir, de poursuivre dans le système
15 d'éducation et de construire un avenir meilleur en
16 partenariat et en équipe, est-ce que vous avez des
17 réflexions là-dessus?

18 Par rapport à la Commission,
19 évidemment vous avez les trois grandes
20 recommandations, vous avez un certain nombre de
21 recommandations, mais qu'est-ce que la Commission
22 doit dire pour à la fois...c'est évident que dans
23 les sociétés autochtones il y a une place énorme à
24 faire aux jeunes. Il y a toute la relation avec
25 les aînés qui est de plus en plus complexe d'une

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1 souvent perçus comme une sorte d'usurpation d'un
2 territoire qu'ils occupaient seuls auparavant et
3 auquel ils se sentaient appartenir. Lors des
4 crises graves, comme celle de l'été 1990, la peur
5 conditionne souvent les gestes: la condition de
6 minorité que vivent les autochtones influence
7 alors leurs relations avec la majorité qui les
8 entoure.

9 Ces états d'esprit, de part et
10 d'autre, donnent lieu à des gestes qui,
11 particulièrement au cours des dernières années,
12 n'ont cessé de creuser un fossé entre tous. Ces
13 gestes ont aussi le déplorable effet d'occuper
14 toute l'actualité et d'aveugler bien des esprits.

15 Bien sûr, la crise d'Oka-
16 Kanesatake de l'été 1990 fut le plus grave de ces
17 heurts, notamment à cause de la mort d'une
18 personne. Si par la suite des gestes radicaux
19 furent posés par des autochtones -- blocage de
20 routes et de ponts -- d'autres, tout aussi
21 regrettables, le furent aussi par des manifestants
22 non autochtones à l'endroit des Mohawks.

23 La campagne des Cris en réaction
24 contre le projet Grande-Baleine sur la tribune
25 internationale, et américaine en particulier, a

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1 certaine façon, malgré tout le respect pour les
2 aînés dans les sociétés autochtones.

3 Si vous pouviez dans les
4 prochaines semaines, les prochains mois peut-être
5 réfléchir en termes d'un type de recommandations
6 que la Commission...si la Commission avait une ou
7 deux recommandations à faire qui auraient une
8 portée large à la fois sur l'idée du rapprochement
9 entre les jeunes et aussi pour faire progresser la
10 scolarisation, la formation postsecondaire, c'est
11 un peu un souhait.

12 Souvent quand on est forcé de
13 dire, bon, c'est quoi la priorité des priorités ça
14 stimule l'imagination et aussi le sens de la
15 réalité.

16 Est-ce que vous avez réfléchi dans
17 ces termes-là? Je souhaiterais que vous puissiez
18 poursuivre votre réflexion. La Commission peut se
19 faire l'écho et essayer possiblement d'avoir un
20 impact plus large. On souhaite le faire à partir
21 de ce qui connecte vraiment avec la réalité, avec
22 les gens concernés.

23 MICHAEL BETTS: S'il y a un grand
24 message que vous pouvez tenir dessus c'est que si
25 nous autres on a été capables d'arriver avec des

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1 largement occupé l'actualité et a été perçue à la
2 longue par bon nombre de gens comme une campagne
3 systématique de dénigrement véhiculant à
4 l'occasion des inexactitudes ou grossissant de
5 façon jugée abusive certaines données.

6 En matière de chasse et pêche, des
7 accrochages -- encore relativement isolés
8 heureusement -- surviennent entre
9 chasseurs/pêcheurs autochtones et non autochtones.
10 La décision unilatérale de quelques Hurons de
11 chasser l'orignal dans la région de Québec n'est
12 pas de nature à calmer les tensions.

13 D'autres gestes, comme le refus de
14 quelques autochtones de payer leurs comptes
15 d'électricité attisent aussi la confrontation. Il
16 en va de même des déclarations publiques
17 extrémistes ou radicales qui proviennent à la fois
18 de leaders, politiques ou autres, autochtones et
19 non autochtones. Lorsque ces déclarations nient
20 l'existence de l'un comme peuple ou encore portent
21 sur l'autre un jugement définitif, déformé et
22 discriminatoire, on ne peut que faire monter le
23 niveau général de frustrations. Le plus souvent,
24 ces déclarations témoignent d'une ignorance
25 mutuelle de l'identité, des aspirations et des

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1 jeunes un peu partout, un peu disparates et même
2 on avait des jeunes Autochtones, on avait des
3 souverainistes convaincus, on avait des
4 fédéralistes.

5 Si on a pu arriver et s'asseoir à
6 la table et arriver et dialoguer sur des
7 problématiques sociales et des problématiques
8 économiques, qu'on a été capable de se comprendre,
9 on a été capable de se parler sans s'engueuler
10 comme du poisson pourri, je pense que nos
11 décideurs, je pense que les représentants de nos
12 gouvernements, que ce soit autant du gouvernement
13 non-autochtone que les gouvernements autochtones,
14 pourraient peut-être arriver puis s'asseoir et
15 dialoguer de façon franche, arriver et essayer de
16 trouver des solutions bien concrètes qui
17 pourraient aider tout le monde.

18 Une chose qu'on sait qu'on est ici
19 pour arriver pour vous dire c'est que nous en tant
20 que jeunes souvent on est catégorisés un peu
21 idéalistes mais de plus en plus on voit la réalité
22 des choses et de plus en plus on est capables
23 d'arriver et d'amener nos solutions, nos solutions
24 qui souvent sont peut-être un peu trop novatrices,
25 peut-être un peu trop créatrices.

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1 préoccupations de l'autre.

2 Les médias mettent souvent
3 l'emphase -- et c'est leur rôle -- sur de tels
4 gestes fracassants et négatifs. Articles de
5 journaux, lignes ouvertes, tribunes radiophoniques
6 et télévisées contribuent à exacerber les tensions
7 en grossissant abusivement une partie de la
8 réalité et, ce qui est à décrier, en laissant
9 davantage dans l'ombre des gestes plus positifs --
10 ententes, concertations, coopérations -- qui
11 auraient pourtant avantage à être plus connus.

12 Sur la question de la contrebande
13 de cigarettes plus précisément, le refus de la
14 part de certains autochtones de respecter les
15 règles actuelles en matière de taxation lors de la
16 vente de produits tels l'essence ou l'alcool ne
17 contribue pas non plus à alléger le climat. À cet
18 égard, la vente sans taxe et surtout la
19 contrebande de cigarettes occupent depuis quelques
20 temps toute l'avant-scène politique de
21 l'actualité. En fait, le phénomène monopolise
22 aujourd'hui tellement de place et d'énergie qu'on
23 en est pratiquement venu à entretenir un climat
24 d'hystérie.

25 Soyons à cet égard plus lucides et

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1 Si on nous faisait un peu plus
2 confiance peut-être qu'on pourrait arriver et
3 mieux participer dans l'essor de la société.

4 Au niveau de l'emploi, il y a une
5 recommandation qui est très, très terre-à-terre.
6 On dit au gouvernement, il faut voir à la
7 réorganisation du travail. Il faut arriver puis
8 revoir comment nos systèmes sont en place. On
9 pense aux affaires de pré-retraite ou de temps
10 partagé. Ça c'est juste la petite pointe de
11 l'iceberg.

12 On peut peut-être revoir tout le
13 fonctionnement, comment le partage de l'emploi...
14 On sait qu'on est en train d'entrer dans une
15 société mécanisée, où la machine remplace l'homme
16 et il y a de moins en moins d'emplois disponibles,
17 et peut-être qu'il va falloir revoir le concept de
18 la société de loisirs.

19 Il y a bien des choses qu'on peut
20 arriver et s'asseoir terre-à-terre, mais la
21 principale chose c'est le dialogue. Si nous autres
22 on a été capable entre jeunes qui étaient
23 différents, s'asseoir et dialoguer sans arriver et
24 se tirer les cheveux, je pense que les autres
25 aussi sont capables de le faire.

10 D'une activité relativement
11 circonscrite il y a quelques années, le trafic
12 illégal de cigarettes dont vivent des autochtones,
13 mais aussi des non-autochtones, est devenu un
14 phénomène beaucoup plus large, un commerce
15 florissant soutenu par un grand nombre de fumeurs
16 allochtones, qui contribuent à cette vaste fraude.
17 Plusieurs facteurs ont pavé la voie à cette
18 activité, et il faut les garder tous à l'esprit.
19 Les problèmes économiques des communautés
20 autochtones, les hausses successives des taxes sur
21 les produits du tabac, la proximité et la
22 perméabilité de la frontière canado-américaine, le
23 contexte économique difficile, la tentation d'un
24 profit facile et très lucratif, l'infiltration du
25 crime organisé sont tous des éléments qui ont

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1 On demande d'arriver et de nous
2 écouter, et de nous faire confiance aussi un peu.
3 Merci.

4 COPRÉSIDENT RENÉ DUSSAULT: Merci.
5 Mary.

6 COMMISSIONER MARY SILLETT: Thank
7 you very much.

8 When we began this morning Mr.
9 Dussault said "we're not getting out of this room
10 until 7 o'clock" and, you know, he's right.

11 I'd like to congratulate you for
12 your presentation.

13 I'm going to ask you some
14 questions which are not necessarily addressed in
15 your presentation. I hope that somehow through
16 your discussions those issues will have been
17 addressed.

18 I was sort of interested in
19 saying, for example, that the youth are really
20 concerned about the future job prospects.
21 Yesterday we met with a northern Quebec Inuit
22 group and they've already concluded for many years
23 now a land claims agreement. They were saying
24 that there were more jobs than there were skilled
25 Inuit.

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1 contribué à rendre la situation à son niveau
2 actuel.

3 Gardons-nous par ailleurs
4 d'associer indistinctement et automatiquement tous
5 les autochtones, et même tous les Mohawks, au
6 trafic illégal de cigarettes. Il faut savoir que
7 les communautés mohawks sont aux prises avec un
8 débat de société qui porte sur la contrebande de
9 cigarettes, la vente massive de produits hors
10 taxes ou la question des jeux; ce ne sont pas tous
11 les Mohawks qui sont d'accord pour appuyer le
12 développement économique sur ces bases.
13 Plusieurs, et sans que ce soit dit ouvertement
14 dans le grand public, n'appuient pas ces activités
15 dont on estime qu'elles incitent les gens, et les
16 jeunes en particulier, à la recherche d'un gain
17 facile. La grande majorité des autochtones
18 réprouvent aussi la prolifération d'armes et la
19 violence associée entre autres au trafic de
20 cigarettes.

21 Devant ce phénomène, il nous faut
22 bien sûr agir à court terme tout en se gardant de
23 s'illusionner. Le malaise est autrement plus
24 profond, et ce n'est pas en s'attaquant au
25 symptôme le plus visible qu'on peut espérer bâtir

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1 So there are jobs there and many
2 of those positions -- the president was saying
3 basically that in many cases their population did
4 not necessarily have the skills in order to be
5 able to be in those positions.

6 As well we've heard of situations
7 where young people are not necessarily motivated
8 to complete high school or even pulled out
9 university because they're considered to be
10 skilled, to go back to their organizations and to
11 work.

12 Mr. Dussault was saying recently
13 that the Grand Council of the Crees now instituted
14 a policy whereby they make people finish high
15 school or they make people finish their degree
16 before they actually get a job there.

17 Those are the kinds of situations
18 that we've also heard about. I was wondering how
19 the youth view their future. Do they plan to, for
20 example, work in urban areas or is there any
21 motivation to go back to their communities?

22 We're very well aware of the fact
23 that the urban Aboriginal population is growing.
24 In fact the majority of Aboriginal peoples in
25 Canada now live in the cities. Is this trend to

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1 un avenir plus solide. Tout en gardant à l'esprit
2 cette perspective de long terme, je propose les
3 mesures de court terme qui suivent.

4 J'estime que le contrôle social de
5 leurs communautés appartient aux autorités
6 autochtones elles-mêmes, et c'est pourquoi je fais
7 appel ici à l'ensemble des leaders autochtones, et
8 en particulier aux leaders mohawks, pour qu'ils
9 dénoncent la contrebande de cigarettes et
10 rejettent de façon générale les gestes unilatéraux
11 qui ont pour effet de semer les germes
12 d'intolérance. Leur appui nous est essentiel pour
13 commencer à établir un climat d'ouverture plus
14 serein; nous avons un besoin urgent de ce climat
15 pour entreprendre ensemble et en profondeur des
16 discussions sur les causes profondes qui affectent
17 nos relations actuelles et aborder ainsi des
18 enjeux majeurs tels le développement économique et
19 l'autonomie gouvernementale.

20 De concert avec le gouvernement
21 fédéral, il faut aussi continuer à lutter contre
22 les réseaux de distribution -- autochtones ou non
23 autochtones -- et les réseaux d'approvisionnement.
24 Dans ce dernier cas, cela exige une surveillance
25 accrue des frontières, une concertation étroite de

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1 continue? Have you discussed those kinds of
2 issues?

3 SUZY BASILE: Si je peux me
4 permettre de répondre un peu à votre question.

5 Oui, on en a discuté, mais quand
6 même assez en général parce qu'il fallait se
7 centraliser sur les quatre grands thèmes. On
8 aurait pu déborder pendant longtemps, on aurait pu
9 tomber sur les revendications, l'autonomie
10 gouvernementale. C'était des sujets aussi
11 intéressants. Ce sont d'ailleurs des sujets qu'on
12 veut garder pour les prochaines réflexions.

13 Si je peux me permettre de vous
14 parler un peu au sujet de l'éducation.

15 On ne peut pas forcer les jeunes à
16 sortir des communautés. On ne veut pas les forcer
17 à aller étudier au CEGEP et à l'université à
18 l'extérieur, dans des centres urbains. Il va
19 falloir que ce soit leur propre choix, comme moi
20 personnellement je l'ai fait.

21 On a besoin de leaders dans nos
22 communautés. On a besoin d'une nouvelle jeunesse.
23 On a besoin aussi de prendre exemple sur d'autres
24 jeunes qui vont l'avoir fait, je prends mon
25 exemple. Mais c'est pas évident. T'as un choix à

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1 tous les gouvernements concernés. Il faut viser à
2 réduire l'attrait des consommateurs pour le tabac
3 de contrebande en envisageant à la fois des
4 mesures dissuasives, comme des pénalités plus
5 lourdes, et des mesures incitatives à ne plus
6 recourir au marché noir. Ici -- on ne peut plus
7 le souligner davantage -- une baisse des taxes sur
8 les produits du tabac menée à la fois par les
9 gouvernements québécois et canadien peut produire
10 des effets notables. Ces effets peuvent s'avérer
11 d'autant plus intéressants s'ils sont synchronisés
12 à une hausse possible des taxes américaines, tel
13 que le président Clinton l'a annoncé récemment.

14 Ces quelques gestes doivent être
15 inter-reliés et non pas pris isolément, sans quoi
16 leur utilité perd beaucoup de son sens. Mais,
17 surtout, je rappelle à nouveau qu'ils ne règlent
18 fondamentalement rien à long terme et qu'il faut
19 s'attaquer à une situation et à des problèmes qui
20 ont des racines autrement plus profondes. Il faut
21 chercher à bien comprendre ces problèmes, à en
22 saisir toutes les facettes. Pour cela, il s'avère
23 maintenant important de rétablir bien des faits.

24 Les jugements portés par le grand
25 public à l'égard des autochtones découlent le plus

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1 faire.

2 Moi, j'ai choisi de sortir puis
3 d'aller étudier à l'université mais c'est quand
4 même un déchirement sur différents points.

5 Quand les jeunes de chez nous et
6 les jeunes en général des communautés vont décider
7 en masse de sortir et d'aller étudier à
8 l'extérieur, après ça va être la question d'avoir
9 le choix: Est-ce que je reste en ville ou est-ce
10 que je retourne chez moi, me créer un propre
11 développement?

12 En général c'est la principale
13 revendication qu'on a, l'autonomie au niveau local
14 chez nous, une autonomie, c'est sûr qu'il faut une
15 assise territoriale. Chez les Inuits dans le Nord
16 ils l'ont eue, tant mieux, c'est numéro un.

17 Dès le moment où on pourra avoir
18 une bonne assise territoriale en se sentant chez
19 nous le développement va aller avec, autant
20 économique, social, communautaire, et caetera.

21 Mais tout ce qu'il faut c'est se
22 réveiller et sortir à l'extérieur pour aller
23 étudier puis ensuite on a le choix de revenir ou
24 de faire ce qu'on veut, quoi.

25 COMMISSIONER MARY SILLETT: Thank

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1 souvent d'une perception erronée de la situation
2 réelle des autochtones. Ces jugements se basent
3 le plus souvent sur un certain nombre de mythes ou
4 de préjugés. Des relations basées sur des
5 croyances sans fondement ne peuvent qu'être
6 difficiles, et j'estime donc que la première
7 mesure à prendre est de rétablir un certain nombre
8 de faits. Permettez-moi donc d'invoquer quelques-
9 uns de ces préjugés particulièrement tenaces et
10 qui faussent une bonne partie du débat.

11 L'imagerie populaire veut que tous
12 les autochtones soient exemptés de toutes taxes
13 et de tous impôts. Rien de plus faux.
14 Essentiellement, de fait, seuls les Indiens
15 travaillant sur réserve sont exemptés des impôts
16 et des taxes à la consommation. De plus, on
17 signale rarement qu'il y a très peu de revenus à
18 taxer sur les réserves. On oublie alors que les
19 Inuit, eux, sont soumis au même régime fiscal que
20 l'ensemble des Québécois, tout comme d'ailleurs
21 les Indiens faisant affaire ou résidant hors des
22 communautés et qui représentent une fraction
23 importante de la population indienne.

24 Il ne se passe pratiquement pas
25 une semaine sans que l'on entende des personnes

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1 you very much.

2 I did notice that one of your
3 members is an Inuk from Guniksuk (PH), so I
4 thought that question may have been addressed by
5 her.

6 The other issue I wanted to
7 address was the issue of -- we've heard many
8 adults identify that the number of drop-outs from
9 high school is a difficult issue. We've also
10 heard that the reasons why many Aboriginal people
11 drop out from school.

12 I was wondering if you, from your
13 own example, could tell us how someone, for
14 example, finishes school. How do you make that
15 transition? If students are successful, why are
16 they successful? What's necessary in order to
17 make more students finish high school and continue
18 on with their education?

19 **ANICK RIVERIN:** Ce qui pourrait
20 aider encore, moi je trouve, justement, c'est la
21 création de ponts entre les Autochtones et les
22 Québécois, que les Autochtones se sentent mieux
23 acceptés en milieu urbain et aussi au
24 niveau...dans les écoles, qu'on les informe, qu'on
25 informe les Québécois de ce que c'est que d'être

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1 invoquer la chance des autochtones d'habiter des
2 maisons mises gracieusement à leur disposition.
3 Encore une fausseté. Les autochtones déboursent
4 un loyer comparable à ce qui se paie dans les
5 logements sociaux du Québec; ils paient également
6 des compensations pour des services comme la
7 collecte des ordures, et caetera. On ignore
8 cependant qu'il est pratiquement impossible de
9 devenir propriétaire sur réserve.

10 La chasse et la pêche pratiquées
11 par les autochtones sont souvent perçues comme des
12 privilèges reconnus aux autochtones; on exige que
13 les mêmes règles s'appliquent à tout le monde.
14 Or, curieusement, lorsque les règles du jeu sont
15 claires, comme dans le territoire de la Baie-
16 James, il ne semble pas y avoir de remise en
17 question des droits reconnus. Il en va autrement,
18 cependant, lorsque les tribunaux reconnaissent des
19 droits, par exemple aux Hurons, sans préciser le
20 contenu des droits. C'est à ce moment que
21 s'installe la confrontation que l'on ne peut
22 éviter que par la négociation.

23 On croirait, à écouter plusieurs
24 personnes, vivre une situation totalement
25 incontrôlée, voire l'anarchie, à l'égard de

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1 des Autochtones.

2 Souvent les préjugés, cette espèce
3 de difficulté de transition-là, c'est difficile à
4 vivre pour les Autochtones parce qu'on connaît
5 l'importance de la famille, de l'identité en tant
6 qu'Autochtone. Pour un Autochtone c'est
7 important.

8 Donc si on pouvait déjà faciliter
9 cette transition-là probablement ça aiderait, et
10 aussi d'apporter des ressources pour les
11 Autochtones qui sortent de leurs communautés, de
12 les aider à se retrouver en milieu urbain. Souvent
13 c'est les premières fois que tu sors de la
14 communauté pour aller étudier. De leur faciliter
15 ce passage-là entre les communautés et la ville en
16 leur offrant des ressources.

17 Probablement cette éducation-là
18 entre les deux nations, la nation québécoise et la
19 nation amérindienne, non pas seulement se préparer
20 au postsecondaire. Ce serait de se préparer à
21 partir du primaire, que déjà on sensibilise les
22 gens à la réalité des Autochtones, que ce soit
23 démystifier, qu'on sorte un peu des mystères.

24 Ce qui pourrait probablement aider
25 justement pour les Autochtones c'est de sentir que

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1 l'organisation policière dans les communautés
2 autochtones. Image, encore ici, totalement
3 fausse. De fait, dans 50 des 53 communautés
4 autochtones du Québec les services policiers sont
5 assurés sur une base des plus normales, le plus
6 souvent à la suite d'ententes avec les
7 communautés. L'impression générale des
8 communautés autochtones transformées en ghetto est
9 donc à proscrire.

10 Rétablir ces quelques faits est
11 cependant loin de suffire. Il nous faut
12 comprendre ici en quoi consistent ces problèmes de
13 relations non résolus au plan historique. Depuis
14 les deux derniers siècles en particulier les
15 autochtones ont vécu de profondes transformations
16 collectives. Leur poids démographique a connu, en
17 chiffres absolus et en proportion relative, une
18 chute énorme. Ils ont vu se peupler de plus en
19 plus rapidement les immenses espaces qu'ils
20 étaient les seuls à occuper auparavant. Le
21 développement de ces territoires s'est poursuivi
22 de façon accélérée, au détriment de leurs
23 activités traditionnelles: aux premières
24 explorations se sont succédés les premiers postes
25 de traite, missions religieuses et villages, puis

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1 dans les communautés il y a des emplois qui
2 peuvent être occupés par eux. C'est vrai qu'il y
3 a beaucoup d'emplois qui sont offerts dans les
4 communautés autochtones mais souvent c'est encore
5 une question d'expérience, de connaissances, car
6 les gens qui sont déjà là parfois n'ont pas
7 nécessairement, comme on pourrait dire,
8 l'éducation qui va avec, souvent de faire de la
9 place à la jeunesse.

10 Si un jeune se présente avec un
11 diplôme, que lorsque l'ouverture du poste va se
12 faire, que ce soit lui qui puisse l'obtenir, qu'on
13 favorise ça. Mais aussi de ne pas nécessairement
14 couper les jeunes qui sont en ville de leurs
15 racines. Comme les centres d'amitié, c'est
16 important de conserver ce genre d'organisme-là
17 sinon si t'es coupé de tes racines tu meurs.
18 C'est une mort à p'tit feu. C'est un retour forcé
19 un peu vers les choses qui te font vivre.

20 SUZY BASILE: Je voudrais peut-
21 être rajouter quelque chose dans ce sens-là.

22 C'est certain que la disparition
23 des préjugés aiderait les choses 100 pour cent.
24 Ça, c'est sûr.

25 Il y a aussi une chose. Je vais

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1 les institutions, villes, grandes voies de
2 communication s'étendant de plus en plus et
3 resserrant un réseau politique, social et
4 économique nouveau et étranger pour les
5 autochtones. Pour reprendre l'expression de Jean-
6 Jacques Simard, ceux-ci sont devenus des apatrides
7 de l'intérieur. Ils ont participé de moins en
8 moins à l'évolution du pays et sont,
9 particulièrement depuis l'institution de la Loi
10 sur les Indiens, relégués à la marge des sociétés
11 canadienne et québécoise.

12 Certains diront: tout ceci
13 demeure du domaine de l'histoire et nous ne
14 pouvons, en cette fin de vingtième siècle, porter
15 sur nos épaules tout le poids d'une évolution
16 historique. Mais il ne s'agit pas ici de devoir
17 se sentir coupable, loin de là. Il faut
18 simplement comprendre que, compte tenu du
19 déroulement historique qu'on vient d'évoquer, les
20 autochtones d'aujourd'hui ont le sentiment d'avoir
21 été dépossédés d'éléments fondamentaux de leur
22 identité comme le territoire et le droit de
23 décider collectivement de leur devenir. On ne
24 peut rayer d'un trait l'histoire qui conditionne
25 les aspirations et les revendications des

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1 prendre l'exemple de chez moi, que je connais
2 particulièrement mieux.

3 Il y a l'école secondaire jusqu'au
4 Secondaire V dans les trois communautés
5 attikameks. La question est quand le Secondaire V
6 est fini -- moi j'ai pas vécu cette expérience-là
7 parce qu'à l'époque on nous envoyait dans les
8 villes à l'extérieur -- la transition est là.
9 T'as 16, 17 ans, tu termine ton Secondaire V et
10 puis là il faut que tu ailles au collège ou à
11 l'université, dépendamment des endroits.

12 Tu décide de partir de chez toi et
13 t'arrive en ville, et t'as aucun soutien. Il y a
14 rien. Enfin, présentement ça commence un peu à se
15 former des comités ou des gens déjà de nos
16 communautés qui vivent à l'extérieur ça facilite
17 les choses mais quand tu débarque à Québec ou à
18 Montréal et il faut que tu entre au CEGEP la
19 première chose que tu rencontre c'est les
20 préjugés. En partant c'est le mur à franchir, un
21 voile à se mettre des fois sur les yeux pour
22 pouvoir passer à travers ça.

23 C'est certain qu'il faudrait
24 avoir, comme Anick le disait, des comités, de
25 l'appui, des programmes quand on arrive en ville.

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1 autochtones.

2 Rappelons à cet égard que même une
3 entente majeure comme la Convention de la Baie-
4 James et du Nord québécois, laquelle s'est avérée
5 un des événements importants dans les relations
6 avec les autochtones, a vu le jour d'abord du fait
7 d'une revendication et d'une contestation
8 judiciaire de la part des autochtones qui avaient
9 justement le sentiment de voir envahi le
10 territoire qu'ils habitaient depuis des
11 millénaires.

12 La Loi sur les Indiens a joué un
13 rôle majeur dans la configuration actuelle des
14 relations entre autochtones et non-autochtones.
15 La loi, par la création des réserves et d'un
16 statut indien notamment, a isolé le milieu
17 amérindien du reste de la population. Elle a
18 institué une tutelle et un paternalisme qui, dans
19 la vie de tous les jours, affectent les Indiens et
20 déséquilibrent les relations avec les non-Indiens.
21 Elle a, dans une large mesure, contribué à
22 déresponsabiliser la population indienne, à
23 l'éloigner de la prise en charge de ses propres
24 affaires: soulignons tous ces aspects de la loi
25 qui touchent les pouvoirs du gouvernement fédéral

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1 Surtout aussi la question de la langue. T'as fait
2 toute ton école dans ta langue avec une
3 intégration du français pour chez nous et puis
4 t'as pas nécessairement la connaissance à 100 pour
5 cent pour entrer au CEGEP ou dans les collèges
6 puis étudier ce que tu veux à 100 pour cent sans
7 avoir de problème. Quand t'arrive en ville tu ne
8 l'as pas non plus en partant. Il faut oublier ça.

9 Il faudrait trouver des moyens, et
10 ça ce serait encore un sujet à approfondir, pour
11 voir c'est quoi exactement la transition entre
12 chez nous, qui est le cas du secondaire, avec le
13 CEGEP ou des communautés à la ville.

14 COMMISSIONER MARY SILLETT: Thank
15 you very much.

16 I was going to ask a question with
17 respect to Aboriginal rights but you did say very
18 clearly that was an issue that you didn't discuss
19 a lot.

20 My final question is this.

21 One of the things I find most
22 disturbing is the high suicide rate in many of our
23 communities. Many of our young people are
24 committing suicide.

25 We're always faced with the

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1 quant aux testaments des particuliers, quant à
2 l'argent des Indiens, quant au statut indien.

3 Nous croyons que cette relation de
4 tutelle doit faire place à une relation négociée
5 et librement consentie entre les autochtones et
6 les gouvernements. Après la conclusion d'une
7 telle entente, la Loi sur les Indiens devrait être
8 abolie. Le Québec est prêt à s'associer à toute
9 démarche visant une prise en charge et une
10 responsabilisation tant individuelle que
11 collective des autochtones. C'est ainsi que nous
12 pourrions mettre un terme à l'isolement des
13 autochtones et permettre à ces derniers des
14 relations normales avec toutes les entités
15 environnantes.

16 Malgré l'environnement de la Loi
17 sur les Indiens et du contexte souvent difficile,
18 la volonté de rapprochement s'est manifestée
19 pourtant à maintes occasions. De façon à
20 contrebalancer l'atmosphère actuelle, je veux
21 mettre en lumière certains succès dans nos
22 relations avec les autochtones, succès laissés le
23 plus souvent dans l'ombre de l'actualité:

24 - la gestion conjointe d'une
25 pourvoirie sur la rivière Cascapédia entre les

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1 question, what do you do so that our young people
2 will find more reasons for living than dying?

3 I'm just wondering if that's an
4 issue that you discussed, and have you got any
5 ideas as to what can be done in order to stop
6 this.

7 ANICK RIVERIN: Le suicide n'a pas
8 été vraiment de façon profonde abordé dans le
9 Groupe des vingt-deux, mais peut-être que je peux
10 m'exprimer et les autres pourront compléter.

11 Au niveau du suicide ce que j'ai
12 constaté dans les communautés, je l'ai dit
13 précédemment, c'est un manque de ressources. Le
14 monde savent qu'il y a un problème mais il n'y a
15 pas de ressources, t'as pas d'aide, tu sais pas où
16 aller.

17 Il n'y a pas de clinique de
18 prévention du suicide. En tant que jeunes on est
19 confrontés...peu importe, avec n'importe qui, que
20 tu sois Autochtone, Québécois, on en rencontre
21 partout des gens comme ça, sauf qu'on ne sait pas
22 comment réagir par rapport à ce phénomène-là.

23 Il y a aussi je pense une question
24 justement de cette espèce de confrontation qui est
25 toujours entre la société québécoise et la société

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1 gens du milieu et la communauté de Maria;
2 - l'implantation des caisses
3 populaires Desjardins dans plusieurs communautés,
4 dont à Kahnawake;
5 - les ententes pluriannuelles de
6 financement dans le domaine de la culture avec
7 Avataq et l'ICEM;
8 - la construction et le
9 fonctionnement de l'hôpital Kateri Memorial par la
10 communauté de Kahnawake;
11 - la gestion d'une partie de la
12 réserve faunique des Laurentides par les Hurons-
13 Wendat;
14 - l'entente avec la communauté de
15 Mashteuiash sur l'émission des permis de bingo;
16 - la signature d'ententes
17 tripartites avec plusieurs communautés autochtones
18 à l'égard des services policiers; et
19 - la Convention de la Baie-James
20 et du Nord québécois, qui a permis aux Inuit et
21 aux Cris de contrôler leurs institutions.
22 Cette liste pourrait s'allonger de
23 plusieurs autres exemples. Elle n'a pas pour but
24 de glorifier la situation actuelle mais au moins
25 de relativiser les problèmes. Je suggère

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1 autochtone, qui est souvent répétée dans les
2 médias et dans les écoles. Donc tu vis ça de
3 façon très plaisante.

4 Des fois l'impression que tu donne
5 quand tu vas en ville, des fois t'as l'impression
6 de trahir un peu ton côté autochtone, d'embarquer
7 dans un système. Justement cette transition-là
8 c'est pas facile à faire. Tu vis les préjugés
9 puis en même temps tu vis des préjugés qui sont
10 dans ta communauté parfois par rapport, justement,
11 au fait d'aller étudier ou des choses comme ça.

12 Aussi quand tu étudies ou quand tu
13 es même dans la communauté une valorisation de ta
14 propre culture qui devrait être encore plus forte,
15 qu'on te dise, oui, il y a une place pour toi,
16 qu'on t'encourage encore plus.

17 Justement si on facilitait les
18 ponts entre la société québécoise et la société
19 amérindienne on aurait peut-être moins de
20 difficulté à passer de l'un à l'autre, à sentir
21 qu'à travers ce monde, à travers cette société-là,
22 il y a une place pour les Autochtones, qu'on nous
23 respecte en tant qu'Autochtones, que notre
24 identité est là, qu'elle est construite, qu'elle
25 est respectée. Déjà ça ce serait un grand apport.

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1 cependant que la conclusion d'ententes soit
2 retenue comme un des moyens les plus efficaces
3 pour améliorer les relations entre les autochtones
4 et les autres Québécois.

5 La situation dans les communautés
6 autochtones est souvent difficile. Il est inutile
7 de reprendre au long le constat fait par
8 plusieurs, dont la Commission royale. Je
9 résumerais ces problèmes sous trois thèmes:

10 - premièrement, des problèmes
11 économiques et sociaux majeurs: sous-emploi,
12 violence familiale, consommation de drogues et
13 alcool, et caetera;

14 - deuxièmement, des communautés
15 avec une capacité limitée de prise en charge;

16 - troisièmement, un isolement des
17 communautés autochtones par rapport aux
18 populations environnantes.

19 J'estime que l'avenir des
20 communautés autochtones passe d'abord par une
21 amélioration des situations actuellement vécues.
22 C'est pourquoi je propose l'ensemble des attitudes
23 et des mesures suivantes.

24 Il faut reconnaître que le
25 règlement des problèmes sociaux repose d'abord et

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1 Je pense qu'au niveau de tous les
2 jeunes ou de tous les Autochtones en général ça
3 pourrait être quelque chose de primordial,
4 d'essentiel, de développer cette perception-là, de
5 développer cette connaissance-là pour apporter le
6 respect. Ça pourrait régler certaines choses.

7 JULIE BRETONS: Quand on a parlé
8 du suicide, et c'était tant pour les Québécois que
9 pour les Autochtones, une des causes qu'on a dit
10 et qui rejoint tous les secteurs qu'on a abordés,
11 c'est la difficulté de s'affirmer comme on est, de
12 se réaliser dans un espace où de partout on a
13 l'impression qu'on n'a pas de place, en fait.

14 Les Autochtones pour des raisons
15 spécifiques qui s'ajoutent aux problèmes qui sont
16 vécus par les Québécois, mais c'est que c'est
17 extrêmement difficile d'avoir des perspectives
18 d'avenir au sens large, et là c'est pas seulement
19 un emploi, c'est pas seulement comment gagner sa
20 vie, et est-ce que je vais pouvoir faire vivre mes
21 enfants?

22 Ça commence tout de suite. Ça
23 commence au moment où tu étudies, où il faut que tu
24 travailles comme un fou en même temps que tu
25 étudies pour réussir. Tu fais un Bac, t'es obligé

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1 avant tout entre les mains des autochtones.
2 L'identification des problèmes, les priorités à
3 établir, les solutions relèvent des autochtones.

4 Il faut appuyer les communautés
5 autochtones dans leurs démarches visant à résoudre
6 les problèmes sociaux. Par exemple, à la demande
7 de la communauté de Povungnituk, le Québec est
8 intervenu pour aider à la création d'une maison de
9 jeunes, soutenir financièrement les loisirs et
10 appuyer les ressources communautaires du village.

11 Il faut poursuivre l'aide
12 financière aux organisations autochtones qui
13 oeuvrent au plan socio-économique: Association
14 des femmes autochtones, Centres d'amitié
15 autochtones, et caetera.

16 Il faut poursuivre également
17 l'ouverture à la participation des autochtones
18 dans les institutions mises sur pied par le
19 Québec.

20 Il faut soutenir également le
21 développement économique des communautés
22 autochtones: réalisation des infrastructures --
23 aéroports nordiques, par exemple, routes pour les
24 communautés atikamekw, qu'on a annoncées tout
25 récemment, et caetera -- priorisation de la

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1 de travailler 30 heures/semaine en même temps. Il
2 y a quelque chose qui n'a pas de sens.

3 Dans tous les domaines de la vie
4 ça s'accumule, ce qui fait qu'on a l'impression
5 qu'on n'a pas de place. Ça ne règlera pas le
6 problème juste de mettre un jeune à la Chambre des
7 Communes, d'ouvrir un siège de jeune et de le
8 mettre là pour qu'il puisse participer aux
9 décisions. C'est bien plus profond que ça.

10 C'est à l'échelle sociale, et je
11 pense que c'est pour ça qu'on est capable d'avoir
12 des grandes recommandations comme on en a là. Je
13 parle pour moi, je considère que j'ai rien à
14 perdre en fait, parce que j'ai rien d'acquis déjà.

15 Les changements qui peuvent
16 arriver, j'ai l'impression que mes intérêts à moi
17 soient brimés, je veux les avoir, ces changements-
18 là.

19 Je pense que dans le dialogue
20 c'est pas seulement parler/écouter,
21 parler/écouter. C'est arrêter de regarder
22 strictement sa propre position personnelle, son
23 intérêt personnel, et penser au meilleur d'un
24 ensemble de personnes, 6 millions de personnes.
25 Si moi je pense juste à ma job, à mon petit avenir

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1 formation de la main-d'oeuvre, accessibilité à
2 l'exploitation des ressources, aide au
3 développement de l'entrepreneurship, encouragement
4 au partenariat.

5 Il faut également encourager la
6 prise en charge des services sociaux par les
7 autochtones et, à cet effet, conclure des ententes
8 avec les communautés pour leur permettre de gérer
9 leurs propres institutions et d'adapter les
10 services à leurs spécificités culturelles dans des
11 secteurs comme la protection sociale, la
12 protection de la jeunesse et la réadaptation
13 sociale.

14 Il faut explorer également avec
15 les autochtones leur implication dans
16 l'administration de la justice par la présence de
17 juges de paix autochtones, l'instauration de
18 comités locaux de justice, l'utilisation de la
19 médiation, et caetera.

20 Il faut conclure de nouvelles
21 ententes tripartites qui permettent la prise en
22 charge des services policiers par les communautés
23 indiennes. Ces ententes assurent la mise sur pied
24 d'un comité local de sécurité publique, la gestion
25 par la communauté des services policiers et

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1 et que tout le monde fait pareil, il n'y a jamais
2 rien qui va changer.

3 À un moment donné il faut élargir
4 nos horizons, je pense. Comme jeunes c'est peut-
5 être le fait que justement on en a très peu qui
6 fait qu'on a envie d'ouvrir les choses davantage.

7 SUZY BASILE: Je voudrais peut-
8 être compléter en revenant à la question du
9 suicide, qui est très élevé dans nos communautés.
10 C'est pas évident quand t'es jeune
11 et que t'as rien devant toi. Tout ce que tu vois
12 c'est un nuage noir.

13 Les sentiments d'infériorité aussi
14 qu'on a eus depuis longtemps ou qu'on est porté à
15 nous donner.

16 Il y a le fait aussi des problèmes
17 sociaux, où la drogue et l'alcool sont très
18 présents dans les communautés. Ça aide pas non
19 plus.

20 Il y a la question aussi d'être
21 confiés sur une réserve indienne de 2 km². Moi
22 personnellement c'était pas mon but dans la vie.
23 C'est vraiment pas agréable comme sensation de se
24 sentir comme ça dans l'immensité d'un pays ou d'un
25 territoire en particulier.

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1 établissent la collaboration entre les divers
2 corps policiers.

3 Il faut poursuivre également et
4 développer l'approche du ministère du Loisir, de
5 la Chasse et de la Pêche à l'égard des autochtones
6 quant à la ressource faunique. Cette approche est
7 axée autour de la conclusion d'ententes pour
8 permettre notamment l'introduction de
9 particularités propres aux autochtones dans le
10 régime général de pêche, chasse et piégeage; on
11 vise aussi la participation autochtone dans la
12 gestion des parcs et des réserves fauniques situés
13 à proximité des communautés autochtones; on
14 envisage enfin des mécanismes de concertation et
15 de consultation pour maintenir des relations
16 soutenues et mettre en place des solutions à des
17 problèmes locaux concernant directement des
18 autochtones et des non-autochtones.

19 L'ensemble de ces mesures, de même
20 que d'autres initiatives à développer, permettront
21 d'apporter dans l'immédiat des correctifs aux
22 situations vécues par les communautés autochtones.

23 Il faut cependant aller plus loin.
24 Il faut maintenant parler de rétablir un équilibre
25 dans ces relations avec, comme clé de voûte, le

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1 Pour ma part je me permets d'avoir
2 une vision à long terme. Je me dit que le
3 développement au sens large aiderait grandement
4 à avoir, premièrement, un but dans la vie, à
5 savoir où on s'en va, et sûrement à long terme à
6 baissier le taux de suicides.

7 Juste le fait de se sentir chez
8 soi et le fait d'avoir droit à sa propre identité
9 en partant ça aiderait beaucoup.

10 Je dis ça simplement au sens large
11 comme ça mais je m'appuie encore là sur la
12 question du développement.

13 **ANICK RIVERIN:** Je pense aussi que
14 c'est important de ne pas sous-estimer
15 l'importance de la drogue et de l'alcool dans les
16 communautés autochtones. C'est un problème qui
17 est criant aussi et qui souvent peut amener au
18 suicide pour certains jeunes et d'autres personnes
19 aussi, d'autres catégories d'âge.

20 Ici il y aurait vraiment un effort
21 important à fournir dans l'adaptation des
22 programmes, de ne pas attendre pour envoyer
23 quelqu'un en thérapie qu'il soit sur le bord
24 d'être en train de crever à cause d'une overdose
25 ou je sais pas quoi, d'attendre que les gens

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1 développement de l'autonomie des autochtones.

2 Le panorama que je viens de tracer
3 aide à comprendre ce que sont aujourd'hui les
4 aspirations légitimes des autochtones. Ceux-ci,
5 comme toute collectivité, ont développé une
6 volonté de retrouver une identité et une dignité
7 ébranlées au fil de l'histoire et de prendre leur
8 avenir en charge. Ils aspirent à détenir et
9 contrôler des instruments de développement, que
10 ces instruments touchent le territoire, les
11 ressources naturelles, la main-d'oeuvre. Bref,
12 ils veulent pouvoir compter sur une autonomie
13 économique.

14 Les autochtones ont aussi
15 clairement manifesté leur désir de détenir ce que
16 j'appellerais une sécurité culturelle au sens très
17 large: d'être capable d'agir dans tous les
18 secteurs majeurs de leur culture, que ce soit en
19 éducation, en santé, en services sociaux, en
20 justice. En somme, nous parlons ici d'une
21 aspiration à une autonomie politique.

22 Enfin, les autochtones mesurent
23 fort bien les conséquences d'avoir été tenus à
24 l'écart de l'évolution des sociétés canadienne et
25 québécoise. L'aspiration à l'autonomie que je

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1 soient vraiment rendus à l'extrême limite pour
2 leur dire d'accord, on va t'aider.

3 Que les gens qui ont besoin d'aide
4 puissent être répondus par rapport à leurs
5 besoins. Qu'on ne fixe pas non plus toujours des
6 standards élevés par rapport à cela. Ça pourrait
7 aider.

8 Et justement qu'on adapte les
9 programmes de désintoxication à la réalité des
10 Autochtones, à leur identité. Le fait que si tu
11 te sens mieux dans ta peau tu te sens mieux dans
12 la société ça peut être bon. Ça a un lien.

13 Justement les phénomènes de drogue
14 et d'alcool je pense que c'est l'expression
15 souvent avant que les gens aillent se suicider ou
16 se rendent à cette extrême limite là, c'est
17 l'expression d'un sentiment, d'un malaise que les
18 gens ressentent.

19 S'il y avait des solutions plus
20 appliquées comme justement les thérapies,
21 appliquées à leur identité...aussi il n'y a pas
22 juste des thérapies. On ne parle pas juste quand
23 les gens sont rendus loin. On peut parler de
24 prévention. Ce serait très important d'amener la
25 prévention au niveau des drogues et de l'alcool

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1 viens de mentionner ne signifie nullement le
2 maintien de cet isolement. Au contraire -- et bon
3 nombre de discussions avec les autochtones nous
4 l'enseignent -- ceux-ci aspirent aussi, à l'aide
5 de cette autonomie, à participer de façon plus
6 sereine à l'évolution générale.

7 Accepter véritablement la
8 différence signifie qu'il faut déboucher sur des
9 gestes concrets. En ce sens, promouvoir
10 l'exercice de l'autonomie gouvernementale
11 autochtone devient fondamental pour que la
12 reconnaissance de cette différence ne soit pas
13 vide de sens. De plus, à son tour, pour que ce
14 concept d'autonomie ne soit pas un mot creux, il
15 faut que les gouvernements mis en place détiennent
16 des pouvoirs politiques réels et significatifs de
17 façon à permettre au milieu autochtone de sortir
18 de sa dépendance actuelle et de reconquérir une
19 dignité. L'émergence de l'autonomie ne peut
20 qu'assainir les relations entre les autochtones et
21 l'ensemble des Québécois.

22 L'émergence de l'autonomie
23 implique donc un meilleur équilibre dans les
24 pouvoirs d'agir dans son propre milieu. De plus,
25 il faut que les autochtones puissent sortir enfin

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1 dans les communautés par des cliniques
2 d'information, par une démystification et vraiment
3 de présenter la réalité aussi chez eux, qu'est-ce
4 que c'est, de sortir les données, et informez-
5 vous, et leur dire c'est quoi les ressources.

6 COMMISSIONER MARY SILLETT: Thank
7 you very much.

8 I think that when we first started
9 our hearings everyone said that we have to involve
10 the youth because there is a recognition that the
11 youth are our future leaders. Whenever we've had
12 sessions with the youth or with younger people, or
13 with younger people than us, we've had very, very
14 good presentations, we've had very positive
15 presentations, and I think the attitudes are
16 really, really good.

17 We had a special consultation at
18 Carleton the other evening and the youth
19 coordinator said to me: You know, there are four
20 Aboriginal people, there are three Aboriginal
21 people, you wouldn't know the difference, but
22 their attitude, they're very supportive, their
23 positions are very, very supportive of each other,
24 and we have a good future.

25 I thank you very, very much for

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1 de leur isolement en détenant aussi un plus grand
2 pouvoir d'influencer la société et les
3 gouvernements en général.

4 Aménager la coexistence est
5 l'autre défi relié à l'autonomie. Autochtones et
6 non-autochtones habitent le même territoire et,
7 comme on l'a mentionné précédemment, sont
8 fortement interconnectés dans une même réalité
9 sociale et économique. Les geste que posent les
10 uns risquent inévitablement d'avoir des
11 conséquences sur les autres. En ce sens, aménager
12 la coexistence devient essentiel pour tous:
13 l'autonomie des uns ne doit pas brimer celle des
14 autres.

15 Certains prérequis sont
16 nécessaires à l'établissement d'une véritable
17 autonomie autochtone s'exerçant de façon
18 harmonieuse. Ainsi, au plan gouvernemental, il
19 faut abandonner tout approche "hégémonieuse" à
20 l'égard des autochtones. Pour leur part, ceux-ci
21 doivent rejeter le recours aux gestes unilatéraux.
22 En somme, c'est toute l'approche bâtie au cours
23 des dernières décennies -- confrontation et
24 compétition -- qu'il faut remplacer par un état
25 d'esprit de collaboration et de complémentarité.

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1 your presentation today.

2 COPRÉSIDENT RENÉ DUSSAULT: Je
3 joint Mary pour vous remercier d'être venu faire
4 cette présentation. Encore une fois je pense que
5 c'est un message d'espoir que vous nous donnez.

6 On espère être à la hauteur de
7 notre petit bout de chemin de ce que vous indiquez
8 comme étant un certain nombre non seulement de
9 préoccupations mais de solutions pour l'avenir.

10 Je ne peux pas faire autrement que
11 de m'empêcher de penser, comme on est au câble, au
12 Canal 49, et comme ça a souvent été le cas lors
13 des audiences de la Commission depuis un an et
14 demi, de penser que ce serait profitable si un
15 grand nombre de personnes regardaient une
16 présentation comme celle que vous venez de faire.
17 Je pense que ça aiderait beaucoup dans l'optique
18 du rapprochement, de la compréhension, non
19 seulement des jeunes par rapport à l'ensemble de
20 la société mais également du côté des Autochtones
21 et des non-Autochtones.

22 Je vous remercie pour cette
23 contribution-là, et je vous souhaite bonne chance
24 dans la poursuite de vos travaux, votre réflexion.
25 Vous savez qu'on est là et on sera toujours

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1 Leaders autochtones et non autochtones doivent
2 s'engager réciproquement à harmoniser leurs gestes
3 pour éviter les impacts négatifs à l'endroit des
4 populations et au plan des relations entre
5 autochtones et non-autochtones.

6 Certains objectifs fondamentaux
7 ont aussi grand besoin également d'être poursuivis
8 en commun. Je pense ainsi au respect des valeurs
9 humaines fondamentales consacrées par les diverses
10 chartes des droits et libertés qui s'inscrivent
11 elles-mêmes dans des déclarations universelles au
12 plan international. Le respect de ces valeurs de
13 base, à l'échelle de la personne et peu importe
14 l'ethnie, ne peut que faciliter un plus grand
15 respect des identités collectives.

16 Voyons nos sociétés comme un
17 écosystème social et économique. Dans son
18 document "Partenaires au sein de la
19 Confédération", la Commission, Monsieur le
20 Président, évoquait ce vieux pin qui n'est plus
21 isolé sur la plaine: l'image correspond bien à la
22 réalité d'aujourd'hui. Certains pourront
23 envisager un avenir différent, composé
24 d'autonomies isolées les unes des autres, où il
25 n'y aurait pas d'interface et où chacun agirait

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1 disponible pour vous écouter en cours de route
2 dans la prochaine année.

3 Merci.

4 La Commission royale suspens ses
5 travaux jusqu'à demain matin, à 9 heures.

6 Nous aurons l'occasion d'entendre
7 comme première présentation le mémoire de la
8 Centrale de l'enseignement du Québec, suivi de la
9 Fédération canadienne des municipalités,
10 l'Association universitaire canadienne d'études
11 nordiques, le Comité canadien des ressources
12 arctiques, l'Alliance autochtone du Québec Inc.,
13 le Manitoba Keewatinowi Okimakanak Inc., un groupe
14 du Manitoba, ainsi que le Centre de ressources sur
15 la non-violence.

16 Je vous remercie. À demain, à
17 9 h 00.

18 --- L'audience est levée à 18 h 44, pour reprendre
19 à 9 h 00 le mercredi 1^{er} décembre 1993

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1 indépendamment de son voisin. Mais rien n'indique
2 que cette voie est prometteuse; au contraire,
3 l'existence et la coexistence risqueraient, dans
4 un tel environnement, d'être, selon les termes du
5 philosophe anglais Thomas Hobbes, "nasty, brutish
6 and short". Dans cette optique, voyons ainsi le
7 territoire et ses ressources comme des richesses à
8 partager plutôt que comme quelque chose qui nous
9 oppose et nous déchire.

10 Beaucoup de discussions et de
11 débats ont eu lieu jusqu'à maintenant autour de
12 concepts généraux comme le droit inhérent à
13 l'autonomie gouvernementale et la notion de
14 troisième ordre de gouvernement. Pour aussi
15 nécessaires qu'elles soient, ces discussions n'ont
16 pas encore débouché sur une exploration commune et
17 en profondeur des aspects pratiques de l'exercice
18 de l'autonomie. Il est temps maintenant d'aborder
19 ce domaine plus concret, et je voudrais suggérer
20 ici quelques préoccupations à débattre et
21 certaines avenues à explorer.

22 Au départ, j'insiste sur un point
23 important: une telle discussion n'a pas pour but
24 de définir avec les autochtones la nature de ce
25 que seraient leurs institutions, leurs



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1 réglementation, leur administration de leur
2 autonomie. On comprendra que l'élaboration de
3 tous ces aspects revient aux autochtones, sinon on
4 ne parle pas d'autonomie. Il s'agit donc d'abord
5 et avant tout de bâtir un consensus où les parties
6 s'engagent réciproquement à développer et à
7 poursuivre en commun certains objectifs
8 fondamentaux et à harmoniser en conséquence leurs
9 décisions pour éviter des impacts négatifs au
10 niveau des populations ou au plan des relations
11 entre non-autochtones et autochtones. Ce
12 consensus, je le rappelle, doit s'inscrire dans la
13 mise en place de pouvoirs politiques réels et
14 significatifs pour les autochtones.

15 Cette approche implique qu'on
16 développe et qu'on débattenne avec les autochtones
17 des repères, des principes et des objectifs et
18 qu'on travaille intensivement à en dégager les
19 mécanismes concrets pour mettre en place cette
20 autonomie de façon harmonieuse. Dans cette
21 optique, on peut avoir à hiérarchiser des
22 objectifs, comme par exemple en matière de pêche,
23 où le ministère du Loisir, de la Chasse et de la
24 Pêche a établi depuis 10 ans, par ordre
25 d'importance, les quatre principes ou objectifs

4
10
80
10

LE NOUVEL HOTEL
1740 RENÉ-LÉVESQUE BLVD. WEST
MONTREAL, QUEBEC

WEDNESDAY, DECEMBER 1, 1993

3

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1 suivants: premièrement, conservation de la faune,
2 objectif à respecter avant tous les autres;
3 deuxièmement, respect du droit de pêche de
4 subsistance des autochtones; troisièmement,
5 respect du droit à la pêche sportive pour le grand
6 public; et, quatrièmement, pêche commerciale, que
7 ce soit pour les autochtones ou les non-
8 autochtones, lorsque les trois objectifs
9 précédents sont respectés.

10 Une telle approche pour discuter
11 d'autonomie apporte bien entendu une limitation à
12 son exercice. Mais cette limitation vaut pour
13 tous: le premier principe limite tous les
14 pêcheurs, qu'ils soient allochtones ou
15 autochtones, et la quatrième activité est limitée
16 par le respect des trois premiers principes, ceci
17 valant également pour tous sans distinction
18 ethnique. Il est virtuellement impensable
19 d'envisager une autonomie gouvernementale qui soit
20 illimitée à cause des effets potentiels sur les
21 populations autochtones et non autochtones et sur
22 leurs relations.

23 On peut penser à la poursuite
24 d'objectifs communs dans pratiquement tous les
25 champs d'activité. En fiscalité, par exemple, on

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1 peut respecter le principe de fardeaux fiscaux
2 équivalents pour les autochtones et les non-
3 autochtones. En matière de santé on peut édicter
4 un principe commun à tous, comme celui du respect
5 des règles de l'art en matière de santé et de
6 soins hospitaliers; ce principe d'ailleurs, est
7 une des bases de l'entente entre le Québec et
8 Kahnawake à propos de l'hôpital Kateri Memorial.
9 En matière de sécurité publique on peut prôner les
10 mêmes orientations fondamentales pour tous en ce
11 qui concerne les fonctions et les pouvoirs des
12 corps de police, la formation des policiers, la
13 coordination étroite entre les divers corps
14 policiers.

15 La densité de l'occupation et
16 l'occupation du territoire est extrêmement
17 variable au Québec, et on doit tenir compte de ces
18 réalités diverses. Les immenses territoires
19 nordiques ne comportent relativement que peu de
20 population, et les utilisations actuelles ou
21 prévues sont aussi relativement peu nombreuses.
22 Le portrait change considérablement hors des
23 territoires conventionnés et même dans les grands
24 espaces -- Côte-Nord et Abitibi, par exemple -- où
25 se superposent ZECs, pourvoiries, CAAFs, parcs,

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1 réserves écologiques ou fauniques, claims miniers,
2 terres privées, périmètres municipaux et activités
3 traditionnelles de chasse et de pêche. Ce
4 foisonnement d'activités provoque une compétition
5 pour l'accès au territoire et pour l'accès aux
6 ressources, chacun privilégiant une ressource en
7 particulier ou encore une façon de l'exploiter.

8 Il n'est pas besoin d'insister sur
9 le fait que la densité territoriale et la
10 problématique qui s'y rattache changent encore de
11 façon plus marquée en milieu urbain où on retrouve
12 des communautés autochtones. Dans cet esprit,
13 toute approche de la question territoriale par
14 rapport à l'autonomie doit être la moins
15 idéologique, la plus concrète et la plus souple
16 possible. Ainsi, dans les zones plus peuplées où
17 autochtones et non-autochtones se côtoient, nous
18 croyons que les gouvernements autochtones
19 exerceraient pour l'essentiel leurs pouvoirs à une
20 échelle locale, c'est-à-dire à l'échelle des
21 communautés.

22 Il faut convenir cependant qu'au-
23 delà de ces territoires de base, les autochtones
24 devraient avoir au moins la capacité d'influer sur
25 le développement sur des territoires plus vastes à

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1 exploitation et à usages multiples où,
2 lorsqu'elles existent, les activités autochtones
3 traditionnelles de subsistance puissent s'exercer
4 en harmonie avec les autres utilisateurs du
5 territoire. On peut penser ici à un code général
6 élaboré en commun et qui ferait la synthèse des
7 utilisations de ces territoires dont les
8 superficies seront à déterminer via les
9 discussions à ce propos.

10 Toujours dans un esprit
11 d'harmonisation, il apparaît nécessaire que les
12 autochtones aient une influence réelle dans le
13 processus d'évaluation ou d'autorisation des
14 projets de développement qui auraient un impact
15 lourd et permanent sur leur patrimoine et la
16 pratique de leurs activités traditionnelles, sur
17 le territoire de l'autonomie locale ainsi que sur
18 celui visé par ce code synthèse. Ici, les
19 discussions auront à approfondir les mécanismes de
20 cette influence réelle; il faudra éviter à cet
21 égard la lourdeur et la complexité administratives
22 et leurs effets négatifs sur l'efficacité des
23 mécanismes et les relations entre les autochtones
24 et les gouvernements.

25 Pour les territoires plus

Montreal, Quebec

--- Upon resuming at 9:07 a.m. on Wednesday, December 1, 1993.

CO-CHAIR RENÉ DUSSAULT: Good morning, everyone. The Royal Commission on the Aboriginal Peoples of Canada is resuming its series of public hearings with the presentation of the brief by the Centrale de l'enseignement du Québec.

I would like to give the floor to Lorraine Pagé, the President, without further delay.

LORRAINE PAGÉ, President, Centrale de l'enseignement du Québec: Good morning, Mr. Chair, Madam Commissioner.

I would like first to introduce the people who are here with me this morning.

To my right, Daniel Lachance, Vice-President, and to my left, Henri Laberge, a counsellor with the Centrale and the person who wrote the brief we will be presenting today.

The main thrust of our brief is stated in its title, which affirms our belief that the preservation of the national identities and political autonomy of nations

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1 nordiques, et particulièrement dans le cas des
2 Inuit, l'approche territoriale pourra s'avérer
3 très différente en raison notamment de la faible
4 densité des activités.

5 Le financement des gouvernements
6 autonomes comprend des éléments majeurs qu'il sera
7 nécessaire, à mon avis, d'explorer à fond. Ainsi,
8 on se doit d'aborder la participation financière
9 des populations autochtones elles-mêmes, compte
10 tenu de leur capacité de payer, aux coûts des
11 services qu'elles sont appelées à recevoir de
12 leurs gouvernements ou des gouvernements
13 extérieurs. Par ailleurs, comme cette
14 participation financière ne peut supporter, même à
15 long terme, plus qu'une fraction du coût de
16 fonctionnement des services, des institutions et
17 des infrastructures, il faudra donc examiner
18 ensemble d'autres sources potentielles de revenus.
19 Ainsi, par exemple, on pourrait envisager des
20 possibilités de revenus provenant de
21 l'exploitation des ressources naturelles, explorer
22 de nouveaux modes d'allocation de fonds publics
23 par les gouvernements canadien et québécois,
24 examiner la capacité potentielle d'emprunt des
25 gouvernements autonomes vis-à-vis le marché

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is one of the essential conditions for the development of those nations as a whole. This applies equally to the Québécois nation and to the First Nations of Quebec and Canada.

DANIEL LACHANCE, Vice-president,

Centrale de l'enseignement du Québec: There are numerous analogies in the situations of the Aboriginal people and of the Québécois people in relation to the majority Canadian society which should lead them to work together in their efforts to achieve similar objectives.

Both of us are seeking political autonomy in order to apply solutions that are adapted to our own problems and take into account our respective cultures.

We are not starting from the same place, and our paths may not be identical, and so the similarities in our aspirations may not seem so clear. As so often happens, disadvantaged groups, which are disadvantaged to varying degrees, unfortunately see each other more as rivals and competitors than as potential allies. This perception

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1 financier, et caetera.

2 La poursuite de l'objectif
3 d'autonomie des autochtones implique qu'ils
4 prennent en charge leur développement économique.
5 Ceci exige au préalable qu'on explore les
6 possibilités du côté de mesures structurantes et
7 de mesures d'appui: fonds de développement
8 économique, programmes spécifiques de formation,
9 structures autochtones de développement
10 économique, confection de profils socio-
11 économiques contenant des informations de base sur
12 l'activité économique, le chômage, l'emploi, la
13 formation professionnelle, les projets actifs, les
14 revenus, et caetera.

15 Le contenu des discussions à tenir
16 sur l'autonomie est vaste, comme on peut
17 facilement l'entrevoir. Comment peut-on amorcer
18 ces pourparlers?

19 Je crois qu'il est temps de se
20 diriger à ce sujet vers une entente politique
21 d'envergure quant à l'autonomie gouvernementale
22 des autochtones. Cette entente pourrait contenir
23 les grandes lignes qui suivent.

24 Il s'avère essentiel de rendre
25 plus serein et plus créatif le climat actuel de

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further disadvantages both sides.

LORRAINE PAGÉ: Our two peoples deserve better than the numerous prejudices that both have been subject to and that divide us.

We must recognize that since the Oka crisis in 1990 relations between the Québécois and Aboriginal peoples have seriously deteriorated, that some prejudices have solidified and some misunderstandings have become even deeper.

The CEQ wants to contribute to reestablishing constructive dialogue. We believe that this dialogue must develop through a better understanding of our respective needs and our respective aspirations.

The CEQ will contribute to this dialogue on the basis of what we are and our fundamental options.

You know that the CEQ has been committed since 1990 to working for the national independence of Quebec. This option is closely connected to the undertaking to work also for real recognition of the right of Aboriginal peoples to self-determination.

It is this dual commitment that serves

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1 discussions afin d'établir à long terme une
2 cohabitation harmonieuse avec les autochtones.
3 Une large autonomie gouvernementale autochtone
4 s'avérant pour l'avenir une des clés de voûte de
5 cette cohabitation, il y a lieu de lancer
6 maintenant une discussion en profondeur sur
7 l'ensemble des composantes majeures de cette
8 autonomie, et ce, dans l'esprit général suivant:

9 - les autochtones doivent détenir
10 des pouvoirs politiques réels et significatifs sur
11 l'ensemble des secteurs et des leviers permettant
12 de protéger et de promouvoir leur identité ainsi
13 que d'assurer leur développement tant spirituel
14 que social et économique;

15 - l'autonomie gouvernementale
16 autochtone et l'autonomie du gouvernement du
17 Québec ne doivent pas évoluer en vase clos.
18 Partout où cela s'avère essentiel, il est
19 primordial que tous s'engagent réciproquement à
20 harmoniser la portée des autonomies de façon à
21 éviter des impacts négatifs à l'endroit des
22 populations et au plan des relations entre
23 autochtones et non-autochtones.

24 La discussion doit essentiellement
25 rechercher des avenues concrètes et

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as the basis for the first chapter of our brief, in which we develop our concept of the national questions, both Québécois and Aboriginal.

Our organization works primarily in educational institutions and has a number of Aboriginal people among our members, primarily in northern Quebec, and this explains the particular interest we take in the second chapter of our brief in the role of education in development and self-determination and in the battle against prejudice.

We are a trade union and we believed that it was important, in the third chapter, to put forward some ideas on the role of trade unionism in Aboriginal communities.

One of the difficulties in approaching the Québécois and Aboriginal national questions jointly lies in the misunderstandings that are involved in the use of certain concepts, particularly the idea of "nation" which is used by both groups to refer to our collective identities.

One prejudice that holds that Aboriginal peoples' claim to self-government necessarily requires that

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1 opérationnelles. Ainsi, plutôt que d'aborder
2 théoriquement des concepts tels le droit inhérent
3 ou son inclusion ou non dans la Constitution
4 canadienne actuelle, il s'agit de dégager les
5 aspects pratiques de l'exercice d'une large
6 autonomie gouvernementale par les autochtones et
7 de rechercher les moyens concrets d'harmoniser
8 l'action des gouvernements autochtones, québécois
9 et canadien. Ainsi, il faut ouvrir une réflexion
10 en profondeur et très pratique sur des domaines
11 tel les champs et la portée des pouvoirs
12 autochtones et sur leur interaction avec ceux des
13 gouvernements canadien et québécois; sur l'aire
14 d'application de cette autonomie; sur le
15 financement des gouvernements autonomes; sur le
16 développement économique des communautés.

17 Cette recherche fondamentalement
18 orientée vers le concret doit, de façon réaliste,
19 tenir compte de l'ampleur de la tâche. En ce
20 sens, il faut envisager la démarche comme une
21 entreprise à long terme, l'autonomie
22 gouvernementale autochtone étant appelée à se
23 bâtir graduellement.

24 Dans l'esprit du paragraphe qui
25 précède, la recherche de solutions pratiques doit

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there be ethnic or even racially-based governments created. The same prejudice is held by some Canadian nationalists against Quebec nationalism.

There is also a political will to subvert the feeling of belonging to Quebec as a national territory and make it into something that would be first and foremost an identification with an ethnolinguistic category that exists throughout Canada. On this point, we believe that it is important that the use of the concept of race to identify our collective selves be clearly rejected.

There is no [Aryan?] race. Nor is there an Indian race or an Eskimo race. No human society is a perfect reflection of any racial profile. The concept of race cannot be used to support any claim to nationhood.

Moreover, the heritage that comes to us from our family and ancestors is primarily a cultural heritage, the first foundation of what we designate as ethnicity. Ethnic identity, ethnic culture, should be preserved and cultivated. However, they are not a perfect

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1 respecter l'identité et le contexte dans lequel se
2 trouve chaque nation autochtone et, lorsque
3 nécessaire, les particularités des communautés
4 membres d'une nation. Cette recherche doit aussi
5 respecter le rythme de progression, la volonté et
6 les capacités de chacun.

7 Cette discussion en profondeur
8 doit associer tous les leaders autochtones du
9 Québec de même que les gouvernements québécois et
10 canadien.

11 La mise de l'avant et la
12 conclusion d'une entente politique comme celle qui
13 est décrite précédemment implique que l'on mette
14 sur pied les moyens les plus appropriés possibles
15 pour débattre efficacement toutes ces questions.

16 Plutôt que d'oeuvrer immédiatement
17 à l'échelle des nations ou même des communautés,
18 il m'apparaît préférable au départ de créer un
19 forum politique rejoignant l'ensemble des
20 autochtones du Québec parce que la question de
21 l'autonomie gouvernementale les touche tous. La
22 forme et la composition exactes de ce forum
23 restent à définir ensemble avec les autochtones,
24 mais il semble essentiel au départ qu'il soit
25 politique en ce sens qu'il rassemble les porte-

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reflection of national identity and culture.

A nation is not an ethnic category, nor, most definitely, is it a racial category. It is not a category of people. It is a collective unit which is characterized primarily by the fact that it consists of a coherent society, it is connected with a land base, and it has its own way of functioning as a society, and this generally implies that there is a national language and national laws and customs, as well as institutions unique to the society.

It is not necessary that all people who are part of a nation be culturally identical at the outset, that they all come from the same ethnic culture. It is the process of participating in a single society, sharing in a common effort or a vision of a society, that determines membership in a nation, rather than conformity to a cultural profile inherited from one's ancestors.

We must therefore make a distinction between belonging to the French-Canadian ethnic group that

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1 parole politiques des autochtones et des
2 gouvernements du Québec et du Canada. De plus, il
3 apparaît important qu'il y ait un équilibre dans
4 la représentation politique: équilibre entre les
5 gouvernements, fédéral et provincial, et les
6 autochtones, et représentation appropriée de
7 l'ensemble des autochtones.

8 De plus -- et c'est là l'un des
9 points essentiels d'une discussion orientée vers
10 le concret -- il s'agirait de créer des tables de
11 travail qui, au moyen d'analyses en profondeur,
12 alimenteraient régulièrement le forum politique
13 pour que les parties circonscrivent à leur
14 satisfaction les conséquences pratiques de
15 l'autonomie gouvernementale autochtone et son
16 harmonisation avec l'autonomie des gouvernements
17 québécois et canadien.

18 Le mandat du forum, et notamment
19 sa durée, devra faire l'objet d'un consensus.
20 Pour lancer le débat à ce sujet je propose les
21 idées qui suivent quant au contenu de ce mandat:

- 22 - préparer l'entente politique sur
23 l'autonomie gouvernementale;
24 - débattre des orientations
25 concrètes de l'autonomie gouvernementale;

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is represented in Quebec, in Canada and in the United States on the one hand, and, on the other hand, the Québécois nation, which takes in people of diverse origins, mother tongues and beliefs, who are bound up in Quebec's destiny and are from the outset fully entitled to participate in its future.

Similarly, an Aboriginal nation should be able to integrate people of other origins into its vision of society, people who would have the same fundamental rights, the same fundamental obligations as people of Aboriginal origin, including, where appropriate, rights and obligations relating to learning and using the national language of the Aboriginal people concerned, or relating to aboriginal law, whether customary or codified.

The Aboriginal national question, however, has certain unique characteristics that make it impossible to approach it in entirely the same manner as the Quebec national question. Before European colonization, the Aboriginal peoples lived in societies organized in geographic areas which were gradually taken from them, although they had never chosen or agreed to cede those

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1 - mettre sur pied des tables de
2 travail sur des thèmes précis -- santé, services
3 sociaux, justice, et caetera -- relatifs à
4 l'autonomie gouvernementale;

5 - recevoir les représentations de
6 l'ensemble des intéressés à l'égard de la question
7 de l'autonomie gouvernementale;

8 - veiller au démarrage ou à la
9 poursuite des négociations sur l'autonomie
10 gouvernementale avec les communautés ou les
11 nations autochtones; et

12 - formuler des avis sur la ligne
13 de conduite à suivre concernant l'autonomie
14 gouvernementale.

15 À ces grandes lignes j'ajouterais
16 aussi le mandat de mettre sur pied des moyens pour
17 prévenir et résoudre les différends et les
18 conflits. Les divergences, et parfois les
19 affrontements, qui ont surgi au cours des
20 dernières années touchent de plus en plus les
21 diverses facettes de l'autonomie, en particulier
22 les pouvoirs et le territoire. Le nombre de
23 différends ne cesse aussi de prendre de l'ampleur,
24 et la durée des confrontations a tendance à
25 s'allonger.

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lands.

Moreover, they often became minorities on the lands they had traditionally occupied. They were pushed back onto reserves. They were given a unique legal status which meant that they were subject to a law made by others, that applied only to them.

Some authors have described the peoples who fit the characteristics we have just described as comprising a [fourth world?]. What distinguishes them from the peoples of the third world is that in the third world, although the people were conquered, dominated and exploited by the colonizers, they are still a majority on the conquered lands, so that when they achieve national independence they are able to regain political control over that land and their national life.

In colonies where the descendants of the colonizers have far surpassed the Aboriginal population in numbers, the Aboriginal people do not regain political power when the State that is established on their ancestral land becomes independent, and so it is necessary for the Aboriginal peoples to phrase their national questions in

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1 Jusqu'à maintenant, nous n'avons
2 pas de mécanismes d'ensemble qui permettent de
3 passer à l'action pour prévenir les confrontations
4 et, lorsqu'elles se manifestent, pour construire
5 des trêves et canaliser les tensions. Nul besoin
6 d'insister beaucoup sur les conséquences de
7 l'inaction qui, lors de différends qui naissent ou
8 de conflits potentiels, sont souvent
9 catastrophiques. D'où l'urgente nécessité de
10 mettre sur pied des modes de prévention et de
11 résolution des différends reconnus par tous.

12 C'est ici qu'il faut imaginer des
13 mécanismes souples et adaptés qui mettent
14 l'emphasis sur l'ouverture et qui permettent
15 d'exprimer les ressentiments; qu'il faut
16 multiplier les processus de dialogue qui
17 permettent de bien saisir le contexte, l'histoire
18 et la dynamique des oppositions. Il peut s'avérer
19 utile ici de regarder ce qui se fait ailleurs:
20 des expériences comme le Tribunal Waitangi de
21 Nouvelle-Zélande et comme le British Columbia
22 Treaty Commission sont, au sens large, des
23 approches pour prévenir et solutionner les
24 antagonismes.

25 Depuis les dernières années les

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innovative terms, and specifically to claim the return of the lands that belong to them.

The concepts of Aboriginal self-government, Aboriginal sovereignty and Aboriginal self-determination presuppose the existence of a defined land base.

We further believe that the status of belonging to a people can legitimately be defined only by that people itself. For this reason, among others, we must replace the Canadian Indian Act with laws that the Aboriginal peoples may enact themselves, for themselves.

The Aboriginal people of Quebec are subject to the same Indian Act as Aboriginal people in the rest of Canada. They are also wards of the State, treated somewhat like perpetual minors. What is unique for them is undoubtedly particularly the possibility of Quebec achieving the status of a sovereign State.

Some of them are wondering what changes the advent of this possibility will make in their present situation and in their progress toward self-government.

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1 tribunaux ont joué un rôle important dans les
2 différends qui ont opposé les autochtones et les
3 gouvernements. Ils ont joué et continueront de
4 jouer ce rôle de plus en plus souvent faite,
5 précisément, d'instruments politiques de
6 conciliation et de réconciliation. Dès lors,
7 rappelons-nous que les confrontations, pour être
8 résolues durablement, doivent l'être par les
9 protagonistes eux-mêmes.

10 Tous ces aspects que j'ai abordés
11 depuis le début composent un tableau terriblement
12 vaste a priori. L'essentiel est d'avoir une
13 vision globale tout en évitant ce piège qui
14 consiste à voir l'action comme devant être
15 réalisée en bloc et tout de suite.

16 La situation que nous vivons
17 aujourd'hui a elle-même hérité d'un long passé.
18 Montrons-nous donc patients et d'une certaine
19 façon humbles: nous ne solutionnerons pas à court
20 terme et tous en même temps l'ensemble des
21 problèmes actuels. Bien des gestes sont à poser à
22 court, moyen et à long terme; il s'agit d'ordonner
23 les priorités et d'avoir à l'esprit une
24 philosophie générale dans laquelle on inscrit ces
25 gestes. Or, cette philosophie doit au départ en

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We are of the view that the mere fact of Quebec achieving independence will change nothing in the situation of Aboriginal peoples in relation to the dominant society. They will still be dominated peoples, a situation that will *a priori* neither improve nor deteriorate.

Jurisdiction over Indians will be transferred from the Canadian State to the Quebec State, which will inherit the Indian Act and the obligation to carry it out.

We further believe that the Quebec State should then logically offer the Aboriginal peoples a redefinition of their political status on the basis of the principles adopted in 1983 by the government of René Lévesque and those approved by the National Assembly in 1985.

These principles expressly recognize 11 Aboriginal peoples in Quebec as distinct nations. They recognize their right to their culture, their language and their customs and traditions, their right to direct their own development, to own and control their lands, to govern themselves, to control the public institutions that meet

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1 être une d'ouverture, et il faut amorcer les
2 discussions sur cette base. Prenons le temps
3 d'examiner les choses en profondeur, très
4 concrètement et au-delà de la rhétorique et de
5 l'idéologie.

6 J'ai fermement espoir que nous
7 pouvons arriver à dégager ensemble une vision
8 harmonieuse et respectueuse des différences et des
9 aspirations des uns et des autres. Et ce sont
10 deux points de convergence entre les populations
11 autochtones et non autochtones qui m'amènent à
12 exprimer cette confiance. Le premier de ces
13 points communs consiste en ce désir que tous ont
14 en eux que les générations actuelles et à venir
15 aient accès aux ressources du territoire, que ces
16 ressources soient conservées et développées de
17 façon rationnelle et durable. Le second point de
18 convergence réside dans cette aspiration
19 fondamentale que tous ont de vivre la paix
20 sociale, le respect mutuel et la dignité.

21 Merci beaucoup. Je pense qu'il
22 n'en tient qu'à nous de bâtir ensemble notre
23 avenir. Je suis à votre disposition, Monsieur le
24 Président et Mesdames les Commissaires, pour un
25 échange de commentaires avec vous après cet

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their needs. and to receive public funds from Quebec that they may administer as needed to meet the objectives that they consider to be fundamental.

We are of the view that the principles adopted by the government of the National Assembly at that time should be considered to be only the starting point for more complete recognition of Aboriginal peoples' right to self-determination.

For example, the rights of Aboriginal peoples should be guaranteed not by ordinary statutes but by a treaty of association which would have the value and effect of a supra-legislative principle.

In the event that Quebec becomes independent we believe that the 12 peoples who live here should consider themselves to be associated nations, each having a sovereign base with all the jurisdiction and powers that they themselves decide to adopt. This is how we envision the rights of self-determination that we believe belong both to the Québécois people and to the Aboriginal peoples.

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1 exposé, ce long exposé j'ajouterais.

2 **COPRÉSIDENT RENÉ DUSSAULT:** Je
3 voudrais d'abord vous remercier pour cet exposé
4 long mais substantiel, qui, je pense, va à
5 l'essentiel des difficultés que nous vivons
6 présentement.

7 Il y a évidemment beaucoup de
8 points d'interrogation qui viennent à notre esprit
9 en entendant l'exposé que vous venez de faire. Je
10 pense que c'est certainement, dans l'ensemble, une
11 démarche dans la bonne direction. Peut-être que,
12 dans l'espace de temps qui nous est donné, on
13 pourrait aborder de façon plus spécifique des
14 questions assez concrètes et importantes en même
15 temps.

16 La première a trait d'une certaine
17 façon à l'idée que vous mettez de l'avant de la
18 création d'un forum pour en arriver à une entente
19 politique avec l'ensemble des peuples autochtones
20 au Québec qui, d'une certaine façon, coifferait
21 les démarches propres à chacune des nations en
22 tenant compte des particularités. Vous dites dans
23 votre mémoire, à la page 34, que, plutôt que
24 d'oeuvrer à l'échelle des nations immédiatement ou
25 même des communautés, il est préférable de créer

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I shall now move on to the part that deals more specifically with education.

In any organized society, school is the foremost method of passing on the national culture and ensuring that children are prepared to take part in it. But the educational system, the content of the educational process, pedagogical approaches, must all be adapted to the unique needs of each people and its national culture.

We know that the educational levels of Aboriginal people in Quebec, as in Canada as a whole, is considerably lower than among the rest of the population. And we also know that the involvement of Aboriginal communities in directing and managing their school system, while relatively recent, has produced excellent results in terms of attendance in elementary school and the first years of secondary school.

The drop-out rate in secondary school is still too high. Dropping out, along with absenteeism, are caused partially by problems within the family and also partially by a failure to adapt the schools to the reality

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1 ce forum politique rejoignant l'ensemble des
2 autochtones du Québec.

3 En fait, évidemment, vous n'êtes
4 pas sans savoir la variété des situations des
5 peuples autochtones, également même des désirs
6 d'autonomie politique. Je pense que, dans
7 l'ensemble, les autochtones veulent
8 s'autodéterminer. Essentiellement, vous dites
9 qu'il faut plutôt mettre l'accent sur le concret,
10 être moins idéologique dans les discussions,
11 laisser le temps faire son oeuvre par les tables
12 de travail qui alimenteraient le forum.

13 Ce qui me vient à l'esprit, c'est
14 ceci, et ce sera ma première question. Je pense
15 que les autochtones sont prêts à être patients et
16 à y mettre l'énergie soutenue en partant d'où ils
17 sont rendus dans chacune des communautés, dans
18 chacune des nations. Cependant, la vraie question
19 qui est primordiale à un déblocage, selon la
20 perception que la Commission a de toutes ses
21 rencontres à travers le pays, c'est que les
22 autochtones ont besoin d'un signal clair que toute
23 démarche nouvelle entreprise, comme par exemple le
24 forum que vous mettez de l'avant, se fait dans un
25 contexte d'une renonciation à la politique

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of Aboriginal life.

The unique situation of the people in northern Quebec in terms of education is easier to define than the situation of other Aboriginal people, because of the existence of the Cree and Kativik school boards, which provide elementary and secondary education to their respective populations.

Until about the 1980s educational levels for the Aboriginal populations of northern Quebec were not only considerably lower than those in Quebec as a whole, but were lower than those of Aboriginal people as a whole in Quebec. More than half of the northern population was then functionally illiterate.

That is easily explained by the relative isolation in which the northern communities were kept until about the middle of the present century. Since the Aboriginal people took over the school system the situation has been transformed.

Among other things, there has been visible improvement in the rate of school attendance. In the Kativik school board, there has been a steady increase

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1 d'assimilation, d'intégration à la société
2 principale; donc de non-reconnaissance, à terme,
3 des différences des cultures, des nations, des
4 peuples comme tels.

5 Pour les autochtones, la
6 reconnaissance de leur droit à l'autodétermination
7 apparaît quelque chose de fondamental comme signal
8 qu'effectivement on vient de changer de dynamique,
9 que les gouvernements veulent véritablement entrer
10 dans une discussion d'égal à égal où les
11 autochtones pourront faire valoir leur point de
12 vue de plein pied dans une optique où ils n'ont
13 pas l'impression de quémander et d'être
14 constamment en infériorité. De là l'insistance
15 qui est mise sur la reconnaissance du droit
16 inhérent à l'autonomie gouvernementale comme point
17 de départ à une discussion où on sait très bien
18 que l'exercice du droit devra être limité dans la
19 mesure où on vit avec des voisins, où on doit
20 harmoniser avec les autres niveaux de
21 gouvernement; comme point de départ.

22 Également, du côté des ressources,
23 les discussions sur le partage des ressources --
24 et vous le dites très bien dans votre mémoire --
25 c'est l'esprit dans lequel ça devrait se faire.

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since 1978-79. In the Cree school board, the increase has been less steady, but it achieved a peak of 3,023 students registered in 1989-1990.

To illustrate the progress made in a relatively short period we would point out that the rate of school attendance among young Inuit aged 5 to 15 years, which was 8 per cent in 1950-1951, was about 95 per cent in 1984-1985, and is probably very nearly 98 per cent today.

Despite this undeniable progress there are still serious problems. There, as in other Aboriginal communities, the problems of dropping out and absenteeism are felt particularly sharply.

There are undoubtedly individual or family causes to explain the high drop-out and absenteeism rates among Aboriginal people in northern Quebec, causes that may be similar to those that explain the same phenomenon among young people in isolated rural regions or in disadvantaged areas in the southern urban centres, but there is also unique set of problems around dropping out

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1 Mais, trop souvent, les discussions sont parties
2 par le passé d'une notion où, au fond, le
3 territoire appartient à la Couronne ou à des
4 parties privées -- on commence à peine, depuis 20
5 ans, au Canada à reconnaître la réalité de droits
6 ancestraux -- et donc d'un débalancement.

7 Dans le fond, on a un peu un mur
8 du son à franchir sur une conviction que la
9 démarche sera différente et n'en sera pas une
10 détournée pour en venir à l'assimilation, à cause
11 du déroulement des événements passés, y compris
12 jusqu'au Livre blanc en 1969 du gouvernement
13 fédéral qui, clairement, a été vu comme la
14 démarche ultime, en donnant le droit de vote à ce
15 moment-là aux Indiens, de véritablement en faire
16 des citoyens à part entière mais dans le sens de
17 les assimiler et de les intégrer.

18 Je comprends votre insistance sur
19 le concret, moins de rhétorique, moins
20 d'idéologie. Mais, d'un autre côté, je ne pense
21 pas qu'on puisse évacuer ces questions
22 fondamentales de point de départ qui sont non
23 seulement symboliques mais qui sont aussi très
24 concrètes sur le plan du rapport de force d'une
25 certaine façon de la discussion dans le cadre d'un

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among Aboriginal people and in the north that must take into account the cultural content of curricula, traditional seasonal activities that involve the entire family or other aspects of their way of life.

In order to respond to these problems, we believe that we must work to transfer greater control of the school system to the nations concerned so that they can create solutions that are better adapted to their students' problems.

Schools that are better adapted to the needs and interests of Cree and Inuit students certainly require a greater number of both Aboriginal teachers and Aboriginal professional staff. We must therefore encourage Aboriginal young people who show an interest to move into the teaching profession.

We must also pay more attention to training non-Aboriginal people who work in Aboriginal communities so that their input will be increasingly better adapted to the Aboriginal context and culture.

Adapting school to Aboriginal culture

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1 forum comme celui que vous mettez de l'avant.

2 Alors j'aimerais peut-être vous
3 entendre là-dessus, parce que ça m'apparaît une
4 condition préalable au succès d'une entreprise
5 comme celle-là.

6 CHRISTOS SIRROS: Je dirais que
7 s'il y a une société qui connaît c'est quoi, être
8 différent ou distinct, c'est bien le Québec. Et
9 si le Québec n'est pas capable, comme société, de
10 reconnaître la différence aux autres qu'elle voit
11 en elle-même, je pense qu'il y a là une
12 contradiction évidente. Dans ce sens-là, toute la
13 démarche du Québec en matière de relations avec
14 les autochtones récuse clairement -- et, je pense,
15 dès le début de nos relations avec les
16 autochtones -- l'objectif d'assimilation.

17 Il ne s'agit pas d'assimiler les
18 autochtones dans le fonctionnement de la société.
19 Je ferais pourtant une différence de sémantique,
20 si vous voulez, entre intégrer les gens... non pas
21 les gens, mais s'intégrer ensemble, si vous
22 voulez, au fonctionnement de l'économie, par
23 exemple, et assimilation. Ce n'est pas la même
24 chose. L'assimilation est quelque chose qu'on
25 récuse assez clairement. On ne voudrait pas que

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also presupposes that more attention will be paid in the schools to each community's own language.

In Quebec more than anywhere else in Canada, Aboriginal languages are used and taught in the schools, but more progress must still be made.

While not ignoring the fact that a second language must be learned so that the student can go on to higher education in the institutions in southern Quebec, we must put more emphasis, where the Aboriginal language is still the language used by the majority, on making it the normal and usual language of work, education, communications and business.

The schools have a unique role in this process, but they cannot achieve this objective alone. All of the institutions in the community must contribute to it.

The final chapter of our brief deals with the question of the role of trade unionism. One of the major changes that affects the way of life of the Aboriginal

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1 ça nous arrive à nous-mêmes; c'est une des raisons
2 pour lesquelles on se met de l'avant des
3 structures politiques, des positions politiques,
4 et caetera. On n'accepterait pas, par exemple,
5 que demain matin on abolisse nos institutions
6 politiques, que l'Assemblée nationale disparaisse,
7 que tout ça devienne tout simplement une partie
8 intégrante, assimilée à l'Amérique du Nord en
9 quelque sorte.

10 Ce qu'il s'agit de faire ici,
11 c'est d'élaborer avec les autochtones les
12 institutions politiques qui vont avoir les
13 pouvoirs significatifs et réels sur les éléments
14 qui vont permettre aux autochtones de se prendre
15 en main comme peuples, comme collectivités, comme
16 identités spécifiques mais fonctionner avec les
17 composantes de la société qui sont là également.

18 On parle souvent de la question
19 des territoires dans les termes "notre
20 territoire". Moi, je dis, oui, c'est notre
21 territoire. Mais le "notre" a un sens collectif;
22 on habite tous le même territoire. Il ne s'agit
23 pas de déterminer qui a le titre comme tel sur le
24 territoire, il s'agit de s'assurer comment est-ce
25 qu'on va tous avoir accès au territoire, comment

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people of northern Quebec is the introduction of wage labour. This is a break with Aboriginal tradition, which was based on sharing, mutual assistance and egalitarianism.

Unless they join together with other people in the same position, individual employees are in an economically vulnerable situation; they are dependent and in a state of social isolation.

We believe that, initially, trade unionism can provide the beginnings of a response to the difficult situation of Aboriginal employees and assist them in getting back to the essential values of their culture of origin. Indeed, trade unionism is founded on the solidarity of workers in the struggle for greater equality in their economic conditions.

Trade unionism in Aboriginal communities cannot simply be a carbon copy of trade unionism as it is practised in western countries. It will have to adapt to the unique features of Aboriginal cultures and espouse the fundamental demands of Aboriginal peoples.

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1 chacune des utilisations qu'on veut faire du
2 territoire peut s'harmoniser avec l'autre;
3 développer, en quelque sorte, une véritable
4 gestion intégrée de notre territoire et de nos
5 ressources.

6 Dans ce sens-là, la démarche qu'on
7 vise à faire, c'est une démarche qu'on vise à
8 élaborer conjointement avec les autochtones.
9 C'est pour ça aussi que, volontairement, je n'ai
10 pas abordé ou apporté des précisions quant à la
11 composition du forum, quant à son mandat précis,
12 quant à la forme que pourrait avoir le mécanisme
13 de résolution des conflits ou de prévention des
14 conflits, parce que ce sont là des choses qu'il
15 faut qu'on élabore ensemble.

16 Alors l'invitation est lancée à
17 partir de maintenant pour les autochtones de venir
18 s'asseoir pour qu'on construise de façon plus
19 précise cette démarche-là.

20 COPRÉSIDENT RENÉ DUSSAULT:

21 J'aimerais simplement préciser de façon
22 additionnelle que, quand je parle d'un signal au
23 fond que les autochtones attendent de la part des
24 Canadiens comme des Québécois à l'effet qu'ils
25 sont prêts à abandonner l'objectif d'assimilation

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Trade unionism is not an abstract idea. It is made up of organizations whose policies and directions are decided by their members, and more specifically by the members who get involved. In order for trade unionism to fully espouse the Aboriginal cause, Aboriginal people will have to get hold of it, take possession of it, take it for themselves.

In conclusion, we want to say that the aspects of self-determination and development that we have not specifically addressed in our brief are nonetheless very important. This is true, for example, of economic independence and economic development, which are necessary conditions for real political autonomy.

However, economic development cannot be conceived of without cultural development, without dissemination of knowledge and skills, without rising levels of competence. For this reason, we have emphasized the importance of finding the best solutions for problems relating to the operation of the school system and educational achievement.

Development is never just economic.

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1 dans le sens dont on a parlé au profit d'un
2 partenariat, d'un traitement d'égal à égal, ce
3 signal-là pour eux est autour de la reconnaissance
4 du droit à l'autodétermination et, après ça,
5 évidemment, la majorité nous disent: "On est prêt
6 à s'autodéterminer au sein du Canada par la voie
7 de l'autonomie gouvernementale en relation avec
8 les autres niveaux de gouvernement." Mais, comme
9 préalable, on nous dit que c'est un signal
10 essentiel.

11 Dans le fond, nous savons que la
12 question du droit inhérent à l'autonomie
13 gouvernementale a fait couler beaucoup d'encre.
14 La compréhension de ce qui s'est passé lors des
15 négociations qui ont conduit à Charlottetown,
16 c'est qu'à l'époque on a voulu confirmer
17 explicitement que parmi les droits existants
18 reconnus en 1982 était celui de l'autonomie
19 gouvernementale, le droit inhérent à l'autonomie
20 gouvernementale, et que les ententes de
21 Charlottetown ne consacraient pas ou ne
22 conféraient pas pour la première fois ce droit-là;
23 on ne le déléguait pas mais on le reconnaissait
24 officiellement dans la Constitution, ce qui avait
25 pour mérite de clarifier les choses.

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There is no real development if it does not occur across the spectrum. The problem of underdevelopment found among the Aboriginal peoples is economic, political, social, educational, linguistic and cultural in the broadest sense.

We believe that implementing a new Aboriginal policy founded on the principle of the self-determination of peoples implies abandoning any definition of the Aboriginal as an individual who belongs to a genealogical line and replacing it with the recognized right of each people to define itself in terms of an Aboriginal vision of society.

We believe that precluding discrimination against individuals on the basis of their ethnic background must be reconciled with recognizing the national rights of distinct peoples. Each people must be able to decide its future for itself, while respecting the individual rights of all persons who share its historic destiny, and to freely adopt an autonomous framework for its life along with political institutions appropriate to its

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1 Actuellement, on retombe évidemment dans le débat
2 juridique sous l'article 35. La Commission a
3 voulu donner un certain nombre d'éléments pour
4 alimenter le débat sur les sources historiques et
5 juridiques.

6 Ce qu'on a dit dans "Partenaires
7 au sein de la Confédération", c'est: "Si les
8 gouvernements pensent qu'il y a des raisons
9 suffisantes de croire qu'ultimement telle serait
10 la situation si la Cour suprême du Canada avait à
11 statué, est-ce qu'on ne peut pas se sauver des
12 années de litige en partant sur cette base-là pour
13 établir la discussion et la négociation?" Dans le
14 fond, c'est un peu la question que je vous pose.
15 Je sais que les premiers ministres au Cap Breton
16 au mois d'août se sont dit favorables à poursuivre
17 sur cette base-là.

18 Dans le cadre du forum que vous
19 proposez, est-ce que c'est un préalable qui vous
20 est acceptable et est acceptable au gouvernement
21 du Québec à ce moment-ci?

22 CHRISTOS SIRROS: Je commencerai
23 en disant que le gouvernement du Québec a accepté
24 le droit inhérent quand on a accepté l'Entente de
25 Charlottetown et les principes qui y étaient. Ça,

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geographic size, its unique environment and its own culture.

We also believe that exercising the right of self-determination presupposes that the people has its own land base. This is not a matter of reserving lands that the Canadian or Québécois State would continue to own for the purpose of housing the Aboriginal people. We must give each people land which it would own outright and over which it would exercise whatever degree of political autonomy best suits it.

The independent land base of an Aboriginal people should necessarily include all the lands that are at present exclusively reserved to it, with such additional lands as are needed to meet present needs and to allow for genuine development among the peoples in question.

On this land base, a people who so wish can establish autonomous political institutions which will enact laws, develop institutions and [manage?] public property on its behalf. The public schools seem to us to be

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1 c'est là, c'est déjà quelque chose de fait dans le
2 cadre des discussions qu'on a eues menant à
3 l'Entente de Charlottetown. Maintenant, l'Entente
4 de Charlottetown n'a pas passé.

5 Ce que je vous dis, en quelque
6 sorte, c'est: Est-ce qu'on doit continuer à
7 débattre à ce moment-ci si, oui ou non, le droit à
8 l'autonomie gouvernementale est inhérent tout de
9 suite plutôt que de commencer à élaborer la portée
10 concrète de l'autonomie gouvernementale?

11 Vous dites vous-mêmes dans le
12 document que vous avez cité, tout en disant qu'il
13 se peut fort bien que ce soit déjà à l'intérieur
14 de l'article 35, que le droit inhérent à
15 l'autonomie gouvernementale n'est pourtant pas un
16 droit illimité et dont la portée et l'application
17 doivent être élaborées avec les gouvernements.
18 Alors nous, on voudrait sauter une étape, dans le
19 sens que, si c'est inhérent ou non, ça va aboutir
20 à une de deux façons: soit qu'il va y avoir une
21 entente politique pour faire un amendement
22 constitutionnel pour le reconnaître dans la
23 Constitution comme étant un droit inhérent, et je
24 ne le vois pas pour demain, soit qu'il va y avoir
25 une décision de la Cour suprême qui va trancher et

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now inhabit the territory of Quebec, the Québécois people and the 11 Aboriginal peoples, have a stake in mutual recognition and in developing cooperative and friendly relations.

Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you, Ms. Pagé. I would like to thank the Centrale de l'enseignement du Québec for this presentation, and without further delay request that my colleague, Mary Sillett, start by asking you some questions about your brief, which is substantial and which certainly has an important impact on the work of the Royal Commission.

COMMISSIONER MARY SILLETT: Thank you very much.

You made a number of points but there are three points in particular that I would like to pursue.

When you were making your presentation you made a statement which said that -- I guess you were referring to the Native peoples in northern Quebec, saying that there was much illiteracy prior to the signing of the James Bay Agreement and afterwards.

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1 va statuer sur si c'est inhérent ou non à
2 l'intérieur de l'article 35; ça non plus, ça n'est
3 pas pour demain.

4 L'urgence de la situation que je
5 décrivais nous amène à croire qu'il faut passer
6 tout de suite à l'élaboration de cette autonomie
7 gouvernementale, comment est-ce qu'on peut
8 l'avoir, comment est-ce qu'on peut passer de
9 l'inconnu au connu, et viendront par la suite les
10 événements, que ce soit un amendement
11 constitutionnel, que ce soit un jugement de la
12 Cour suprême, qui peuvent le consacrer.

13 Ça ne devrait pas nous empêcher
14 d'avancer. C'est dans le même sens que l'appel
15 que vous faites de ne pas, par exemple, attendre
16 les résultats de la Commission royale mais
17 d'avancer. Je dis la même chose: il ne faut pas
18 attendre qu'on consacre si, oui ou non, le droit
19 est inhérent selon une entente constitutionnelle
20 ou un jugement de la Cour suprême, il faut
21 avancer. Et, pour avancer, nous aimerions le
22 faire de concert avec les autochtones dans le
23 concret, le point de départ étant la
24 reconnaissance que, que ce soit inhérent ou non,
25 ce n'est pas un droit illimité, ce n'est pas

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institutions which should be managed and directed on the basis of Aboriginal autonomy as soon as possible, taking into account the unique situation of each people.

In the context of Quebec achieving national independence, we propose that a model of sovereignty-association be put in place among the 12 peoples who share the territory of Quebec. Twelve national governments exercising the powers of their respective peoples, conferred on them alone, in a distinct and autonomous fashion, will collaborate among themselves in a variety of areas, including environmental quality, the protection of plant and animal wildlife, trade relations, scientific and technical development, civil defence and national defence.

This is also the context in which we could arrange to establish common institutions to which each people might decide to assign such political powers as it may not want to assume directly, on a revocable basis.

Whatever happens, the 12 peoples that

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1 quelque chose qui peut être déterminé en vase clos
2 tout seul, unilatéralement, par un groupe.

3 COPRÉSIDENT RENÉ DUSSAULT:

4 Écoutez, sur ce dernier point, je pense que je
5 peux vous dire qu'il y a un consensus très large,
6 et on l'a senti très bien, du côté des peuples
7 autochtones, qu'ils veulent s'autodéterminer au
8 sein du Canada. L'approche est très claire dans
9 votre mémoire, et vous venez de la décrire.

10 Je fais simplement un signal
11 que -- et c'est un peu la fameuse question de la
12 poule et de l'oeuf -- pour réussir à démarrer le
13 processus et à l'enclencher... parce que la
14 démarche que vous proposez, c'est de construire
15 par la base et de donner la substance à
16 l'autonomie gouvernementale et, au moment
17 opportun, quand ce sera possible, de lui mettre
18 l'étiquette et le chapeau. Je pense que c'est
19 très clair.

20 Cependant, pour réussir à démarrer
21 et à amener les gens à la table et à faire cette
22 discussion-là, il faut trouver une façon de donner
23 un signal très clair qu'on n'est plus dans une
24 optique où, à terme, on pense que la réalité
25 autochtone va disparaître au fil des ans, va

1 I remember feeling like I had my
2 feathers ruffled a bit because when we had our
3 special consultations with the High Arctic exiles
4 we heard very, very clearly from many unilingual
5 Inuktitut-speaking people that letters were
6 written in Inuktitut and syllabics as early as the
7 1950s.

8 --- (A short pause)

9 I just want to respond to some
10 issues that you raised.

11 On the issue of illiteracy I guess
12 you were saying that prior to the signing of the
13 James Bay-Northern Quebec Agreement there was much
14 illiteracy in northern Quebec probably due to the
15 isolation. I reacted a bit to that because we had
16 public hearings with High Arctic Inuit from
17 Inukjuak who had been relocated to the High Arctic
18 in the early 1950s.

19 They told us very, very clearly
20 that they had written letters to their relatives
21 in different parts of the North and that those
22 letters had been written in the early 1950s. So
23 definitely there was a writing capability amongst
24 the Inuit of northern Quebec even before the
25 1950s, but definitely in the 1950s, and those

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1 s'intégrer dans la société principale, mais que la
2 différence, le traitement d'égal à égal va être
3 là. Et, bien sûr, la volonté des autochtones est,
4 par la suite, de s'intégrer en partenariat avec la
5 société plus large. Quand vous parlez de la base,
6 de la sécurité culturelle et économique, qui est
7 essentielle à l'autonomie gouvernementale, c'est
8 exactement ça.

9 Alors il n'y a pas de formule
10 magique, mais c'est un point qui est extrêmement
11 délicat pour le démarrage, pour réussir à
12 enclencher le processus.

13 Maintenant, sur le processus lui-
14 même, on a eu une présentation cette semaine du
15 Forum paritaire Québécois/Autochtones qui
16 présentait son mémoire largement dans une optique
17 où le Québec accéderait à une pleine souveraineté
18 mais où on disait: "C'est un modèle qui peut
19 s'appliquer dans le fédéralisme canadien; donc ou
20 dans le Québec ou dans le Canada." On proposait
21 un genre de souveraineté-association avec les
22 nations autochtones et le peuple du Québec.

23 CHRISTOS SIRROS: (Microphone
24 fermé)

25 COPRÉSIDENT RENÉ DUSSAULT: Enfin,

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letters were written not necessarily in English,
but they were written using syllabics.

So I'm sort of challenging the
statement that you made. I was wondering if you'd
like to have an opportunity to respond.

LORRAINE PAGÉ: Mr. Laberge, who did the
research that resulted in this brief, will try to answer
that question.

HENRI LABERGE, counsellor, Centrale de
l'enseignement du Québec (CEQ): These are data that are
public, that are published by the educational authorities.

It may be that these data are skewed
because it may be that before the 1950s, at that time when
the ministry of education was not present in northern
Quebec, in fact there was no school board, it may be that
the data relate partially to knowledge of English.

These are the data we consulted. Of
course if we had done the statistics we would probably not
have done them in that manner.

Relying on data that was corrected
[collected?] by the educational authorities, that is what we

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1 une voie qui a des échos sur un autre plan au
2 Québec, qui n'a pas été discutée beaucoup dans ces
3 termes-là mais qui est certainement intéressante.

4 Simplement, ce que je voudrais
5 vous faire préciser, c'est: L'entente politique
6 que vous avez à l'esprit, qui serait l'ultime
7 résultat du forum, et également le forum lui-même,
8 est-ce que vous voyez une analogie avec cette
9 notion de souveraineté-association à l'intérieur
10 du Québec avec les peuples autochtones... et une
11 constituante qui arriverait à une entente
12 politique, parce que c'est de ça qu'on parle.

13 J'essaie de voir si, toutes choses
14 étant relatives, c'est dans la même direction, si
15 c'est un peu de la même chose dont il s'agit.

16 CHRISTOS SIRROS: Ce n'est
17 sûrement pas, dans mon cas, dans l'optique de la
18 souveraineté du Québec.

19 COPRÉSIDENT RENÉ DUSSAULT: Ça,
20 j'ai bien compris ça. Mais dans le cadre
21 québécois par rapport aux peuples autochtones,
22 est-ce que l'entente politique que vous
23 envisagez... ça retouche ma première question,
24 dans le fond, parce que la notion de peuples et de
25 souveraineté-association des peuples autochtones

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got, about 8 per cent with elementary school in the 1950s, and today about 98 per cent. What we wanted to point out was the enormous progress that had been made.

This progress has been made in a school system where considerable value has been placed on the use of the Inuit language while in earlier years the Inuit language was not taught at all in the schools.

It may be that the statistics are not good, but that is what we consulted.

COMMISSIONER MARY SILLETT: I'm not saying that your statistics are no good. I'm saying that maybe the definition of illiteracy was probably used -- you measured Inuktitut-speaking people by English standards, and maybe that wasn't a fair assessment.

Having said that, I was sort of interested in the comment made in the presentation that there should be more Native teachers. I'm speaking specifically of the Inuit here because I remember in previous presentations we had heard, particularly in northern Quebec, that of all of

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1 avec le peuple charrie cette notion d'égalité de
2 départ et la notion de constituant aussi, pour
3 dire: "Voici comment on va développer le projet
4 de société pour vivre en commun."

5 Alors j'essaie de voir un petit
6 peu plus concrètement la nature de la proposition
7 que vous mettez de l'avant.

8 CHRISTOS SIRROS: Je peux peut-
9 être la décrire d'une autre façon.

10 Nous avons aujourd'hui une
11 situation où les autochtones n'ont pas d'entités
12 autonomes véritables. C'est une juridiction comme
13 on disait à l'ouverture; c'est une juridiction au
14 même titre que les postes, une juridiction
15 fédérale dans le sens d'un rôle fiduciaire, de
16 tutelle.

17 Ce qu'on préconise, c'est
18 l'établissement d'une relation d'égal à égal dans
19 le sens d'une autonomie, d'une reconnaissance
20 qu'il s'agit là de nations distinctes, chose qui a
21 été reconnue par le Québec ça fait un certain
22 nombre d'années, qu'il y a lieu d'actualiser dans
23 le concret à partir des principes... je pense que
24 leur temps est fait, en quelque sorte; il faut les
25 actualiser aujourd'hui et passer à cette relation

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the professions I guess they've been fairly successful in recruiting Native teachers.

As you mentioned in the two regions, the Cree and the Inuit have school boards, they've made advancements with respect to introduction of Inuktitut curriculum in the schools and the recruitment of teachers. I was wondering if you'd like to elaborate on that.

I guess from what we've heard before, of all the professions in northern Quebec, in the Nunavik Region at least, they've been more successful in recruiting teachers than they have, for example, doctors or nurses or other professionals.

LORRAINE PAGÉ: I think that you have provided a good illustration in what you just said of the extent to which control by Aboriginal peoples over their institutions has made things much easier.

When you are in charge, by having control over the public institution operating in a particular field, this is the case for education with the Cree and Kativik school boards that may exist, you find ways of occupying that sphere of activity and no one doubts that

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1 où finalement c'est la province avec les
2 autochtones, dans un axe fédéral-autochtones en
3 termes de relation de tutelle, à un échange entre
4 les gouvernements et les autochtones.

5 Pendant un temps je suis convaincu
6 qu'il faut que le fédéral maintienne sa
7 responsabilité de par son ministère des Affaires
8 indiennes et du Nord canadien, mais le fédéral a
9 deux chapeaux. Il a un chapeau de fiduciaire vis-
10 à-vis les autochtones, et je pense qu'aujourd'hui
11 ce rôle se manifeste par l'appui et le soutien que
12 les autochtones veulent bien avoir mais pour
13 qu'eux décident quelles sont les positions qu'ils
14 mettent de l'avant et les orientations, un peu
15 comme cela a été le cas lors de Charlottetown. On
16 était tous autour de la même table. Même si le
17 fédéral avait un lien de fiduciaire avec les
18 autochtones, les autochtones parlaient pour eux-
19 mêmes et le gouvernement fédéral parlait pour lui-
20 même et les provinces parlaient pour elles-mêmes
21 aussi. C'est ce qu'il faut que l'on recrée.

22 Dans ce sens-là, c'est une
23 relation de reconnaissance de l'identité de
24 l'autre au niveau des autochtones. C'est un
25 dialogue, un échange, oui, de nation à nation.

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this situation has made it possible, for example, for school board administrators and the teachers' union to provide for measures that have even assisted in recruiting and hiring Aboriginal teachers.

There are provisions in the collective agreements, for example, that require that when there are Aboriginal teachers available, they will be hired before non-Aboriginal teachers. So there are all sorts of measures that may be put in place, that may be organized when there is control over public institutions.

I think that we have succeeded in doing things in the education sector precisely because we had these means, which were not available in other sectors, such as health, or other sectors of economic, cultural or social activity.

COMMISSIONER MARY SILLETT: Thank you very much. My final question is this.

I think you said earlier that a territory or a land base was an essential element

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1 Mais au niveau de l'autodétermination, et caetera,
2 ça, c'est tout un autre débat.

3 L'autodétermination, ça ne dépend de personne
4 d'autre que de ceux qui veulent se déterminer; et
5 jusqu'où ils veulent la mener, ça dépend de leur
6 volonté et de la réalité autour.

7 Alors, dans ce sens-là, c'est une
8 démarche à l'intérieur d'un grand ensemble
9 canadien, en reconnaissant le autochtones comme
10 des nations et des peuples distincts, avec le
11 besoin concret qu'on élabore une véritable
12 autonomie gouvernementale pour ces entités qui,
13 jusqu'à maintenant, n'en ont aucune; et c'est à
14 l'opposé de l'assimilation.

15 Maintenant, ultimement, à un
16 moment donné, quel est le point d'ancrage de cette
17 reconnaissance auprès des institutions politiques
18 telles la Constitution canadienne? Il me semble
19 que quand on l'aura déterminé davantage, comme
20 vous avez dit, on pourra venir mettre le chapeau à
21 un moment donné.

22 Ma crainte, c'est que si on
23 persiste à essayer de tout solutionner d'un coup
24 au niveau de la reconnaissance des grands
25 principes... on a essayé ça depuis 12 ou 13 ans

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1 maintenant. On a eu quatre conférences
2 constitutionnelles sur la question autochtone, on
3 a passé l'étape de Meech, on a passé l'étape de
4 Charlottetown.

5 Je pense que le temps est venu
6 d'aller beaucoup plus dans le concret sans que ça
7 nous amène à tout arrêter le reste. Ce n'est pas
8 parce qu'on va mettre sur pied un forum qu'on va
9 arrêter les négociations qu'on a entreprises avec
10 les nations, qu'on va arrêter nos relations avec
11 les communautés, mais il faut en quelque sorte
12 élargir l'espace que nous avons pour travailler
13 avec chacune des nations; et l'espace politique
14 qu'il faut qu'on élargisse est autour de
15 l'autonomie gouvernementale.

16 C'est un peu comme si actuellement
17 on était en quelque sorte coincé dans des règles
18 du jeu qui ne nous donnent pas une grande marge.
19 Alors il faut qu'on arrive à s'entendre sur une
20 entente politique, par exemple, afin de se donner
21 un peu d'espace. À l'intérieur de cet espace-là
22 on peut traiter avec les communautés et les
23 nations vis-à-vis des problèmes concrets, et
24 caetera, tout en mettant sur pied une réelle
25 autonomie gouvernementale où on crée des

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1 for a nation. As we've gone across the country
2 we've been learning that more and more Aboriginal
3 people are now living in cities. In actual
4 numbers and percentages there are probably more
5 Aboriginal people living in cities than there are
6 living in the reserves or in the communities.

7 It's been very easy for many
8 people to conceive of self-government with a land
9 base. That's easy to understand. You can talk
10 about that in concrete terms.

11 It becomes more difficult when you
12 talk about the possibility of self-government
13 without a land base, but it's a concept that has
14 been considered by the many people who are now
15 living in cities.

16 If you talk about the possibility
17 of self-government without a land base, for
18 example Aboriginal Friendship Centres or to
19 hospitals or, for example, the national
20 associations who have many members who are living
21 off-reserve like, for example, the Native Council
22 of Canada, it's been very easy for them to
23 understand that.

24 Two weeks ago we heard from, for
25 example, the Native Council of Canada, where they

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1 institutions politiques, on identifie les
2 juridictions, où on harmonise la portée des
3 autonomies, où on identifie le territoire sur
4 lequel on élabore les mécanismes d'accès et
5 d'utilisation de ce territoire, et il faut le
6 faire à partir d'un forum politique qui regroupe
7 de façon équitable autochtones et gouvernements.

8 **COPRÉSIDENT RENÉ DUSSAULT:**

9 J'aurais deux sous-questions rapides sur ce thème-
10 là avant de passer à autre chose.

11 Si je comprends bien, c'est une
12 position que vous mettez de l'avant. Est-ce que
13 vous êtes prêt à mettre en marche ce forum dans
14 les prochains mois, rapidement, dans les
15 prochaines semaines ou dans les prochains mois?
16 Est-ce que vous êtes prêt à agir rapidement?

17 **CHRISTOS SIRROS:** On est prêt à
18 agir rapidement. Je pense que l'invitation est
19 faite pour qu'on puisse avoir aussi les
20 interlocuteurs avec lesquels on va pouvoir
21 élaborer davantage et préciser davantage le
22 mandat, la constitution, l'échéance, et caetera.
23 On est prêt de notre côté.

24 Je sais qu'il y a une autre étape
25 où on va se revoir, dans un mois et demi à peu

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proposed different models for Aboriginal self-government without a land base. I guess one of the real problems we have in people trying to talk about it is that there are no other examples.

What would it look like? Would it have the structure like a school board authority or a hospital? What kind of a model?

People are saying yes, we need self-government in urban areas for Aboriginal people who live there. The problem people are having is what would it look like, how would it be financed.

I was wondering if you had any ideas on that.

LORRAINE PAGÉ: Daniel Lachance, our vice-president, will be the one to answer that question.

DANIEL LACHANCE, Vice-president,
Centrale de l'enseignement du Québec: You understand that on this question as on many others there is no model at this time, but if we look at the situation of Aboriginal people in urban centres and specifically at the relationship to public services, whether they be educational services,

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1 près, avec les autres provinces et la Commission
2 royale de nouveau, le 2 février. C'est la suite
3 de la réunion que les premiers ministres avaient à
4 Baddeck, en Nouvelle-Écosse, au mois d'août.
5 C'est un autre moment où nous allons pouvoir, je
6 pense bien, avancer davantage dans cette
7 direction-là.

8 COPRÉSIDENT RENÉ DUSSAULT: Comme
9 le forum implique le gouvernement fédéral, vous
10 allez amorcer la discussion avec le gouvernement
11 fédéral sur l'idée que vous mettez de l'avant de
12 ce forum au Québec?

13 CHRISTOS SIRROS: C'est prévu.

14 COPRÉSIDENT RENÉ DUSSAULT: Et
15 avec, évidemment, les peuples autochtones?

16 CHRISTOS SIRROS: Effectivement.

17 COPRÉSIDENT RENÉ DUSSAULT:
18 Également, comme deuxième question -- et je pense
19 que vous l'avez indiqué -- on a eu les Atikamekw-
20 Montagnais qui nous ont fait état de l'état des
21 négociations actuellement sur leurs revendications
22 territoriales il y a deux semaines à Montréal.
23 Également, on sait -- et c'est très préoccupant --
24 qu'il y a le dossier des Mohawks en général,
25 autant à Kanesatake qu'à Kahnawake et à Saint-

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health services, whether they be what I might call employment services, vocational training, looking for work, all of the public services that enable an individual to have access to individual development, to live properly, it seems to me that the role currently being played by the Native Friendship Centres should be, in quotation marks, institutionalized so that these centres would play what I would call a referral role for all Aboriginal people living in urban centres.

In other words, we do not believe that all educational services, health services, employment services in the municipalities should be separate for the Aboriginal populations living in urban centres, you know, an Aboriginal hospital, an Aboriginal school, and so on.

So all services should be accessible to Aboriginal people living in urban centres.

On the other hand, there should be centres with budgets, with resources, so that there could be real access for Aboriginal people living in urban centres

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1 Régis du côté d'Akwesasne.

2 Si je comprends bien, ce forum-là
3 ne serait pas un substitut pour le règlement des
4 problèmes très concrets et immédiats qui sont là,
5 mais ce serait quelque chose qui coifferait ça ou
6 qui serait en parallèle?

7 CHRISTOS SIRROS: Effectivement,
8 ce n'est pas un substitut pour régler les
9 problèmes concrets. Si je peux le décrire un peu,
10 ce serait pour dire que, quand on regarde
11 l'ensemble de la question autochtone, il y a un
12 élément qui est en quelque sorte horizontal; c'est
13 le dossier, si vous voulez, autonomie
14 gouvernementale, relations politiques entre les
15 autochtones et les gouvernements ou la société qui
16 est autour. Ça, c'est commun à tout le monde.
17 C'est à ça que je réfèrais tantôt quand je disais
18 qu'il me semble que l'espace que nous avons pour
19 travailler est restreint à l'heure actuelle.
20 Alors dans un premier temps il faut agir sur cet
21 espace défini par l'autonomie gouvernementale afin
22 de l'élargir pour qu'on puisse, à l'intérieur de
23 cet espace, avoir les mains un peu plus libres
24 pour traiter les problèmes concrets.

25 Quand je disais, par exemple,

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to all of these services, and not mere formal access.

Some Aboriginal people, for example, arrive in Montreal, I am using Montreal because there is a particular concentration there, speaking neither French nor English, and with no knowledge of the services that they may have access to, that can provide them with access to this kind of individual development, access to employment, access to health and educational services.

It seems to me that these centres should have the resources they need so that all Aboriginal people can arrange their lives in that municipality, and during a transitional period, which might be "X" years, some services could be separate. I am thinking for example of language services, job skills services, in terms of vocational training.

But as I said, there is no model for this, but it seems to me that the Native Friendship Centres could provide a base for development, to enable Aboriginal people living in urban centres to have access on an equal

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1 qu'il est impératif que les gouvernements ou le
2 gouvernement abandonne ce qui a pu être vu jusqu'à
3 maintenant comme une approche "hégémonieuse", dans
4 le sens que les lois s'appliquent partout de la
5 même façon exactement dans toutes les situations,
6 ça, c'est une négation de la reconnaissance de la
7 différence.

8 Il y a lieu... et on l'a fait; je
9 donnais l'exemple de Kateri Memorial, l'hôpital à
10 Kahnawake, qui n'est pas régi par la loi générale
11 sur la santé et les services sociaux du Québec,
12 mais il y a une loi particulière pour faire face à
13 une situation particulière. Donc, dans la mesure
14 où on peut négocier ou s'entendre sur les
15 principes communs, sur un fonctionnement qui
16 s'harmonise avec l'entourage, il n'y a pas de
17 raison pour ne pas envisager des approches
18 spécifiques. Ça, ça va dépendre, pour beaucoup,
19 sur l'entente qu'on peut avoir au niveau du
20 concret, de l'autonomie gouvernementale.

21 COPRÉSIDENT RENÉ DUSSAULT: Dans
22 un autre ordre d'idées, quand on parle de jonction
23 avec la société plus large et les institutions du
24 Québec proprement dites, au-delà de l'autonomie
25 gouvernementale il y a des recommandations qui ont

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basis, in terms of both quality and quantity, to public services.

CO-CHAIR RENÉ DUSSAULT: Perhaps I could go back to the first part of your brief and the question of self-government, the clarification you provided on a number of concepts.

I think that it is none too soon, in both Quebec and Canada, to place work on clarifying concepts. Some terms are often degraded or used for the purposes of each group, but without necessarily taking into account the reality that lies behind the concepts.

One of the public discussions we have started, which will continue both in Canada and in Quebec in terms of self-government, is the question of public government versus ethnic government.

We know, for example, that the Inuit -- this week we had representatives of the Inuit of the western Arctic on the Beaufort Sea, we also had representatives of the Nunavut Inuit, in Baffin and central Canada, and also the Inuit of northern Quebec, Makivik, and of course the

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1 été faites depuis un bon nombre d'années -- par
2 les Cris en 1983, par les Inuit devant la
3 Commission Bélanger-Campeau, et on avait la
4 Société Makivik plus tôt cette semaine qui nous
5 disait: "C'est pour nous une recommandation qui
6 est très importante" -- une recommandation à
7 l'effet que la Loi électorale du Québec devrait
8 être amendée pour prévoir des circonscriptions
9 électorales nordiques où les gens du territoire
10 seraient représentés.

11 Évidemment, à cause de la
12 population, on pourrait créer des circonscriptions
13 sans tenir compte de la mathématique qui est
14 prévue dans la loi actuelle et qui permettraient
15 aux Inuit par exemple et aux Cris d'avoir une
16 chance d'avoir une représentation à l'Assemblée
17 nationale. Je pense que tout le monde a vécu
18 l'impact d'une présence autochtone à l'Assemblée
19 législative du Manitoba.

20 Alors je soulève la question parce
21 que c'est revenu devant nous cette semaine: Est-
22 ce que c'est un dossier qui est susceptible
23 d'aboutir pour donner un sens de participation aux
24 autochtones à l'Assemblée nationale? On a la même
25 discussion au niveau du Sénat canadien.

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position of the Inuit is well known, a public government, that is, covering the geographic area and involving all persons.

Of course they are a majority, but with the right to vote for the government, and so on.

Among the First Nations the perception of the situation is easier because, of course, they have historically lived on reserves, not by choice but because this is how Canadian policies developed. So there is a more ethnic character on the reserves, except that what is often very poorly understood is the fact ... is the distinction between the concept of ethnicity and the concept of political entity.

I think that you have clearly pointed this out here, where the Aboriginal nations have always had policies of exchanging people, adopting people, including non-Aboriginals and members of other Aboriginal nations, and so on, and you very clearly point this out in your brief, so that it is the political nature of the will to live together as a nation that is the determining criterion, among the

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1 CHRISTOS SIRROS: Je pense que
2 c'est une idée qui me sourit beaucoup, qui
3 commence à circuler. Il faudrait pourtant être
4 prudent. Il ne faudrait pas prendre une
5 représentativité ou une possibilité pour les
6 autochtones d'avoir un siège, deux, ou peu
7 importe, à l'Assemblée nationale comme un
8 substitut à une autonomie gouvernementale. Mais
9 c'est un des éléments de jonction qui peut être
10 très plausible et à encourager, à mon point de
11 vue.

12 Le fait de pouvoir exprimer au
13 sein de l'Assemblée nationale dans ce cas-ci des
14 positions, des points de vue, des avenues qui
15 reflètent ou qui représentent des courants de
16 pensée dans des milieux avec lesquels nous vivons,
17 je pense que c'est là le but même de la
18 démocratie. Dans ce sens-là, dans la mesure où on
19 crée des gouvernements autochtones autonomes, il y
20 aurait lieu de revoir aussi la représentativité de
21 ces entités dans l'Assemblée nationale sans les
22 subjuguier, en quelque sorte, à l'Assemblée
23 nationale.

24 COPRÉSIDENT RENÉ DUSSAULT:
25 D'ailleurs, leur présentation est en addition de

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Aboriginal nations as well.

It is somewhat difficult for the public to understand this. There is a lot of public education to be done, I think, because of, among other things, the criteria in the Indian Act for Indian status with more biological relationships, and so on, which has skewed the perception of the concept.

In view of the important role played by the Centrale de l'enseignement du Québec, the number of members it has, the strategic location, essentially, where the Centrale de l'enseignement finds itself for distributing information in the schools and also more broadly among the public, I can only encourage you to pursue this work of educating the public and clarifying concepts. I think that this would greatly improve the quality of the democratic debate.

Accordingly, the Commission certainly receives your efforts very positively. We hope that this will have some effect, because often the debate about concepts that are both as fundamental and as sensitive as that is poisoned at the outset.

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1 toute la réalité de l'autonomie gouvernementale,
2 mais pour participer de façon plus large à
3 l'ensemble de la société québécoise.

4 J'aurais peut-être une dernière
5 question avant de passer la parole à mes
6 collègues, qui est toute la question des
7 ressources, au Québec comme ailleurs au Canada,
8 mais au Québec, soit l'exploitation de la forêt,
9 de l'hydro-électricité, du côté des mines.

10 Le message que nous font les
11 autochtones, c'est un message où on dit: "On veut
12 être partenaires. On ne veut pas uniquement avoir
13 une situation où on a des sommes d'argent et où
14 les entreprises passent et font leur affaire sur
15 notre territoire, on est spectateur mais on n'est
16 pas dans la partie." C'est une question, je
17 pense, qui a été abordée de façon très
18 particulière du côté du lac Barrière, avec
19 l'entente trilatérale pour permettre d'abord un
20 usage multiple de la forêt.

21 Sur cette question-là en
22 particulier, il y a eu des hauts et des bas dans
23 le démarrage et l'application; on semble à ce
24 moment-ci être plutôt dans une période où ça
25 fonctionne, et je dois dire que c'est une entente

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The fact that the Aboriginal governments are political governments, of course, with a membership policy that will be under their control, but tradition must be upheld, and that tradition was one of great openness historically, in the past. I think that is important.

I think my colleague, Mary Sillett, mentioned the urban issue. When you talk about a nation, spontaneously, of course, certainly the land base is important, particularly since there are peoples historically who have sailed around searching for land for some years, and often and for quite a few years.

But the reality of urban life is very important in Canada and there is a strong trend toward growth in Aboriginal populations in the cities. This has been a little less common here particularly because of the agreements in northern Quebec, which made it possible for the Cree and the Inuit to remain there and to come in less massive numbers to Montreal than they undoubtedly would have come. It is stronger in western Canada.

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1 qui est regardée ailleurs au Canada à ce moment-ci
2 comme modèle, si elle réussit. C'est un peu comme
3 le programme de sécurité du revenu du côté des
4 trappeurs et des chasseurs cris et inuit à la
5 Baie-James. Tout le monde est extrêmement jaloux
6 de ce programme-là, qui est acclamé
7 universellement au Canada, et je pense que c'est
8 bon de le dire.

9 Je finis par dire que le débat
10 qu'on a eu avec les Cris et Hydro-Québec était
11 extrêmement révélateur à cet égard-là au mois de
12 mai, et on l'a poursuivi la semaine dernière.
13 Essentiellement, Hydro-Québec a un centre de
14 formation à la Baie-James avec 50 postes pour des
15 jeunes Cris, entre autres, formation aux
16 techniques d'hydro-électricité. Il y a énormément
17 de difficultés de recrutement. Les leaders
18 autochtones nous le disent officiellement, autant
19 Billy Diamond que Matthew Coon Come: "En général,
20 les jeunes Cris qui vont dans ce centre-là pour
21 aller travailler pour Hydro-Québec, dans nos
22 communautés, ils sont considérés comme des
23 traîtres", parce que l'Hydro est l'adversaire.

24 On ne peut pas faire autrement que
25 d'être impressionné par une réalité comme celle-

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I think that the pursuit of the concept of government in the cities, I think that it might be very flexible. We had the hospitals association, for example, two weeks ago in Montreal. We know that since 1971 when the Act respecting Health Services and Social Services was revised there was an election process so that people could participate on the boards of directors of health institutions under the law of Quebec. Aboriginal people, of course, did not take advantage of this.

There is a gulf, so there is no participation. Certainly in terms of education, of the schools and school boards, there is a significant desire for control, certainly in the elementary schools, partially in the secondary schools Aboriginal people are recognizing that ultimately they will have to go into the broader public institutions, but the educational system really has pretty much missed the boat throughout Canada in terms of promoting Aboriginal cultures and preserving Aboriginal identity, and so on. And that happens in the cities too, of course,

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1 là, parce que ce sont des jobs dans le Nord. Il y
2 a quelque chose qui ne marche pas dans le système.
3 C'est toute la notion de partenariat, et donc
4 c'est un système adversaire plutôt qu'un
5 partenariat.

6 Ma question est large, mais je ne
7 peux pas faire autrement que vous la soumettre:
8 Comment arriver, lorsqu'on parle de partenariat, à
9 associer les autochtones au Québec au
10 développement des ressources dans tous les
11 domaines?

12 CHRISTOS SIRROS: Je commencerai
13 en disant peut-être au départ qu'il y a des
14 moments où la rhétorique a dépassé la réalité.
15 C'est un des problèmes qu'on vit. Si on arrive au
16 point où on regarde l'autre comme l'ennemi, ou des
17 gens qui participeraient dans un travail donné
18 comme des traîtres, il me semble qu'on a là ce que
19 je décrivais au début: je pense qu'il y a des
20 moments où vraiment la rhétorique a créé sa propre
21 réalité sans qu'elle corresponde véritablement à
22 la situation qu'on vit véritablement sur le
23 terrain.

24 Ceci étant dit, il reste un
25 problème réel au niveau de la conception que,

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as well as in Aboriginal communities and reserves.

Perhaps one final point of
clarification.

You say in the opening of your brief, in the introduction, that the Canada-wide referendum ended in a resounding no from the majority, both in Quebec and elsewhere in Canada.

I would nevertheless like to point out, you know very well that the Inuit in particular voted massively to confirm the existence of the inherent right that was in the Charlottetown agreement.

On the political question, when you talk about a sovereignty-association model for the 12 peoples of Quebec, perhaps a small aside again. Later in the day we will have the Native Alliance of Quebec, which represents many of the Métis in Quebec. We had the Association des Métis du Québec here in May.

Of course what they tell us is that they are always falling through the cracks, they are always forgotten, they are not recognized in the brochure from the Secrétariat des Affaires autochtones as a 12th nation.

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1 jusqu'à maintenant, on a du développement des
2 ressources. Le fait que vous mentionniez
3 l'entente du lac Barrière comme un modèle -- et
4 c'en est un; c'est une première de cette nature au
5 Canada, et en Amérique du Nord probablement,
6 d'après ce qu'on me dit -- quand vous regardez ça,
7 ça semble tellement évident que c'est ce qu'on
8 doit faire. Non seulement ça, mais il faudrait
9 l'extensionner.

10 L'approche qu'il faut qu'on
11 développe, c'est d'arrêter de parler, comme je
12 disais tantôt, en termes d'opposition pour une
13 propriété du territoire. Moi, je vais répéter que
14 c'est notre territoire, en insistant sur le
15 "notre" dans le sens d'une appartenance à tout le
16 monde. Quand j'entends les autochtones qui me
17 disent: "C'est notre territoire", ça amène
18 presque une réaction pour dire: "Non, non, non,
19 c'est notre territoire."

20 Si on prend deux secondes pour
21 penser tout simplement à comment ça peut se vivre
22 concrètement, on va comprendre tout de suite qu'on
23 est obligé d'accepter le fait qu'on le partage, le
24 territoire, et ce qu'il faut faire, c'est aménager
25 l'accès et l'utilisation du territoire. Il faut

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Everybody always talks about 11 nations. But their existence is still an important.

I would just like to point out this concern among the Métis of Quebec. This is always a situation that is very frustrating for them, in that they find themselves to some extent in a place between non-Aboriginal and Aboriginal people, and they are driven from pillar to post, with nowhere of their own. This is not their vision of things.

They have made presentations to the Commission. If you are interested we can send you transcripts of what they have said. Some thinking needs to be done on this issue.

I know that you are involved in the Forum paritaire. We had their presentation on Monday morning. One of the questions I asked at that time was about the sovereignty-association formula proposed in the context of Quebec achieving its own full sovereignty and also put forward as valid in the context of Canadian federalism.

So it would be the principle of

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1 qu'on l'aménage de façon à tenir compte des
2 utilisations multiples qui sont faites du
3 territoire.

4 C'est ce que je mettais de l'avant
5 quand je disais que ce qu'on préconise, c'est le
6 développement d'un code synthèse qui va prendre
7 des territoires où il y a une présence évidente
8 des autochtones... et encore une fois, il y a une
9 grande variété dans le territoire; ça peut
10 correspondre à ce qu'on peut appeler le territoire
11 traditionnel, on peut l'identifier. On peut
12 développer pour ce territoire un code synthèse de
13 toutes les utilisations qui sont faites du
14 territoire et, dans l'esprit de l'entente du lac
15 Barrière, aménager son utilisation pour
16 qu'effectivement l'utilisation X tienne
17 nécessairement compte de l'utilisation Y.

18 L'exemple que je donne souvent,
19 c'est: Si vous retournez seulement neuf ans en
20 arrière, l'exploitation de la forêt au Québec, il
21 y avait juste un impératif: les besoins des
22 compagnies forestières, point. Leurs seuls
23 critères d'utilisation du territoire étaient en
24 fonction de leurs besoins. Ce n'est qu'il y a
25 neuf ans qu'on a introduit la notion que, oui,

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sovereignty-association between the Aboriginal peoples and Canada and of course the provinces that would apply. This is your perception, it is from this perspective even if you don't return to it in your brief you of course demonstrate it more in terms of Quebec.

You have considered that model as interchangeable, for either Canada or Quebec

LORRAINE PAGÉ: In the context of the discussions within the Forum paritaire we worked on the dual option, but in the base for the brief that we are presenting, given that our Centrale is formally committed to the national independence of Quebec, we developed this aspect of sovereignty-association more in the context of Quebec achieving independence, but in fact in the discussions we had in the Forum paritaire it was clear to us that the formula could be transferable in the event that the Canadian framework was retained.

I would even say if Quebec achieved independence this formula of sovereignty-association could be put in place within the rest of Canada, to which Quebec

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1 d'accord pour les besoins des compagnies
2 forestières, mais ces besoins-là ne peuvent pas
3 dépasser le rendement soutenu de la forêt; c'est-
4 à-dire qu'il faut que la forêt puisse se
5 régénérer. Ça, c'était nouveau il y a neuf ans.

6 On vient d'introduire un autre
7 élément avec l'entente du lac Barrière: oui aux
8 besoins des compagnies forestières, oui au
9 rendement soutenu, mais également il faut
10 introduire les activités traditionnelles de chasse
11 et de pêche. Qu'est-ce qui nous empêche
12 d'extensionner ça à d'autres territoires? Qu'est-
13 ce qui nous empêche de nous asseoir avec les
14 autochtones pour qu'on puisse identifier quelles
15 sont, justement, les actions qui sont faites, quel
16 est l'avenir qu'on voudrait voir ensemble, quels
17 sont les projets dans lesquels on peut identifier
18 un partenariat, quelles sont les retombées qu'on
19 peut avoir de part et d'autre vis-à-vis
20 l'exploitation qui est faite?

21 Je pense qu'il s'agit d'avoir la
22 volonté de le faire. C'est compliqué, c'est
23 complexe, on l'a vu, parce que c'est du terrain
24 nouveau. Dans l'entente du lac Barrière, par
25 exemple, on a passé beaucoup de mois à essayer de

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would no longer belong.

This is really a concept that is suited both to the situation of an independent Quebec and the rest of Canada, and to Canada if it remained in its entirety as a recognized country.

CO-CHAIR RENÉ DUSSAULT: You are aware, however, that in the context of Canadian federalism a process like that, which would retain two levels of government, the government of Canada and the provinces, the concept of sovereignty-association would be in addition to that. So it is more complex than it would be in the Quebec model from the perspective which you have taken.

LORRAINE PAGÉ: Of course. We are convinced that the Canadian Constitution is complex, if nothing else.

CO-CHAIR RENÉ DUSSAULT: In terms of the second part of your brief, on education, one major concern is to persuade Aboriginal young people to complete secondary school, and you indicate, at one point, for the Cree, year 4, for the Inuit, year 3. Secondary school is a period of difficult and crucial years, when young people

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1 se comprendre, et on a réussi finalement. Je ne
2 sais pas ce que l'avenir nous réserve, mais en
3 tout cas on est sur une voie qui nous permet
4 d'être optimiste.

5 COPRÉSIDENT RENÉ DUSSAULT: Je
6 vous remercie de cette réponse. Il est certain
7 que toute l'idée de royautés sur les ressources et
8 d'actionnaires ayant des royautés sur les
9 ressources dans l'entreprise pour être partenaires
10 est une idée à explorer et à examiner de très près
11 pour éviter d'avoir des situations de blocage,
12 faire monter les enchères pour avoir le meilleur
13 prix possible pour débloquer, mais sans jamais
14 dans le fond être partenaire dans la ressource.
15 C'est un peu la situation qu'on vit trop souvent
16 au Canada; c'est vrai dans les forêts, les mines,
17 l'électricité.

18 Je voudrais à ce moment-ci passer
19 la parole à mes collègues, Mary Sillett ou Viola
20 Robinson.

21 Mary.

22 COMMISSIONER MARY SILLETT: Thank
23 you very much.

24 I would like to say that before I
25 came in this morning I did have several questions

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may drop out.

In terms also of convincing young people to go on after secondary school, during our public hearings we have met with several thousand young people in the schools -- in grades 9, 10, 11 and 12 -- to discuss with them the barriers to continuing their education.

Does the Centrale de l'enseignement du Québec, through its members who are attached, the school boards in northern Quebec, among others, but also for the public school boards, whether in Sept-Iles, Uashat, Malioténam, and so on, do you have any thoughts at this time about succeeding specifically ... I know that the drop-out rate is a general problem, but do you have any thoughts, is there any effort specifically in respect of the Aboriginal situation, to try to counteract, because the drop-out rate is even higher among Aboriginal people and the population is very young and growing.

Do you have a program, an approach, have you had discussions with the teachers, together with the parents, to try to help do something about filling this gap,

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1 written down, but, as I read the document and as
2 Mr. Dussault had his question period, some of
3 those were answered. But I still would like to
4 say that I was really interested in your section
5 on re-establishing the facts. I think that
6 clearly there are certain conflicts between
7 Aboriginal and non-Aboriginal groups, and one of
8 the challenges that we have been faced with is how
9 to eliminate racism.

10 As you said, you should take every
11 single opportunity to re-establish the facts, and
12 we as individuals have done that. For example, we
13 have heard that native people don't pay taxes. We
14 say as you do, but we say more than you do by
15 saying, "Yes, there are native people who pay
16 taxes." We heard from the Inuit of Nunavik who
17 say that they have a combined GST-Quebec sales tax
18 of 15.56 per cent, and they say that this is
19 really, really high considering the high cost of
20 living in the North. We also hear from Métis,
21 whom you haven't included, that they do also pay
22 taxes.

23 So I think that it is very, very
24 important, in the position that you are in, in the
25 position that we are in, to always take the

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which is really very costly for the Aboriginal peoples.

LORRAINE PAGÉ: A few things on that point. Daniel and Henri will be able add to them.

First, we provided you with a document entitled [TRANSLATION] "Research notes on the school of success [success in school?] in northern Quebec", in which we wanted more specifically to pursue the discussion of the phenomenon of failure, of quitting, and so of educational success, adapted to the reality of Aboriginal peoples' lives. This is one of our overall concerns.

The Centrale has done a lot of work and research on the theme of failure and quitting school, but we wanted more specifically to examine this situation for the Aboriginal people with our teachers who belong to the AENQ, the Association des enseignants du Nouveau Québec, precisely to pursue the analysis of the phenomenon, and the solutions that might be proposed to solve the problem, a little more.

We are still planning a conference to be held in the area under the jurisdiction of the Cree and Kativik school boards, to pursue this with the various

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1 opportunity to re-establish the facts, and I am
2 really glad that that kind of leadership was
3 demonstrated.

4 One thing that we have also heard
5 is that that's not enough to improve
6 relationships. Sometimes you can have a dialogue
7 with someone across the table, and sometimes your
8 answer fall into deaf ears, because they are not
9 listening to you. We have heard from many, many
10 people that what is necessary in order to improve
11 and encourage better relationships between
12 Aboriginal and non-Aboriginal people are Aboriginal
13 histories in as many classes in this country as
14 possible.

15 We heard from a Canadian teaching
16 federation union yesterday saying that the
17 teaching of history in schools is actually very
18 effective in terms of changing attitudes, in terms
19 of bettering relationships overall, in terms of
20 eliminating racism.

21 I know that you are responsible
22 for Native Affairs generally, but I am sure that,
23 in the context of your dealings with the Crees and
24 the Inuit, the school boards, education has been
25 an issue that you have addressed. I was wondering

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people involved, and when we talk about the people involved we of course include the teachers and professional staff, but we also include school administrators, parents, representatives of the community itself, so that, I would say, we can adapt our thinking to the specific situation.

This plan is being discussed with the two school boards and we are moving ahead with it, there are much more significant organizational difficulties in view of the size of the area in question, but in spite of everything it is a plan that might have a good chance of succeeding and that would enable us to really pursue the concrete application, I would say.

At the same time we find with our members who are working in certain regions that you had identified, not only in the secondary schools but for example in college-level institutions, there are plans under way precisely to promote the integration of Aboriginal young people who are arriving at college.

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1 if you have discussed the whole issue. I am sure
2 that you have heard about it. You are a political
3 leader, after all, but I was wondering what your
4 government has been doing. Have you thought about
5 doing anything to address this particular issue?

6 CHRISTOS SIRROS: Yes. In fact, I
7 think we transmitted to the Royal Commission a
8 series of documents, pamphlets, booklets that are
9 used in our elementary schools in particular at
10 the present time, and I think that, without
11 wanting to sort of "péter les bretelles", I think
12 we have done well in Quebec. "Péter les
13 bretelles" means to sort of pound my chest and
14 say, "I am proud." Now I will work as translator
15 also.

16 I think we have done well in that
17 regard, and we recognize, as you say, that the
18 base for eliminating the kind of racial tension,
19 difficulties such as we have been describing, is
20 at the school level. We have had a particular
21 problem here ever since 1990 because -- I feel
22 like saying we have been given a bum rap, if I can
23 use that expression, in Quebec in particular
24 following those events, because if you take the
25 time to just look at various indicators, like what

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Even if we succeed in developing public education in the Aboriginal communities at the elementary and secondary levels, when we get to the post-secondary level we have to do it through a different system, there are formulas, programs to be established to promote, first to attract Aboriginal young people, and after that to keep them, to give them the appropriate services, and particularly at the CEGEP de Baie-Comeau and the CEGEP de Sept-Îles, we have initiatives there that have been developed and that could provide useful reference points in terms of identifying possible solutions for the problem.

But there are some constant facts that we want to point out. In the brief, we point out, the turning point comes in Secondary III, Secondary IV, these are the key years, we find, even among Québécois youth. This is a really a specific situation.

This demands all sorts of measures in terms of pedagogical approaches, in terms of guidance, because often this is where the choice in terms of

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1 is done to preserve native languages, there isn't
2 another jurisdiction in North America that has
3 done as much as Quebec is doing and will continue
4 to do to preserve native languages, for instance,
5 and to not only preserve them but to develop them.

6 That's tied to what I was saying
7 before: There is a particular sensitivity in
8 Quebec around the question of cultural identity,
9 one's own identity as a distinct people. That
10 finds expression in fact. If one takes the time
11 to look at all those indicators, from native
12 languages to the socio-economic levels, there is
13 still a lot of work to be done, but a lot of work
14 has already been done.

15 We are the only province in the
16 country -- and, yes, there are difficulties with
17 it and it is not perfect -- that has negotiated
18 modern-day agreements with native people that lead
19 us to play a direct role with those groups.

20 These are things that we share
21 with you in terms of the need to accentuate them
22 and to act even more in terms of education in
23 particular. If, in your work across the country,
24 you have things that you can send to us, we would
25 appreciate it.

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educational direction in school as it relates to occupational direction arises most pointedly in a closed context.

In terms of economic development and employment, there are problems that are unique to non-Aboriginal people and even more problems that are unique to Aboriginal people, when we look at the economic development situation and the job prospects that may exist in their own communities.

Now Daniel will continue, and then Henri.

DANIEL LACHANCE: I would like to continue what Ms. Pagé was saying. There are some questions unique to the schools. There are problems that can be dealt with in the schools themselves, and we refer to them in the Centrale's brief, for example, the problems of young people left in foster families while the parents and the rest of the family go about their traditional occupations.

We make a number of proposals which are not a panacea, of course, because I think we have to look at this question in greater depth.

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1 **COMMISSIONER MARY SILLETT:** I
2 think we fully recognize that in certain areas of
3 northern Quebec certainly there are children who
4 speak three languages: the Aboriginal language,
5 French and English. We recognize that. They are
6 very privileged children when compared to the rest
7 of the country. We have heard for the most part
8 that Aboriginal people do want their Aboriginal
9 languages back. They should get, for example,
10 some recognition by the provinces and by the
11 federal government of programs that would put
12 resources into retaining those. So we do
13 recognize that.

14 Having said that, I think that it
15 goes without saying that whenever we visit this
16 province particularly, there is always at least
17 maybe 10 or 20 references to Oka. Clearly, it was
18 very, very traumatic and it was proof of the kinds
19 of difficulties in relationships between
20 Aboriginal and non-Aboriginal people over lands
21 and resources and other issues.

22 I guess as an Inuk I am sort of a
23 peaceful person, and I was personally shocked by
24 the kind of violence. When I was watching all
25 those events, I was wondering, what

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For example, because the foster families do not by any means have the resources to support the young people in their studies, for all sorts of reasons, we are talking about creating student residences with a cultural environment that would provide young people with support in their studies.

When we talk about residences, that brings back memories for some Aboriginal nations that are not necessary very pleasant, of things that happened at the beginning of the century.

We also refer to the importance of teacher training, training teachers who come from the south, during the transitional period when Aboriginal teachers might be replacing them but who in fact arrive in the north with no training about the political, economic, social and cultural situation in which they will be teaching.

And so we make some proposals as to the type of training that these teachers should be receiving.

It seems to me that once all this is

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1 responsibilities do various governments have in
2 making sure that there is no violence in resolving
3 those kinds of issues, because it is clear to me
4 that, ever since, it hasn't done anything to
5 improve the relationships; you know, it is like a
6 sore wound.

7 CHRISTOS SIRROS: We are very
8 keenly aware that it is like a sore wound and we
9 are very keenly aware that we have to come to some
10 kind of resolution that addresses the issues
11 beyond the circumstantial -- if I can say that --
12 events that are going on now in terms of cigarette
13 smuggling and those things. Those need to be
14 addressed also, because if we don't get those
15 under control -- and that's where we need co-
16 operation from the native leadership in those
17 communities that are most affected -- it risks to
18 create impediment for advancing on the fundamental
19 issues.

20 These are important issues but
21 they are not the fundamental ones. The
22 fundamental ones are the ones that we have been
23 talking about. But these issues could obscure the
24 work that needs to be done and impede the work
25 that needs to be done on those fundamental issues.

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set in motion and all this is done, if the Indian Act is not eliminated, if the feeling of being treated like wards of the State, minors, and so on among the Aboriginal population, is not eliminated, if there is no feeling of being able to control their land, control what they become, control their future, of securing real, sustainable economic development, prospects of power, putting this training, as a citizen but also as a person who wants to contribute to his or her region's economic development, into practice, it seems to me that in a few years we will still have high drop-out rates, even if we are able to create an environment that respects the values of history and so on.

It seems to me that there is a very important key point in economic development and on this point, I will close with this, vocational training too, which is relatively undeveloped in a context of the economic development of a particular region, is perhaps also a key

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1 I want to repeat that I believe
2 very clearly that the native leadership within
3 those communities has to come to terms with that
4 also. It is not something that can go on and on
5 and on. It is something that needs to find
6 hopefully political solutions; that's what we need
7 to find. But we need to start getting that kind
8 of support from within those communities as well.

9 I know for a fact that the Mohawk
10 communities do not unanimously support this kind
11 of activity. You know that as well. I want the
12 public to know that; I think it is important.
13 There is a situation where it is perhaps asking a
14 lot of people within those communities to come
15 forward -- and I will stop there; the inferences
16 can be drawn.

17 But it is like a sore wound, and
18 we need to get back to normal. That's why, again,
19 I want to repeat how important it is to bring
20 taxes down jointly between the federal government
21 and the provincial government. It is not true
22 that a reduction in taxes for instance will
23 increase the amount of smoking; people are smoking
24 anyway: they are smoking contraband cigarettes.
25 It is not true that a reduction in taxes will

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that will be able to reduce the drop-out rate substantially.

In both the south and the north we have to begin to promote vocational training again, but I think that in the Aboriginal regions that is even more important.

HENRI LABERGE: I think that the important points have been made.

The role of the schools, because the schools cannot do everything, it is all institutions together, as Daniel said; I shall divide the role of the schools into two parts.

There is the curriculum aspect and the aspect of the organization of the schools.

In terms of curriculum, we have put a lot of emphasis on the place of Aboriginal languages, Aboriginal cultures, adapting curriculum to the specific needs of each community, first.

In terms of organization, there are methods of organization that must be adapted to the situation, for example, families among the Crees, for example, where for part of the fall and all winter the family goes into the forest. These are situations that

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1 increase smoking. We have passed the limit in the
2 taxation; that had its effects. I quit smoking
3 five years ago when the taxes went up; I am not
4 going to go back to that.

5 What I mean is, we went beyond
6 something that is reasonable and we need to bring
7 that down. We need to absolutely decrease the
8 incentive for that trade. We need to increase our
9 measures, and we are giving ourselves the tools
10 right now in the National Assembly, and so is
11 Ontario, to do some of that, to increase our tools
12 with which we can act on the distribution network,
13 the consumers, the importers. We have to act much
14 more vigorously on the police front, and we are
15 giving ourselves the tools to do that.

16 But we need to do that with a
17 reduction in taxes and, at the same time, we need
18 to have with the communities in question a
19 discussion that allows us to replace the kind of
20 approach we have had so far with them with a new
21 relationship that can be based on some principles
22 that we share. If we don't share a certain number
23 of fundamental principles, then we are condemned
24 forever to be confronting each other. Ultimately,
25 it is going to be a question of just raw political

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have to be taken into account, and we must find solutions that are truly appropriate.

When we suggest a solution it is, of course, just a suggestion. It is not a formal proposal, because the real solution is something the community will have to invent and find the one that best meets the needs and aspirations of young people.

Also the fact that the difference in the length of the days and nights, between summer and winter, is not the same in the south as in the north. I imagine that there are probably also effects on the level of interest in being in school.

These are also some factors that mean that it may not be necessary for the school calendar to be exactly the same as in the south. It might be reorganized some other way to take into account seasonal, climatic and cultural factors involved in the peoples' way of life.

CO-CHAIR RENÉ DUSSAULT: Mary Sillett would like to follow up on that.

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

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1 power at some point.

2 COMMISSIONER MARY SILLETT: Thank
3 you very much.

4 CHRISTOS SIRROS: You're welcome.

5 CO-CHAIR RENÉ DUSSAULT: Viola
6 Robinson.

7 COMMISSIONER VIOLA ROBINSON:
8 Thank you.

9 This is a very interesting
10 proposal that you have here today. To begin, I
11 think I just want to talk a little bit about the
12 kinds of things you are proposing here on how to
13 develop a new relationship and how to get
14 Aboriginal people in Quebec more involved at the
15 political level and more involved in resolving
16 their issues; and you certainly do this.

17 But, when I look at this paper, I
18 just have to draw your attention to -- I think it
19 is right on the second page. Your paper sounds
20 good, but there is this whole basic perception of
21 Aboriginal people and how they perceive themselves
22 that has to change; it has to change and it has to
23 be accepted by non-Aboriginal people -- to accept
24 the change. Here you have, "whether they have
25 been here for 4,000 years or 400 years, natives

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I think we've heard very clearly that schools can't do everything, but we've also heard very clearly that one thing that the schools can do is to teach Aboriginal history.

As you said, that Aboriginal history must be adapted to the situation of the Aboriginal group. It makes very little sense, I think, for the Innu of Labrador to be taught about the Ojibway because I think sometimes if you're living in a place like that somehow you always think you don't relate that particular group of people to yourselves. It has to be about the Innuk, it has to make you proud of the Innuk.

We've heard that call for Aboriginal history so often as a way of combatting racism. I was wondering if you could offer any comments about the effectiveness of that alone to combat and to eliminate racism.

LORRAINE PAGÉ: Obviously there are a number of goals in teaching history. First, knowledge of one's self, one's people, one's nation. I would say this is one aspect, national pride, that is essential.

There is also education that supports

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1 and non-natives have developed a feeling of
2 belonging to the territory".

3 Maybe the writer made a mistake or
4 something, but natives did not develop a feeling
5 of belonging, they belong to the territory.

6 CHRISTOS SIRROS: You are
7 absolutely right.

8 COMMISSIONER VIOLA ROBINSON: So I
9 think you have to be very careful when you say
10 something and it is there on paper; that would be
11 very offensive, if you were starting something, if
12 I were the person sitting across the table from
13 you.

14 I think one of the problems that
15 we heard two weeks ago -- we met with most of the
16 Aboriginal groups that came forward here. One of
17 the problems that we hear -- and we hear this from
18 Aboriginal people from Quebec no matter where we
19 listen to them -- there are complaints about the
20 Quebec government, there are complaints of course
21 about the federal government, but more so is the
22 kind of recognition. Surely, you have given
23 recognition to Aboriginal people, but it is the
24 basis of that recognition that is important.

25 When they came here and talked to

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the struggle against racism, the struggle against prejudice, through better knowledge not only of one's self and one's nation, but also of others, of the part played by others in the development of one's nation.

While the program or content of national history should be adapted in teaching history for Aboriginal people, I think that at the same time this imposes a need to review the teaching of history for non-Aboriginal people, because our history has been distorted.

The teaching of history has been distorted in Quebec and in Canada and the actual role of the Aboriginal nations has very often been concealed, if not simply presented as a caricature.

When, for example, in our brief, we refer to the struggle against prejudice and to the very deep-rooted prejudice that is often the result of mutual lack of knowledge, there is no doubt in our minds at the Centrale and even less in my mind, since I taught history for years, that the teaching of history is a determinative factor.

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1 us, they said, "We have been consulted most of the
2 time after the fact." We talk about the James Bay
3 Crees going to international resources to try to
4 get support for their claim. When we asked them
5 about that, they did that as a part of a
6 reactionary process, because it is being done all
7 the time by other levels of government in Canada:
8 They use the international arena to promote
9 themselves all the time. It is fine for them to
10 do it, but if an Aboriginal group does it, it is
11 seen as being derogatory. This was very clearly
12 stated to us. This is not my view, this is the
13 view of the people. I think that has to be
14 corrected.

15 Having said that, one of the
16 things that keep coming up to us is the fact that
17 they are not seen as equals, as a nation, in the
18 same vein or in the same light as Quebeckers are
19 seen; they are somehow set aside as something
20 less. We are not really sure who is responsible
21 for them, and when they come to the table they are
22 not seen as -- equals I guess is the word to use.

23 You talk about bringing that
24 about, but I think what is important is how you
25 bring it about. I would be interested to hear on

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This is true for relations with the Aboriginal peoples but I would say that it is also true from the point of view of cross-cultural education, because we also can no longer teach history in Quebec and in Canada and continue to deny the reality of the fact that numbers of immigrants have arrived over the years who have contributed to the very essence of the Canadian people or the Quebec nation.

And so these factors must necessarily be taken into account. And that brings us back to two concepts at the same time: revision of the programs of national history, but more than that, the latitude that is allowed for adapting, for applying, for configuring history courses.

In fact there is a need to have some space to introduce curriculum that is more meaningful, depending on the region where you are teaching, and the nation or people whom you are teaching.

I think that you have put your finger on something very important in terms of the struggle against racism, on mutual knowledge and respect. To me, this is an

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1 how you propose to change that whole perception
2 and thinking. I don't think they want another
3 token kind of a gesture that is not going to bear
4 fruit in the end. I think they are looking for
5 something that is going to be of very clear
6 substance.

7 They have gone through a lot in
8 Quebec. We have had a lot of agreements, which
9 you alluded to yourself. With a lot of those
10 agreements there are a lot of problems because of
11 a lack of enforceability and implementing,
12 jurisdictional things. This one, I would think,
13 has to be a lot clearer, more clear than these
14 past processes.

15 Could you just tell me a little
16 bit more on how you are going to change this one
17 so that is going to look very, very attractive and
18 it is going to entice them to come forward and
19 really move? Because I think you really have a
20 selling job here to do.

21 CHRISTOS SIRROS: Are you going to
22 help?

23 First, I will start by making sure
24 my translations are better done. And let me just
25 tell you what it really says. It says that, first

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essential factor.

COMMISSIONER MARY SILLETT: [ENGLISH]

Thank you.

CO-CHAIR RENÉ DUSSAULT: I know that the ministry of education has changed quite a number of things in terms of school texts and so on, the program.

Last week I took part in a meeting at Laval University in Quebec City and I was talking with a teacher about the how young people in Quebec in the schools lack knowledge about the Aboriginal reality. He pointed out that there was a component of the program of the ministry of education. At the elementary level, in grade 4, I think, there is provision for specific teaching.

If I had a recommendation to make on that point, it seems to me that there is a lot missing, beyond the question of history, which is extremely important, but young people don't know very much.

Young people come out of elementary school, come out of secondary school, and do not know about the physical and geographic reality of the Aboriginal people in Quebec.

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1 of all, there are distinct cultures here, native
2 and non-native, that each have their own historic
3 roots, and those roots are here to stay because of
4 their strength. Be it for 4,000 or for 400 years,
5 natives and non-natives have developed a sense of
6 belonging -- have a sense of belonging to the
7 territory, or have developed. That's a minor
8 point.

9 But you are right to say that
10 there is a sense that there is a lot of work to be
11 done here. Obviously, there is a lot of work to
12 be done. That's one of the reasons why I believe
13 that the approach has to be an evolutionary one.
14 We have to evolve into things. We can't expect to
15 bite off the whole piece in one shot and solve it
16 all.

17 I believe it is a lot better to
18 have agreements that have difficulty in their
19 application than not to have agreements at all,
20 because at least we have the chance to try to work
21 out those difficulties. That's what we are doing
22 with the Cree right now. We have been engaged, we
23 just went through a process we called pre-
24 negotiations with the Cree that has allowed us,
25 with them, to look at the issues that have gone

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You talk about 11 nations, perhaps 12, the people don't know what they are, where they are, what the languages are, the number of people involved. This is purely in physical and geographic terms.

There is a little brochure, you know it, the Quebec Secrétariat des Affaires autochtones, which has a map and ... I can only think that if we spent two hours with young people, without upsetting the entire program, going over this physical and geographic reality and the aboriginal language situation with the young people, that would ultimately make a big difference.

Because you are certainly in a good position to do this, I would like to make this suggestion, if it were possible, in the educational system in Quebec, that this at least be done, I think that we would succeed in changing a lot of things in a few years.

I'm not talking about a 45 hour course. It seems to me that there is an essential minimum. I don't

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1 wrong.

2 We signed an agreement in 1975
3 that each of us held at the time as important,
4 generous, innovative and establishing a very good
5 basis for the future. Fifteen years later there
6 are problems with it. But at least we have an
7 agreement that we can try to sort of get back on
8 track with.

9 The agreement with the Inuit is
10 working, and we are at a stage where we are
11 talking with them about taking it one step further
12 and defining with them a regional form of
13 government. So that allows us to progress.

14 We don't have any problem with
15 people going and using international forums if it
16 is to put forward things that help advance the
17 cause of relations or say what they are doing.
18 The problems we have had at times have been the
19 feeling that events have been presented in a
20 rather construed way or in an exaggerated fashion
21 for a particular political purpose. We have a
22 problem with that. I think anybody would have a
23 problem with that.

24 I think that if there is a
25 willingness on the part of natives also to work in

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know what you think about it. And can it be done. It seems to me that it should be possible to do it.

LORRAINE PAGÉ: First, the suggestion itself, I think it is so minimal that there is really no problem, but I think that this leads us to other important questions that we must not avoid asking, even if your suggestion may seem so simple, so obvious, that there would even be a risk that this would be all that would be done.

I think that this leads us to a number of other questions, and at that point the conditions are perhaps created to raise the question more than ever and better than ever.

In the next few days the ministry of education is going to propose the establishment of a discussion committee to deal in very specialized terms with leaving profiles, that is, what a student must know when he or she completes his or her courses.

In the work of a committee of this nature there are questions that must be asked, that must be raised, and I think that it is not right for a young person

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1 the same direction -- to develop a harmonious
2 relation takes two. I can stand here and repeat
3 till I am blue in the face that I want our
4 relationship to be harmonized and normalized, if
5 the other person doesn't, all I am going to do is
6 talk. So there is a responsibility on the other
7 side as well to work together, and that's what I
8 would like to see come out of this statement and
9 our willingness to move immediately towards the
10 creation of a forum that can put forward a
11 political agreement, that can put forward means to
12 resolve conflicts.

13 I would like to see the
14 willingness come to work in a common direction,
15 because I am convinced that we share fundamental
16 principles. There are issues that belong to
17 mankind, and I don't care if you are Cree, Greek,
18 Indian, French or English; it doesn't matter.
19 There are some things that are fundamental to
20 mankind, and I am sure that we can find concrete
21 applications of those things in the functioning of
22 our society.

23 COMMISSIONER VIOLA ROBINSON:

24 Thank you. I certainly hope that you do, because
25 one of the things we hear is a lack of political

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in Quebec to finish his or her elementary or secondary education without knowing a certain number of physical and political facts about what makes up the actual reality of Quebec today. I think that this question must be asked.

We are in the process of implementing a revised teacher training program. We cannot ask teachers, who do not themselves know this, to teach it. We are undertaking a review of teacher training.

This training must not be the only issue, are we training teachers to teach a subject or to teach two subjects. We must at the same time ask how, in their initial training or in their basic training, we have to integrate new realities, and I am thinking of the aspect of cross-cultural education, but also how we have to go about integrating realities that have been completely ignored over the years so that they will truly be part of our teacher training.

Here again there are conditions that enable us to raise these questions. I think that we have

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1 will; but obviously, you are indicating political
2 will here.

3 Again, I have to stress that it is
4 on the basis of perception and conception, because
5 it doesn't matter where that inherent right is
6 recognized and where it emerges from, whether it
7 is from the Constitutional process or through the
8 Supreme Court of Canada or through a formal
9 agreement, it is something that still has to be
10 accepted by the public in general.

11 I think that a lot of the problems
12 in Canada that people are having are because
13 people don't understand. Even when you talked
14 about ownership, you don't view ownership in the
15 same way as Aboriginal people do, and you have to
16 somehow come to that. Even today, when you
17 talked, I could tell the way you talked that it is
18 certainly a different perception of ownership than
19 what we hear Aboriginal people talking about.
20 When we come to grips and come to some level of
21 that perception, then it will be time to move on.

22 I am trying to encouraging you by
23 pointing out some of the things that we have heard
24 and some of the things that we have observed and
25 cautioning you that they have to be taken into

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to go even further than the simple suggestion you have made.

Third, of course, can we take initiatives? In the past we have worked with partners to produce pedagogical workbooks on environmental education, for example, or on peace, or the struggle against racism, in which we helped teachers to address some of these questions in their regular teaching.

It might be very worthwhile to design materials of this nature to help teachers to address the Aboriginal question and to work on building a different relationship between the Québécois people and the various Aboriginal nations.

CO-CHAIR RENÉ DUSSAULT: This is exactly along the lines the Commission is thinking and it is true across Canada, except that we know from experience in this field often nothing gets done because something better might come along, and we would rather have something real happen than wait for something better that only gets

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1 consideration.

2 Once again, a lot of the things
3 that I was going to raise have been raised by my
4 previous colleagues, but I want to thank you. I
5 think it is something that is workable and I wish
6 you well.

7 CHRISTOS SIRROS: Thank you very
8 much. Perhaps just as a quick reaction to your
9 last comments, I believe that people resist or
10 fear, if you like, the unknown, and that if we can
11 arrive at moving from the unknown to the known as
12 far as what governmental autonomy means in the
13 concrete, every-day lives of people, it will be
14 possible to create it, to elaborate it, to build
15 it.

16 I am convinced that the only way
17 we are going to re-establish a normal relationship
18 is to move away from the situation that we started
19 this discussion with, where a group of human
20 beings is a jurisdiction of a particular
21 government. That makes absolute no sense at the
22 dawn of the twenty-first century. And the only
23 way we are going to do that is to move to a
24 recognition of the practical applications of what
25 we at least in Quebec have been saying for the

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talked about indefinitely.

I understand the nature of your brief and what you are telling us this morning, that the Centrale de l'enseignement du Québec has made some commitments in terms of its members to give out this type of information.

For example, you clearly make the distinction between the cultural communities and the Aboriginal people, that the two must not be lumped in together. There are historic rights as the first inhabitants. Emigrants [immigrants?] are something else. If you emigrate [immigrate?] to a society you join it.

These distinctions are very important for purposes of public discussion and of good mutual understanding with the Aboriginal people. It seems to me that you are in a truly privileged position first with respect to teachers, so that these distinctions are not made solely within the Centrale but among a number of people, and they may be conveyed by teachers by raising awareness of Aboriginal reality in Quebec.

I can only hope that you will make a

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1 last 15 years: there are 11 distinct native
2 nations in Quebec, they have a right to government
3 autonomy, and we have to put that in practice.

4 COPRÉSIDENT RENÉ DUSSAULT: Je
5 pense que la discussion démontre -- et on le vit
6 de façon quotidienne au niveau de la Commission et
7 vous le vivez aussi sans aucun doute -- qu'il y a
8 beaucoup de communication inter-culturelle à
9 faire. C'est un des problèmes dans le dossier de
10 la relation autochtones/non-autochtones. La
11 vision du monde est différente, et lorsqu'on se
12 familiarise davantage avec la vision de l'autre,
13 comme disait Pierre Trudel devant nous -- vous
14 l'avez cité à un moment donné -- on a moins de
15 chances de s'insulter sans le savoir
16 réciproquement.

17 Je voudrais simplement en
18 terminant souligner deux petits points.

19 La question urbaine par rapport à
20 la réalité autochtone, c'est une question qui a
21 été laissée pour compte largement au Canada et qui
22 est évidemment plus accentuée dans l'ouest du pays
23 qu'elle ne l'est au Québec. Mais je pense qu'ici
24 on a une occasion, à Montréal, de façon préventive
25 de s'y intéresser avant que l'on connaisse les

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firm commitment to your members to work on programs from the perspective you described so that changes will in fact take place, changes that are not controversial and that might produce considerable change.

Time is passing but I would also like to mention that what you were talking about in terms of the CEGEPs is essential. What is largely missing is orientation and support services for making the transition. When you leave a community to come here there is a culture shock, and services are seriously lacking.

In this respect, all that can be done to assist in the transition of young people going from secondary school to CEGEP ... when they go to Montreal there are communities that can provide a bit more assistance, and so on. That seems to me to be essential.

There is one question that struck me. In the discussion of what I was saying at the very beginning about the question of the fact that people actually did express themselves in syllabics, Inuktitut. One of the things that really struck us, there are several school

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1 problèmes sociaux et de répercussions sur les
2 prisons provinciales, par exemple, qu'il y a dans
3 l'Ouest. Il y a un avantage où on peut le prendre
4 à un moment où, si on s'y intéresse de très près,
5 on pourra éviter des choses qui sont déjà
6 présentes dans l'ouest du pays; alors relations
7 avec les Centres d'amitié autochtones, mais aussi
8 cette notion d'autonomie gouvernementale qui est
9 un peu diffuse au niveau urbain, soit par des
10 institutions autonomes, soit par des
11 participations dans les établissements de santé.

12 On avait l'Association des
13 hôpitaux qui nous disait, évidemment, qu'il n'y a
14 aucun autochtone, depuis l'avènement de la Loi sur
15 les services de santé et les services sociaux, qui
16 s'est présenté à une élection au conseil
17 d'administration des hôpitaux, et caetera. Alors
18 il y a beaucoup de travail à faire de ce côté-là,
19 et je ne pouvais pas manquer de le souligner.

20 L'autre point, c'est la situation
21 des Métis au Québec. On a eu une présentation
22 hier de l'Alliance autochtone du Québec. On a eu
23 déjà une présentation en mai de l'Association des
24 Métis du Québec. Ils se sentent, évidemment,
25 comme tous les Métis, y compris les Métis de

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boards that have told us about this in Canada.

We have programs at the federal level to support second languages for immigrants, in French or in English, specific programs. Aboriginal young people who start grade one and are unilingual Cree-Attikamek or Cree in the west are considered, as Canadians, to be French or English speaking and so those programs do not apply. So the school boards have no additional support although in a way they are almost immigrants in their own country. The situation is foreign to them too.

Is this a question you have considered in the Centrale?

LORRAINE PAGÉ: Certainly we must distinguish between what may go on in the Cree school boards, for example, where teaching in the elementary school years is done almost entirely in the mother tongue.

Even in other regions we have experiments, if you like, going on where the first grades will be done in the mother tongue, that will leave a bit

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1 l'Ouest, constamment entre deux chaises, passant à
2 travers les trous de la passoire et ne se
3 retrouvant nulle part dans les 11 nations de la
4 brochure du Secrétariat des affaires autochtones
5 et autrement. Donc je me permet aussi d'attirer
6 l'attention sur ça; je pense qu'il y a une
7 préoccupation particulière de ce côté-là. Les
8 problèmes sont tellement considérables et
9 importants que souvent la réalité urbaine, la
10 réalité métisse, parce qu'elle est moins visible
11 et moins immédiate, est laissée pour compte, et ça
12 soulève un bon nombre de frustrations. Alors je
13 voulais avoir l'occasion de partager ça avec vous.

14 En terminant, il me reste, au nom
15 de la Commission royale sur les peuples
16 autochtones du Canada, à vous remercier d'avoir
17 pris le temps de mettre la réflexion du
18 gouvernement du Québec sur papier. Je pense
19 qu'effectivement c'est un document qui est
20 présenté par le gouvernement du Québec par votre
21 entremise et, pour nous, c'est un pas extrêmement
22 important. La Commission est disponible pour
23 travailler avec les gouvernements. Vous le savez,
24 vous avez fait état du fait que nous allons avoir
25 une rencontre avec les divers ministres

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more room for teaching in the language of origin. We see this particularly on the north shore, even though that is not within the jurisdiction of the Cree school board *per se*.

I think that these experiments have to be encouraged and supported. Almost everyone with whom we raise the question in any language, for example even when we go into international cooperation programs that we may have with our African colleagues, we find that the ability to reserve a significant amount of time in the first years of school for teaching in the mother tongue is a determinative factor in staying in school, in succeeding in school.

This is such a significant factor that there should not even be any doubt, culturally or politically or pedagogically. It has definitely been tested and proved.

What must really be supported is the ability to do it, and what we mean by that is having choices in hiring teachers who are going to be capable of doing it,

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1 responsables du dossier autochtone le 2 février,
2 dans la suite de la Conférence des premiers
3 ministres au Cap Breton.

4 Alors nous voulons réitérer que
5 dans la prochaine année, cette collaboration-là va
6 devenir de plus en plus importante, alors qu'on va
7 mettre ensemble l'information qu'on a reçue des
8 tables rondes nationales, des audiences publiques
9 et de nos projets de recherche pour essayer
10 d'arriver avec une proposition ayant des objectifs
11 clairs et une transition pour les atteindre. Ils
12 ne sont pas nécessairement des objectifs à
13 atteindre demain matin, mais sur un bon nombre
14 d'années, pour amener l'adhésion autant des
15 autochtones que des gouvernements et du public.

16 Évidemment, comme une de mes
17 collègues a dit, il y a une tâche de vente
18 importante, et souvent il y a des événements qui
19 font que la vente est rendue plus difficile en
20 cours de route; vous en avez fait état ce matin.
21 Je pense que cette partie de votre document est
22 très intéressante sur le plan d'éducation
23 publique, et on vous incite, comme ma collègue
24 Mary Sillett l'a dit, à poursuivre dans cette
25 direction. Il y en a un énorme besoin sur le plan

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giving school boards the ability to have the latitude so that they can develop teaching in the mother tongues, and not just keep this teaching in the primary years but even be able to have programs for teaching languages of origin. Not simply for our cultural communities that exist in the Montreal region, for the various cultural communities, but it should also be seen as the same thing for teaching Aboriginal languages of origin. Some have now disappeared, but there are some still in existence and we should promote their preservation and continuation.

HENRI LABERGE: In terms of Aboriginal people learning French, I would say that it is perhaps to different degrees but there is a problem that is somewhat similar to that of anglophones in Quebec.

When they go to French second language programs or to get access to orientation classes for French instruction and so on, they aren't treated the same way as

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1 canadien et sur le plan du Québec.

2 Monsieur le Ministre, merci.

3 CHRISTOS SIRROS: Merci beaucoup,
4 Monsieur le Président et Mesdames les
5 Commissaires. Moi aussi, ça m'a fait extrêmement
6 plaisir d'échanger avec vous, de venir ici vous
7 exposer ce qu'on fait au gouvernement du Québec,
8 rétablir un certain nombre de faits et faire un
9 certain nombre de propositions quant à l'avenir.
10 On est profondément convaincu -- je le suis
11 personnellement et mes collègues au Conseil des
12 ministres également -- qu'il faut qu'on établisse
13 une nouvelle relation. Dans ce sens-là les
14 travaux de la Commission nous ont été utiles dans
15 le passé, et nous continuerons à entretenir les
16 relations qu'on a entretenues avec vous dès le
17 départ.

18 C'est avec intérêt qu'on va suivre
19 la poursuite de vos travaux. Mais, en prenant
20 aussi vos indications dès le départ à coeur, nous
21 ne voulons pas attendre pour agir; nous voulons
22 agir dès maintenant.

23 Encore une fois, merci beaucoup.

24 COPRÉSIDENT RENÉ DUSSAULT: Merci.

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people who speak another language.

In the case of Aboriginal people of course this is doubly unacceptable. If a Montagnais young person comes to live in Quebec City we can't leave that person on his or her own. If he or she does not already speak French, he or she should at least be entitled to the French courses that immigrants arriving get, and probably even more.

We think this is very clear, there must not be categories of citizens and presuming that they should know French or English. Everyone who does not know French in Quebec should have all the services that will enable them to function in the society where they are living.

Of course it is not the same thing for someone who lives in an Aboriginal community. There, it is the Aboriginal language that should be promoted, but if the person goes to live in Quebec City he or she should be entitled to all the services he or she needs to be able to function in the same way as a young Italian or a young Greek who comes to live here.

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1 peuples autochtones suspend ses travaux
2 jusqu'à 1 h 15, alors qu'on entendra la
3 présentation de la Fédération des femmes du
4 Québec. Merci.

5 --- Suspension pour le déjeuner à 12 h 37

6 --- Reprise à 13 h 33

7 **COPRÉSIDENT RENÉ DUSSAULT:** La
8 Commission royale sur les peuples autochtones du
9 Canada reprend son audience publique avec la
10 présentation du mémoire de la Fédération des
11 femmes du Québec. Je cède la parole sans plus
12 tarder à la présidente, M^{me} Signori.

13 **CÉLINE SIGNORI, présidente,**
14 **Fédération des femmes du Québec:** Bonjour.

15 La Fédération des femmes du
16 Québec, fondée en 1966, est une très importante
17 organisation féminine au Québec. Elle réunit
18 actuellement des centaines d'individus membres
19 et 65 groupes membres, qui, à leur tour,
20 représentent un total de 100 000 Québécoises. La
21 composition de notre organisme est diversifiée.
22 Elle compte parmi ses membres les principaux
23 regroupements nationaux de groupes de femmes, les
24 comités de condition féminine des grandes
25 organisations syndicales, des femmes impliquées

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CO-CHAIR RENÉ DUSSAULT: In your proposal for sovereignty association, I am reading your brief correctly when I understand that you are saying that the Aboriginal governments should have authority over their school systems because this is just about the most fundamental thing for identity, and so on.

Of course you have in mind powers not only over administration as there now is in northern Quebec, but legislative powers in respect of education, over programs.

Is this how I should understand this? It is not explicit in your brief, but that the aboriginal governments could, for example in exercising their inherent right to self-government, exercise legislative power over education.

LORRAINE PAGÉ: When we were talking about the need for Aboriginal communities to adapt the educational system to their situation, they must have the powers to do this.

I know that this may seem disturbing for

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1 dans divers dossiers, dont la présence des femmes
2 dans l'Église, la solidarité internationale,
3 l'accès des femmes aux métiers non traditionnels,
4 et caetera. Nos membres vivent en milieux rural
5 et urbain et sont de différentes origines
6 culturelles.

7 La mission de la Fédération des
8 femmes du Québec est de travailler solidairement
9 dans une perspective féministe à l'accès à
10 l'égalité, à l'équité, à la dignité et à la
11 justice pour toutes les femmes dans tous les
12 domaines.

13 Nous voulons d'abord, par notre
14 présence, rendre public notre appui aux travaux de
15 votre Commission. Vous nous conviez à un
16 processus de réconciliation entre les autochtones
17 et le reste de la population québécoise et
18 canadienne. Comme vous, nous croyons urgent de
19 définir une nouvelle relation, un nouveau projet
20 social basé sur le respect et la collaboration
21 entre peuples autochtones et non autochtones. Il
22 faut miser sur nos points communs et reconnaître
23 nos différences. Le droit à la différence
24 implique une notion d'égalité qui n'est certes pas
25 acquise.

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some people who are saying to themselves, fine, now we are going to start having all sorts of educational profiles or all sorts of systems of all sorts of training, but I think that we don't need to worry all that much.

Even if increased powers were granted to the Aboriginal peoples in controlling their own educational system, the general economy of the world in which we live, the need for students who have completed their secondary education to be able to move on into public institutions that are not under the sole control of the Aboriginal communities, and I am thinking here of the colleges and universities, is going to mean that there will be adjustments and transitions that will be inevitable.

So there really is no risk of it blowing up or of anyone being able to suggest there would be discount education or education that is unsuited to our modern civilization or the needs of our global world as we near the end of the century.

I think that there is room for greater power to provide genuine control over an educational system

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1 Comme groupe qui s'est battu et se
2 bat encore pour l'accès à l'égalité et l'équité,
3 nous approuvons la déclaration de la juge Abella,
4 dans le rapport de la Commission sur l'égalité en
5 matière d'emploi, déjà citée devant cette
6 Commission:

7 "L'égalité consiste parfois à
8 traiter les gens de façon
9 identique en dépit de leurs
10 différences et, parfois, à
11 les traiter en égaux en
12 tenant compte de ces
13 différences."

14 Votre rapport final proposera sans
15 doute d'établir un nouveau contrat social entre
16 tous les groupes concernés. Nous croyons qu'il
17 devra tenir compte de ces deux dimensions de
18 l'égalité.

19 Par ailleurs, une telle démarche
20 de réconciliation ne pourra se faire sans quelques
21 autres conditions préalables. Nous sommes
22 profondément convaincues que les différents
23 paliers de gouvernement devront faire preuve
24 d'ouverture et d'une réelle volonté politique de
25 trouver des solutions négociées aux difficultés

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without this jeopardizing young people's ability to have access to other training. I think that the Aboriginal communities themselves would not want to keep their young people in ghettos. I think this is clear. When we talk with Aboriginal leaders we see this clearly.

I would say that wisdom will require that there be, yes, adaptations, they are needed, they are essential, Henri raised some just now in terms of educational organization, we addressed some in terms of curriculum, but at the same time there is necessarily going to have to be adjustments because the point of development is to enable young people to have access to quality training, and so when necessary to go on to postsecondary training, sometimes even university.

In this sense I do not think there are significant risks. I think that people have to be reassured. We were talking just now about prejudices, fears, worries. It is important to say that increased powers will not result in limiting the training to be given, far from it.

CO-CHAIR RENÉ DUSSAULT: The basis of

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1 présentées devant cette Commission. La
2 coopération des peuples autochtones eux-mêmes sera
3 tout aussi indispensable. Ceux-ci doivent
4 comprendre les réalités différentes des autres
5 peuples habitant le même pays et vouloir
6 s'associer à une recherche de solutions à titre de
7 partenaires à part entière.

8 En tant que fédération regroupant
9 des femmes issues de toutes les régions du Québec,
10 de différents milieux socio-économiques et de
11 diverses origines culturelles, nous savons que la
12 coexistence de multiples différences n'est pas
13 simple et que l'harmonie est souvent difficile à
14 trouver.

15 Comme vous l'avez dit, Monsieur
16 Dussault, on ne change pas 500 ans d'attitude en
17 trois ans, ni même en cinq ans probablement. Vous
18 avez aussi dit: "Le chemin qui va de l'estime de
19 soi comme être humain et comme membre d'un groupe
20 au respect mutuel entre les peuples n'est ni
21 court, ni facile, mais il doit être parcouru."

22 Notre présence à cette Commission
23 confirme notre croyance qu'il existe des solutions
24 et notre volonté d'être partie prenante de ces
25 solutions même si nous reconnaissons avoir fait

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the treaty you see between the Aboriginal nations, there might conceivably be 11 treaties, and the Québécois people, again in your model, recognizes the self-determination of the Aboriginal peoples, and so their option to enter into sovereignty-association with Quebec on the basis of the inherent right to self-government. Is that the Centrale's position?

LORRAINE PAGÉ: Yes.

CO-CHAIR RENÉ DUSSAULT: Very quickly, because time is flying, one of the difficulties for education among Aboriginal people at present is the scientific profile, among other things, interest in the sciences. For going into the health professions in particular there is a real need.

Does the Centrale have specific measures that would enable Aboriginal people in a way to break down the wall of fear of that area, which can be broken down, as we know, in all the communities.

Is there a specific concern in addition, of course, to completing secondary school and making the

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1 partie des problèmes qui touchent les peuples
2 autochtones.

3 Nous avons une deuxième raison,
4 plus importante encore, d'être ici aujourd'hui,
5 une raison qui nous tient encore plus à coeur:
6 Nous souhaitons, par notre présence et notre
7 courte communication, signifier notre appui sans
8 réserve aux revendications que vous ont présentées
9 au printemps 1993 les femmes autochtones à travers
10 leurs représentantes de l'Association des femmes
11 autochtones du Québec.

12 Tous les groupes de femmes que
13 nous représentons ou avec qui nous collaborons
14 font face à des problèmes qui leur sont propres.
15 Ils partagent également, avec les autres groupes
16 de femmes qui habitent le territoire québécois,
17 une série de problèmes qui nous touchent toutes à
18 des degrés divers. C'est au nom de cette
19 communauté de besoins et de difficultés que nous
20 sommes solidaire des luttes que mènent les femmes
21 autochtones.

22 Comme nous, les femmes autochtones
23 connaissent des mêmes problèmes de sexisme dans le
24 monde du travail, de l'éducation, de la santé et
25 des services sociaux. Cependant, elles subissent

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postsecondary transition, but in terms of the sciences, so that Aboriginal people can move into the scientific profile.

HENRI LABERGE: Very generally ... this is not something we have examined specifically, but I think that it is somewhat similar to the entire equity approach in all disciplines.

This is being done for women, for example, in the various university disciplines. We know that there are concentrations where there are more women, others where there are more men. This was the case for sciences, for example, until very recently.

In the case of Aboriginal people we see the same thing. We will have to create methods that will ensure that Aboriginal people are present in all disciplines.

If there are weaknesses in the sciences, for example, in engineering, and so on, we will have to create programs that will enable us to attract more Aboriginal students. But that cannot be done solely by non-Aboriginals. This is where Aboriginal people taking control

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1 en plus le racisme et les problèmes spécifiques
2 des peuples autochtones. Par ailleurs, à
3 l'intérieur même de leurs communautés, elles font
4 face à des organismes autochtones très souvent
5 dominés par des hommes qui les excluent des
6 décisions sociales, politiques et économiques
7 importantes. Leur aspiration à l'égalité
8 rencontre beaucoup de résistance.

9 Dans la revue Femmes et Justice,
10 Michèle Rouleau, ex-présidente de l'Association
11 des femmes autochtones, déclarait, au printemps:

12 "Les femmes autochtones ont
13 deux luttes à mener: en tant
14 que membres d'un peuple,
15 elles doivent faire respecter
16 leurs droits; et à
17 l'intérieur de ce même
18 peuple, elles revendiquent
19 leur droit à l'égalité.
20 La femme autochtone est au
21 bas de l'échelle, tant dans
22 sa propre communauté que dans
23 la communauté blanche."

24 Dans le mémoire de cette même
25 association présenté ici, elles revendiquent le

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themselves will make it possible for them to find appropriate solutions.

When we talk about taking over political power, that does not mean ... Of course, for example, all the nations will not be able to take on the same share of political responsibilities. The Malécite nation will not take on the same thing as the Cree nation, because it is a question of volume.

It is impossible to have the same number of institutions and all the institutions that meet the needs of the population. But nonetheless they can take over political power over a field and at the same time enter into agreements with other governments, most importantly and particularly the government of Quebec, which could administer the joint services, still with the basis that each nation has its own authority and may, when it wants, take back the powers that it may have temporarily assigned to a common body.

LORRAINE PAGÉ: The question you are raising leads first to a general observation. The

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1 droit de prendre en toute égalité la place qui
2 leur revient, de reconquérir leur liberté et leur
3 autonomie sur une base d'égalité avec les hommes
4 autochtones dans la vie de tous les jours.

5 Elles affirment qu'il ne peut y
6 avoir d'égalité politique sans égalité sociale et,
7 de façon plus large, de véritable autonomie
8 politique sans une société démocratique
9 caractérisée par des rapports sociaux égalitaires
10 entre les femmes et les hommes.

11 Elles font état de différents
12 problèmes urgents qui les interpellent. Sur le
13 front social elles identifient trois priorités:
14 la violence familiale, la nécessité d'un service
15 de garde pour les enfants d'âge préscolaire et les
16 besoins particuliers des femmes autochtones vivant
17 en milieu urbain.

18 La violence a des résonances très
19 claires et concrètes dans le coeur et le corps de
20 chacune de nous. Nous savons la somme de courage
21 qu'il a fallu aux femmes autochtones pour dénoncer
22 la situation de violence endémique qui prévaut
23 dans leurs milieux. Luttant nous-mêmes contre des
24 situations de violence, certes moindres mais tout
25 aussi douloureuses, nous sommes solidaires de leur

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educational road for the sciences, for mathematics, is a selective one.

This is the reality we live with, that Aboriginal people live with. At the same time as it is the royal road, it is also a selective road.

This is true for Aboriginal people, and it is true for other categories of students, I would say. There is an exclusion phenomenon that is significant and which merits our attention.

I think that with the teachers in the Aboriginal communities, I would say the Aboriginal teachers who are even more capable of understanding the difficulties encountered, we can develop the most appropriate pedagogical approaches precisely for ending this exclusionary situation in terms of the sciences, mathematics, this choice of training.

And here we are also referring both to pedagogical approaches and to pedagogical choices made and to a number of measures that we must be able to implement

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1 dénonciation et réclamons avec elles que le
2 dossier de la violence familiale devienne une
3 priorité de tous les instants.

4 Nous croyons que leur demande de
5 garderies en milieux autochtones relève de la même
6 urgence. Les besoins des femmes autochtones
7 changent: retour au travail ou aux études,
8 implication dans la communauté, et caetera.
9 Offrir des services de garde de qualité et qui
10 respectent les particularités culturelles des
11 enfants permettraient à ceux-ci une meilleure
12 entrée dans le monde adulte. La partie de ping-
13 pong entre les gouvernements doit cesser, et les
14 politiques de services de garde doivent être
15 modifiées pour répondre aux particularités des
16 milieux autochtones et non l'inverse.

17 Plusieurs de nos groupes membres
18 en milieu urbain ont été contactés par des femmes
19 autochtones qui cherchaient de l'aide matérielle,
20 du support ou de l'information dans un contexte
21 qui leur était totalement étranger ou dont elles
22 comprenaient mal les rouages.

23 Nous pouvons donc confirmer que
24 les femmes autochtones en milieu urbain se
25 retrouvent souvent sans ressources, isolées, aux

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precisely with a view to equity in certain fields that at present are not designed that way.

Here I think that there is really an opportunity, with teachers and also with professional staff, to examine the solutions that might be proposed, in a little more detail, more concretely. This observation might be applied to quite a number of categories of our students in terms of teaching sciences and mathematics.

CO-CHAIR RENÉ DUSSAULT: This is in fact a universal problem but when an Aboriginal group has so much catching up to do ...

LORRAINE PAGÉ: There are specific measures that need to be taken.

CO-CHAIR RENÉ DUSSAULT: Yes.

We could spend many hours continuing this discussion. We can only share with you the experience we have had.

The Commission had a hearing in Restigouche in June, with the Micmacs. The Chief of the

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1 prises avec des attitudes discriminatoires de la
2 part d'employeurs, de propriétaires
3 d'appartements, et caetera. Il est essentiel que
4 leurs besoins spécifiques soient pris en
5 considération et que des ressources adaptées à
6 leur culture soient mises à leur disposition.

7 Sur le front politique, les femmes
8 autochtones priorisent trois dossiers auxquels
9 nous donnons aussi notre appui. Il s'agit des
10 mesures discriminatoires qui persistent dans la
11 Loi C-31 et dans son application, de la protection
12 de leurs droits à travers le maintien de la Charte
13 des droits et de leur participation égale au
14 pouvoir politique.

15 L'Association des femmes
16 autochtones du Québec et plusieurs autres groupes
17 de femmes ont fait ici la démonstration éloquent
18 des impacts négatifs sur les femmes, leurs enfants
19 et sur l'ensemble de la communauté de la Loi C-31,
20 qui maintient deux catégories d'Indiens et laisse
21 aux bandes de pouvoir déterminer les règles
22 d'appartenance d'une personne à la bande.

23 Ce que recherchent véritablement
24 les Indiennes ayant perdu leur statut, c'est
25 d'abord et avant tout la reconquête de leur

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Micmac Nation in Restigouche, Brenda Miller, told us about the decision they made to ...

The situation was this. For 25 years the Micmacs had been sending 500 students more or less to the other side of the bridge, to the Campbellton school board. They accounted for one fifth, one sixth of the school population in Campbellton.

Never in 25 years had they thought about the content of the program in terms of the cultural aspect, of Micmac identity. They really set about hiring Micmac teachers, interesting parents in sitting on the school board.

They told us about a decision of the band council starting with kindergarten and moving up through elementary school to withdraw the students from the schools gradually to do what must be done on the reserve, saying they were to some extent throwing the towel in, in terms of the public system.

We had the teachers' union, people from the school board, who came to our hearings, who told us,

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1 identité. Beaucoup de femmes ont lutté dans ce
2 but premier et non pour l'obtention de droits et
3 d'avantages financiers reliés au statut d'Indien.

4 Nous ne voulons pas reprendre
5 cette démonstration d'une situation que les femmes
6 autochtones connaissent et décrivent si bien, mais
7 nous voulons ajouter notre voix pour dénoncer
8 cette situation et réclamer justice et équité pour
9 les femmes et leurs enfants à l'intérieur de la
10 Loi C-31 et dans son application. Ceci veut dire,
11 entre autres, pour nous que le droit d'appartenir
12 à une bande ne devrait pas relever du bon vouloir
13 des bandes mais plutôt de dispositions claires de
14 la loi.

15 Nous comprenons d'autant mieux
16 l'insistance des femmes autochtones à exiger que
17 la Charte canadienne des droits et libertés
18 continue de s'appliquer aux gouvernements
19 autochtones et que les droits fondamentaux dont
20 elles bénéficient maintenant leur soient garantis
21 dans toute nouvelle charte autochtone éventuelle.

22 Nous nous opposons à ce que les
23 gouvernements autochtones puissent profiter des
24 pouvoirs dérogatoires prévus à l'article 33 tant
25 et aussi longtemps qu'ils n'auront pas pris

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listen, this makes no sense. We are going to lose 40 teaching positions at the school board.

I wanted to share this with you because it made a big impression on me and I think that you are in a good position to understand everything going on there.

I would like to take the opportunity in closing to let you think about that because it is happening elsewhere in Quebec. I think that we look at it and say there is in a way ... first of all there are 25 years lost, in a way, when the people were living separately, there is also a loss in taking that kind of action, but it is necessary because the response was not there.

I shall close on that. I think that it is quite striking in terms of what happened and that it must be corrected for the future.

Mary.

COMMISSIONER MARY SILLETT: This is my final day here so I'm going to take that extra little liberty, because I really do know that we are 15 minutes past the time.

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1 d'engagement formel en ce qui a trait au respect
2 des droits fondamentaux des femmes autochtones.
3 Les femmes autochtones doivent donc également être
4 reconnues comme partenaires à part entière dans
5 toute négociation future sur l'autonomie
6 gouvernementale. Cette reconnaissance doit venir
7 des gouvernements non autochtones et autochtones.
8 Les femmes doivent avoir les ressources
9 nécessaires, matérielles et humaines, pour faire
10 entendre elles-mêmes leur parole.

11 Plusieurs femmes autochtones ont
12 souhaité s'engager dans l'action politique
13 directe. Nous savons qu'elles rencontrent
14 beaucoup d'opposition à leur implication dans les
15 lieux décisionnels à l'intérieur même des
16 gouvernements autochtones. Elles ne sont pas
17 davantage prises au sérieux par certaines
18 autorités non indiennes et rencontrent méfiance et
19 hostilité. Ce sont là attitudes et préjugés que
20 nous connaissons bien et avons à affronter souvent
21 aussi. Nous sommes donc pleinement solidaires de
22 leur lutte pour obtenir le droit à la pleine
23 participation au pouvoir politique.

24 En conclusion, nous revendiquons
25 l'égalité, l'équité, la dignité et la justice pour

1 I just wanted to share with you
2 some information that we received throughout our
3 hearings.

4 Yesterday we did hear from a group
5 of young people who basically as the number one
6 priority said we must be included in all the
7 decisions, in all the processes.

8 Secondly, they were concerned, for
9 example, about job security. We were told that
10 many young people these days lack motivation to
11 complete -- why get so many degrees, spend so many
12 years when the possibilities at the end of the
13 tunnel aren't very, very bright.

14 We also heard, for example, from
15 the National Anti-Poverty Association in Ottawa
16 saying that one of the ways that has proven to be
17 successful to get out of poverty is higher
18 education. They were saying they have many, many
19 members, many, many people who have training, who
20 have courses, who have many, many degrees, et
21 cetera, and the reality is that we're in a
22 difficult time in Canada. There are just no jobs.
23 We have to look at that as well.

24 We also heard, for example, from
25 some of the Aboriginal associations that have

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1 toutes les femmes dans tout les domaines. Cela
2 veut dire que ces valeurs doivent se vivre aussi à
3 l'intérieur même de la Fédération des femmes du
4 Québec et dans les rapports de celle-ci avec les
5 autres groupes de femmes, dont les femmes
6 autochtones.

7 Nous voulons offrir aux femmes
8 autochtones un partenariat basé sur ces mêmes
9 valeurs. Nous sommes conscientes que cela
10 implique un travail de sensibilisation et de
11 nettoyage à l'intérieur même de nos rangs. Nous
12 ne sommes pas naïves au point de croire que le
13 racisme et la discrimination ne logent pas aussi
14 chez nous, dans nos pratiques et dans nos
15 mentalités.

16 Dans ce sens, nous endossons bien
17 sûr la nécessité de programmes que vous appelez
18 d'éducation publique, de sensibilisation inter-
19 culturelle et l'adoption de politiques
20 antiracistes. Ces programmes et politiques
21 doivent s'inscrire très tôt dans l'éducation, la
22 formation des enfants, mais aussi dans des
23 campagnes d'information et de sensibilisation
24 larges visant les adultes, hommes et femmes,
25 vivant au Québec et au Canada. Toutes ces mesures

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concluded land claims that there are many jobs, that the economic situation in their communities have improved as a result of land claims. There are job openings, however they don't have the people with the skills.

I wanted to share with you some of the things that we had heard.

I told Mr. Dussault last night in this Commission you hear everything single thing. You hear many contradictions.

I was wondering if you would like to comment on anything that we've heard.

LORRAINE PAGÉ: I have the impression that we could start the discussion up again for another hour. All the questions you raise are real ones, and at the same time complex ones. That clearly shows that all these factors are present at the same time.

Mr. Dussault gave us the example of a place where they lost 25 years. At the same time, we could tell you about other regions where progress has been made in 25 years. What is important is not to lose another 25. We can at least agree on that.

And also to observe that all the

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1 doivent être pensées et évaluées en lien direct
2 avec les autochtones, hommes et femmes.

3 Nous appuierons donc toute
4 démarche répondant à ces exigences et souhaitons
5 que les gouvernements s'y mettent de façon
6 urgente. Un changement social et politique doit
7 s'appuyer sur un changement des mentalités. Mais
8 nous rejetons cependant l'idée que ces mesures, du
9 type d'intervention gouvernementale, peuvent
10 suffire à elles seules à renverser la vapeur, à
11 rétablir un climat de confiance et de respect
12 mutuel entre peuples autochtones et non
13 autochtones.

14 Chacune de nous doit s'impliquer
15 dans sa famille, son travail, son milieu. Les
16 entreprises, les syndicats, les mouvements
17 communautaires et féministes doivent appuyer le
18 droit à l'égalité des femmes autochtones et faire
19 la lutte contre le racisme et la discrimination
20 dont sont victimes l'ensemble des autochtones.

21 Il devra y avoir rapprochement
22 entre les femmes autochtones et les femmes
23 québécoises de toutes origines. Nous devons nous
24 engager dans des rapports totalement nouveaux qui
25 feront place à un plus grand respect des

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truer for the Aboriginal nations.

This is perhaps where we have to leave it, by saying that you and we too are addressing very complex questions. Ready-made solutions are less and less obvious, and probably we will have to be able to generate complex responses to complex problems, that is, responses that do not speak with a single voice, that are multi-faceted, that look at the situation from a variety of angles.

We cannot undertake these solutions without having a constructive dialogue, without working cooperatively, as allies, to seek solutions.

This is perhaps where we could leave it. A call to work together to find solutions that will truly bring a future with them.

COMMISSIONER MARY SILLETT: [ENGLISH]

Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you again for your contribution. We encourage you to continue

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1 différences, à une meilleure compréhension de nos
2 multiples réalités réciproques.

3 Nous devons faire confiance aux
4 capacités des femmes autochtones de déterminer
5 elles-mêmes des solutions aux divers problèmes --
6 discrimination, racisme, pauvreté, violence -- qui
7 les assaillent. Elles doivent avoir le pouvoir de
8 les adapter réellement à leurs réalités, leur
9 histoire et leurs priorités. À nous de leur
10 offrir solidairement un soutien constant et
11 concret dans les diverses luttes qu'elles
12 décideront de mener.

13 Merci de nous avoir entendues.

14 COPRÉSIDENT RENÉ DUSSAULT: Je
15 voudrais d'abord vous remercier d'être venues
16 partager avec nous cette réflexion orientée sur
17 l'action.

18 J'aimerais peut-être vous poser
19 une première question. Dans votre mémoire vous
20 faites état du fait que bon nombre de femmes
21 autochtones en milieu urbain à Montréal, par
22 exemple, contactent des organisations de la
23 Fédération parce qu'elles sont, au fond, perdues
24 dans un dédale d'institutions qu'elles ne
25 connaissent pas, et caetera. Ma question est la

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1 and final round of public hearings.

2 I am Ron Hayter, an alderman in
3 the city of Edmonton and President of the
4 Federation of Canadian Municipalities.

5 I think it is important to
6 indicate that the FCM is a national voice of
7 municipal government in Canada. We represent
8 municipalities of all sizes in every corner of
9 this country, with a membership comprising close
10 to 600 municipalities and all major provincial and
11 territorial municipal associations.

12 We also want to indicate that
13 municipal government represents the grass roots of
14 this country and, as such, we tend to look at and
15 deal with matters in a practical, common-sense
16 manner. That seems to be the nature of municipal
17 government, and we believe that our presentation
18 to day will reflect this approach.

19 Local government leaders attach a
20 high priority to productive relations between
21 municipalities and Aboriginal peoples, so we hope
22 to contribute to your mandate of seeking a new
23 relationship between Aboriginal and non-Aboriginal
24 people.

25 The brief which we will be

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1 suivante. Dans la Fédération des femmes du Québec
2 elle-même, est-ce que les organisations de femmes
3 autochtones qui ont vu le jour et qui existent et
4 font partie de la Fédération sont membres de la
5 Fédération, ou est-ce que ce sont encore des
6 choses qui sont en parallèle et qui se passent
7 plutôt au niveau des individus?

8 **CÉLINE SIGNORI:** Elles ont déjà
9 été membres; l'Association des femmes autochtones
10 du Québec a déjà été membre de la Fédération des
11 femmes du Québec. Elles ne sont plus membres.
12 Par contre, elles participent à certaines de nos
13 activités. Elles ont été présentes lors du
14 congrès d'orientation, ou le colloque au
15 printemps; elles ont été présentes aussi lors de
16 notre activité d'un forum féminin pluriel. Il y a
17 des activités, comme ça, qu'on fait conjointement
18 avec les femmes autochtones, et on collabore sur
19 certaines coalitions.

20 Je voudrais rectifier une chose.
21 Quand vous avez dit, Monsieur Dussault, tout à
22 l'heure que les femmes autochtones viennent dans
23 nos services, elles viennent aussi dans les
24 services des groupes de femmes; par exemple, j'ai
25 déjà été travailleuse dans un centre pour femmes

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1 presenting represents a consultation process among
2 our members across Canada. We believe it is
3 significant that in our consultation process
4 approximately 50 per cent of our municipalities
5 responded to this very matter, which is extremely
6 high, as you know, when you can get that kind of
7 response from a membership. It indicates the
8 widespread interest about this particular matter.

9 We would suggest to the Commission
10 that the FCM position represents a grass roots
11 position.

12 I would like to introduce the
13 members of our delegation who are here today.

14 On my immediate left is John Les,
15 Mayor of the District of Chilliwack in British
16 Columbia and Chair of the FCM Task Force on
17 Aboriginal Issues.

18 On my immediate right is
19 Councillor Kathy Watson, President of the
20 Association of Yukon Communities; Alderman Ted
21 Cholod, President of the Saskatchewan Urban
22 Municipalities Association; Duncan Campbell,
23 Director-General of the Town of Mount Royal and a
24 member of the Board of Directors of the Canadian
25 Association of Municipal Administrators, which

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1 violentées. Alors quand elles font appel à des
2 services comme ça, soit des centres de femmes, des
3 refuges pour femmes violentées, ou les services
4 sociaux, ce sont des services connexes, et
5 évidemment les services parfois aussi de l'aide
6 sociale. Ce n'est pas toujours évident, la façon
7 dont on fonctionne, nous, pour elles.

8 **COPRÉSIDENT RENÉ DUSSAULT:** Je
9 faisais écho à ce que vous dites dans votre
10 mémoire, que souvent des femmes autochtones ont
11 besoin, pour être dirigées dans le réseau des
12 services sociaux ou autres, d'aide et, donc,
13 contactent la Fédération ou des associations
14 membres de la Fédération. C'est dans ce sens-là.

15 Ma deuxième question est la
16 suivante. Évidemment, vous connaissez le réseau
17 des Centre d'amitié autochtones qui existent au
18 Québec, et évidemment à Montréal en particulier.
19 Est-ce que vous avez des liens institutionnels ou
20 organisationnels avec des Centres d'amitié? En
21 d'autres termes, est-ce qu'il y a des rencontres
22 d'organisées ou est-ce qu'il y a un contact ou un
23 certain suivi à l'occasion d'un cas particulier
24 sans doute, mais de façon un peu plus
25 structurelle?

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1 participated in our brief to the Royal Commission.

2 Behind the members at this table
3 are some very important people: James Knight, the
4 Executive Director of the Federation of Canadian
5 Municipalities; and Marja Hughes, the FCM Policy
6 Adviser on Aboriginal Issues and Executive
7 Director of the Canadian Association of Municipal
8 Administrators.

9 I would like to point out at this
10 point that Mayor Les and Alderman Cholod have to
11 leave at noon to catch an airplane. So, if they
12 get up and leave during our discussion, I want to
13 assure you that it has nothing to do with the
14 questions asked by the Commission.

15 With those opening remarks, I
16 would now like to turn it over to Mayor Les.

17 JOHN LES, Chairman, Task Force on
18 Aboriginal Issues, Federation of Canadian
19 Municipalities: Thank you, President Hayter, and
20 good morning. It is a pleasure for me to be able
21 to make this presentation on behalf of the
22 Federation of Canadian Municipalities.

23 I propose this morning to give a
24 brief overview of our position as stated in our
25 written brief to the Commission and to conclude

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1 MICHELE ROY, agent de liaison,
2 Fédération des femmes du Québec: Je pense que je
3 reprendrai la même situation; c'est qu'il y a des
4 groupes membres chez nous qui ont des contacts en
5 région, plus particulièrement avec des Centres
6 d'amitié autochtones que ce soit des maisons
7 d'hébergement dans la région de l'Abitibi, par
8 exemple, ou tout ça qui sont en contact avec
9 certains groupes. Ce n'est pas constant. On
10 parle de tout un travail d'ouverture à faire il
11 commence aussi par là.

12 COPRÉSIDENT RENÉ DUSSAULT: Alors
13 c'est au niveau du terrain localement,
14 essentiellement à partir des problèmes.

15 L'autre question, peut-être que
16 vous n'êtes pas bien placées pour y répondre. Il
17 y a un organisme au Québec qui s'appelle le
18 Conseil du statut de la femme, auquel vous
19 participez. Je ne sais pas si la Fédération des
20 femmes du Québec siège au Conseil du statut de la
21 femme ou a des représentantes au Conseil du statut
22 de la femme et, si oui, est-ce qu'il y a une
23 préoccupation par rapport aux femmes autochtones
24 au Conseil du statut de la femme du Québec à votre
25 connaissance?

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1 with a few questions, after which all the members
2 of our delegation would like to engage in some
3 dialogue with the Commissioners here this morning.

4 We deliberately focused our
5 attention on the development of Aboriginal self-
6 government and used this notion as a prism through
7 which we analyzed the relationships between
8 Aboriginal peoples and municipalities. We
9 understand and acknowledge that the Commission has
10 articulated that the inherent right to self-
11 government for Aboriginal peoples is already
12 supported in subsection 35(1) of the Constitution
13 Act, 1982.

14 In its discussion of the
15 constitutional right of Aboriginal self-government
16 the Commission, however, fails to mention the
17 impact on municipalities, much less their
18 participation in the development and
19 implementation of Aboriginal self-government,
20 which we see as crucial. We, therefore,
21 appreciate the opportunity both in our written
22 brief and in our presentation today to convince
23 you of the tangible interface between municipal
24 and Aboriginal governments.

25 We wish to emphasize that, when

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1 CÉLINE SIGNORI: Ce que je
2 comprends, c'est que le Conseil du statut de la
3 femme n'a pas présenté de mémoire ici. Alors,
4 évidemment, nous, on n'est pas membre du Conseil
5 du statut de la femme, parce qu'un conseil, les
6 membres sont nommés par le gouvernement.
7 Évidemment qu'il y a certaines femmes qui ont déjà
8 été membres chez nous et qui ont déjà siégé au
9 Conseil du statut de la femme.

10 Est-ce que le Conseil du statut de
11 la femme a une préoccupation pour les femmes
12 autochtones? Je ne pourrais pas vous répondre.

13 COPRÉSIDENT RENÉ DUSSAULT: Dans
14 le fond, ma question était de savoir si le Conseil
15 a un membre nommé à la suite de consultations
16 auprès de la Fédération des femmes du Québec.
17 Souvent la législation est faite de cette façon-
18 là. C'est un peu ma question.

19 CÉLINE SIGNORI: Non.

20 COPRÉSIDENT RENÉ DUSSAULT: La
21 réponse est non. Parce qu'à ce moment-là,
22 évidemment, il y aurait eu un lien plus immédiat.
23 J'essayais de prendre une information
24 indirectement.

25 Sur la question de l'amendement

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1 all the dust settles after land claims
2 negotiations and agreements to Aboriginal self-
3 government have been finalized, it is the
4 Aboriginal community and the municipality who are
5 facing each other, regardless of their respective
6 constitutional status.

7 It is at the community level that
8 Aboriginal self-government will be developed and
9 implemented. Would it, therefore, not be far more
10 effective if both players had the opportunity to
11 become partners during the negotiations and to
12 search for solutions.

13 Municipal leaders understand the
14 importance of dialogue with Aboriginal leaders in
15 addressing the challenges faced b Aboriginal
16 peoples to lead a productive life. No more
17 indicators of the marginalized position of
18 Aboriginal peoples are needed. Instead, municipal
19 leaders recognize that the increased authority
20 over their own affairs would allow Aboriginal
21 peoples to develop political, social and economic
22 self-sufficiency necessary for an improved quality
23 of life.

24 Municipalities, therefore, support
25 the notion of Aboriginal self-government, but they

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1 qui a été apporté en 1985 à la Loi sur les Indiens
2 pour permettre aux femmes autochtones qui
3 s'étaient mariées à l'extérieur du milieu
4 autochtone et qui avaient perdu leur statut par ce
5 fait-là de recouvrer leur statut, est-ce qu'à
6 l'époque de tout ce débat-là -- qui a duré pendant
7 une dizaine d'années avant d'aboutir, largement
8 grâce à l'adoption de la Charte des droits et
9 libertés en 1982 -- vous avez été associées à ce
10 moment-là à ce débat-là ou est-ce que la relation
11 est de plus récente date avec les préoccupations
12 des femmes autochtones?

13 CÉLINE SIGNORI: J'aurais de la
14 difficulté à répondre; à ce moment-là, je n'étais
15 pas à la Fédération. Peut-être que Michèle
16 était...

17 MICHÈLE ROY: Ce que je sais, moi,
18 c'est qu'effectivement il y a un certain nombre de
19 membres de la Fédération qui ont été associés ou
20 solidaires de cette lutte-là. Mais, comme tel, la
21 Fédération n'a pas pris, je pense, de position
22 officielle. C'est un peu ce qui explique le fait
23 que l'Association se soit en partie retirée à ce
24 moment-là de la Fédération, parce qu'ils sont
25 allés chercher leurs appuis plutôt du côté du

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1 believe it must evolve in co-operation with local
2 government.

3 While witnessing the development
4 of Aboriginal self-government, municipalities are
5 not consulted with respect to the effect on local
6 responsibilities. Indeed, there is little
7 apparent federal, provincial or territorial
8 support or support from Aboriginal peoples
9 themselves for consultative mechanisms to reflect
10 the priorities of local governments in the context
11 of addressing the needs of Aboriginal peoples.
12 Yet, Aboriginal self-government is necessarily
13 exercised at the local level.

14 Municipal government in Canada is
15 the order of government closest to its citizens,
16 delivering services necessary to sustain a good
17 quality of life. By sharing knowledge and
18 capacity of service delivery, local governments
19 can play in the pivotal role in the evolution of
20 Aboriginal self-government.

21 While municipal and Aboriginal
22 governments share the common purpose of delivering
23 services to people and property, the
24 implementation of Aboriginal self-government
25 should not in any way compromise municipal

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1 Comité canadien d'action au niveau fédéral.

2 Je pense qu'on comprend aussi que
3 cette démarche-là leur tenait beaucoup à coeur et
4 qu'elles sont un peu réticentes par rapport à ça.
5 Elles n'ont pas senti suffisamment d'appui, et
6 c'est quelque chose qu'on pense qui devrait être
7 modifié.

8 COPRÉSIDENT RENÉ DUSSAULT: Vos
9 membres ou les associations membres sont un peu
10 partout au Québec. Vous dites 65 groupes
11 membres, 100 000 Québécoises, 100 000 membres.
12 C'est une réalité importante. Vous parlez de
13 nécessité d'éducation publique de façon générale
14 par rapport aux autochtones, et la situation des
15 femmes autochtones s'y additionne.

16 Est-ce que votre Fédération, soit
17 par des organes comme un journal interne ou
18 autrement... quelle sorte de démarche faites-vous
19 auprès de vos membres pour les sensibiliser à la
20 réalité des femmes autochtones au Québec?

21 CÉLINE SIGNORI: On vient de vivre
22 un congrès d'orientation et, à l'intérieur de ce
23 congrès d'orientation on a spécifiquement pris une
24 résolution pour aller vers les femmes qui sont les
25 plus démunies, doublement discriminées; on

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1 jurisdiction of quality of service to all
2 citizens.

3 We understand that claims to
4 Aboriginal self-government have their foundation
5 in international law and original occupation of
6 the land. They are expressed in the sovereign
7 right to determine the political future and to
8 freely pursue the cultural and economic
9 development of Aboriginal peoples while
10 maintaining a spiritual connection with the
11 natural environment.

12 Aboriginal leaders maintain that
13 the jurisdiction of their governments will be
14 exercised within the Canadian federal system. As
15 a further compromise, they are willing to
16 negotiate the implementation of Aboriginal self-
17 government.

18 We understand that Aboriginal
19 peoples do not accept the federal government's
20 attempt to view Aboriginal issues within a limited
21 context and Aboriginal self-government as a
22 municipal political system. Such approaches would
23 erode the sovereign nature of their status.
24 Rather, they seek the formalization of Aboriginal
25 self-government as an order of government with

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1 considérait que les autochtones faisaient partie
2 de cette catégorie-là.

3 En fin de semaine on a un conseil
4 d'administration qui fera suite à ce congrès
5 d'orientation, et c'est clair que dans notre plan
6 d'action, si on a pris collectivement une
7 résolution dans ce sens-là, nous allons faire des
8 démarches pour pouvoir aussi créer des les liens
9 avec les femmes autochtones et en même temps peut-
10 être détruire certains mythes qui existent par
11 rapport à cette réalité-là de par nos bulletins de
12 communication et d'autres activités aussi;
13 j'espère qu'on pourra faire des activités avec
14 elles aussi.

15 COPRÉSIDENT RENÉ DUSSAULT: Je
16 voudrais peut-être demander à ma collègue Viola
17 Robinson de poursuivre un moment.

18 Viola.

19 COMMISSIONER VIOLA ROBINSON:

20 Thank you.

21 First of all, I want to mention
22 that, with respect to your concern over family
23 violence, not only with Aboriginal or native women
24 but for all women, I think we are doing something
25 special on violence that will probably be produced

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1 similar powers to provincial and territorial
2 governments while maintaining the federal
3 government's fiduciary role vis-à-vis Aboriginal
4 peoples.

5 We do not seek to undermine the
6 unique relationship that exists between the
7 federal government and Aboriginal peoples as in
8 nation-to-nation, nor do we seek a new fiduciary
9 role. But, in very practical terms, we do seek to
10 be partners in the solutions.

11 Our members know that Aboriginal
12 peoples face myriad obstacles, including poor
13 health, unemployment, isolation, loss of identity,
14 poverty and violence, which are greater than for
15 non-Aboriginal people. Municipalities with a
16 growing Aboriginal population are concerned about
17 the impact on their administrations of the
18 increasing need for housing, health care,
19 education, social services, urban safety and other
20 responsibilities, particularly at a time when the
21 financial and jurisdictional parameters among
22 other governments are under revision.

23 Municipalities facing the
24 implications of land claim settlements are
25 concerned both about their revenue base and future

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1 before the report.

2 It seems to me that there must be
3 a visibility of a large concentration of women in
4 the urban centres, people you would be dealing
5 with or you are concerned with mostly would be
6 women who don't live on reserves or communities,
7 but they live out in the towns and cities. Is
8 that right?

9 CÉLINE SIGNORI: Here in Montreal
10 we have certain women that we work with and that
11 we meet, but we have members in regions too; like
12 my colleague said, we have members in Abitibi, we
13 have members up North too. So those members are
14 in contact with -- comment on dit ça en anglais,
15 les femmes autochtones?

16 CO-CHAIR RENÉ DUSSAULT:
17 Aboriginal women.

18 CÉLINE SIGNORI: C'est ça, dans
19 ces régions-là.

20 COMMISSIONER VIOLA ROBINSON: The
21 reason I ask that is because you also talked about
22 accessing services. There seems to be a problem
23 of native women. We know that native women who
24 married outside of their communities, and in
25 particular who married non-Indian men, often ran

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1 development opportunities. The advent of
2 Aboriginal self-government, the settlement of land
3 claims and the possibility of urban reserves have
4 all contributed to a heightened awareness of
5 Aboriginal issues.

6 The prospect of autonomous
7 territories within, or adjacent to, municipal
8 boundaries which may not share service standards,
9 development priorities or regulatory objectives
10 and the potential need to supply unique services
11 to particular groups within the municipal area all
12 could serve to compromise traditional municipal
13 approaches.

14 The crux of the relationship
15 between Aboriginal peoples and local governments
16 is the concept and implementation of Aboriginal
17 self-government. Municipalities believe that
18 their communities will be affected, and we insist
19 that the context in which Aboriginal government
20 can be realized must be discussed by all orders of
21 government, including local government.
22 Aboriginal self-government cannot be developed in
23 a vacuum.

24 Without a clear understanding of
25 the principles and parameters, it is difficult for

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1 into problems within their marriage, marital
2 problems, which end up in separation. A lot of
3 these women have been abandoned, left as a one-
4 parent family, sometimes with a lot of children.
5 They are usually outside of the community, they
6 have no recourse to services. You mention that it
7 is a problem it seems for these women to access
8 the existing service delivery agencies.

9 I am wondering what can be done.
10 We heard the Minister this morning talking about
11 different ways that they are going to start
12 looking at these issues, but is there a role for
13 your group to play to assist in these delivery
14 agency groups in making themselves more adaptable,
15 more accessible for these women outside that you
16 are concerned with?

17 MICHÈLE ROY: J'ai l'impression,
18 moi, qu'il y a un travail en deux temps. Il y a à
19 la fois tout le travail de sensibilisation et
20 d'information auprès des groupes membres qu'on a,
21 que ce soit à travers les centres de femmes, les
22 maisons d'hébergement, les groupes d'accès au
23 marché du travail et tout ça, sur la réalité
24 particulière des femmes autochtones et leurs
25 traditions, leur culture, leur façon d'appréhender

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1 local governments to participate in a meaningful
2 and substantial manner.

3 Municipalities understand that
4 different circumstances will require different
5 agreements of self-government. Whatever the form,
6 municipalities maintain that any amendments to
7 jurisdictions and systems of accountability must
8 be addressed by all orders of government.

9 The breadth of contextual
10 interpretations of Aboriginal self-government
11 leaders municipalities to ask how institutional
12 harmony will be ensured when Aboriginal self-
13 government is established. Whether Aboriginal
14 self-governments will be able to adopt laws that
15 contravene federal, provincial and municipal laws
16 must be discussed in the context of legal
17 transition.

18 Furthermore, the potential for
19 Aboriginal jurisdiction within municipal
20 boundaries must be addressed conclusively. Will
21 Aboriginal jurisdiction follow Aboriginal
22 individuals, regardless of where they reside?
23 Similarly, if an Aboriginal government wishes to
24 purchase land within a municipality as a proper
25 act of self-government, will Aboriginal

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1 les services et tout ça.

2 On a un travail de sensibilisation
3 à travers ça pour que les femmes, quand elles
4 viennent cogner à nos portes, effectivement,
5 soient reçues de façon respectueuse de ce qu'elles
6 sont et de leurs besoins et de leur réalité
7 particulière. Je pense que ça, c'est un travail
8 auquel chacun de nos groupes membres et des
9 groupes avec qui on travaille peut s'attaquer
10 maintenant. Ce n'est pas un travail qui implique
11 forcément uniquement une sensibilisation
12 gouvernementale, c'est quelque chose qu'on doit et
13 qu'on peut faire de notre propre chef à nous.

14 L'autre partie, effectivement, par
15 ailleurs, je pense qu'il y a tout un ensemble de
16 travail qui doit être fait auprès des ressources
17 gouvernementales, auprès des services, que ce soit
18 dans les CLSC, dans les hôpitaux, auprès des
19 bureaux d'aide sociale et tout ça, travail
20 d'information, de sensibilisation inter-
21 culturelle, pour que les services publics soient
22 aussi ouverts à cette réalité-là. Les femmes qui
23 arrivent en ville et qui ont à faire une démarche
24 pour l'aide sociale, à la Régie du logement et
25 tout ça rencontrent plein de préjugés et plein de

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1 jurisdiction be established within municipal
2 boundaries by declaring the land Indian land under
3 section 91(24) of the Constitution Act?

4 The development of Aboriginal
5 self-government has typically proceeded through
6 negotiations, a process from which local
7 governments have been excluded for the most part.
8 While claiming not to have the mandate to make
9 commitments regarding the participation of local
10 governments, the federal government nevertheless
11 maintains that municipal involvement is not
12 expressly precluded on matters that affect them. \

13 Above all, municipalities are
14 concerned that Aboriginal governments will be
15 elevated to an order of government similar to
16 provincial and territorial governments while
17 essentially being, like municipal government, a
18 delegated authority.

19 While some provinces have allowed
20 municipalities to gain observer status or advisory
21 status and the federal government has committed to
22 respect the general public interest as well as
23 third party interests and to deal equitably with
24 potential conflicts, there is no guarantee that
25 municipal voices will be heard.

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1 mauvaises informations.

2 La troisième partie, je dirais,
3 pour moi, c'est vraiment plus des services
4 spécialisés adaptés aux femmes autochtones elles-
5 mêmes dans le sens de... je ne suis pas sûre que
6 toutes les femmes autochtones souhaitent être
7 intégrées dans les ressources existantes, mais
8 plusieurs souhaitent qu'il y ait des ressources,
9 comme des maisons d'hébergement, qui s'adressent
10 exclusivement aux femmes autochtones et à leurs
11 enfants, par exemple.

12 Alors il y a un travail de
13 sensibilisation dans les ressources existantes et
14 il y a la création de ressources nouvelles qui
15 seraient adaptées et contrôlées et mises en place
16 par les réseaux autochtones eux-mêmes je pense.

17 COMMISSIONER VIOLA ROBINSON:

18 Thank you.

19 Some of this is already, I take
20 it, in the planning and trying to get
21 accomplished. Who do you think should be
22 responsible for providing these services? There
23 has to be some responsibility for these kinds of
24 services. All too often I guess Indian people,
25 just because they are Indian, the First Nations,

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1 We ask that the Commission
2 recommend unequivocal recognition of local
3 government as a key contributor in establishing
4 Aboriginal self-government.

5 With respect to land claims and
6 Aboriginal self-government, some key issues have
7 emerged from a municipal perspective, which we
8 would like to draw your attention to.

9 Concern is raised with respect to
10 land management, especially where it concerns land
11 access, zoning and environmental standards. It
12 would seem that the normal public consultative
13 process and federal-provincial regulations do not
14 apply lands as they do everywhere else.

15 Concern is raised with respect to
16 taxation and loss of revenue. Some municipalities
17 are owed for the delivery of services, and some
18 land claims agreements are not specific as to who
19 is financially accountable for the delivery of
20 services contained therein. In addition, the
21 settlement of land claims can result, and have
22 resulted, in a loss of tax revenue for
23 municipalities.

24 Concern is raised with respect to
25 land claims and economic development. Whereas the

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1 they go to community services and, like you say,
2 they are used like a ping-pong machine because a
3 lot of the services cannot access the dollars to
4 provide the service for these women, and they are
5 always shifted back and forth.

6 So how would you overcome that?
7 What has to be done to overcome that reality?
8 Somebody has to take that responsibility. Whether
9 it is the federal government, the provincial
10 government, municipalities, people themselves,
11 there has to be something. We are grappling with
12 this very issue now as a Royal Commission and we
13 are having problems because these are difficult
14 questions, and the answers are very difficult.
15 But it helps every time we talk about it; somebody
16 may have some brilliant idea on how to overcome
17 this situation.

18 CÉLINE SIGNORI: Je vais tenter
19 une réponse, parce que ce n'est pas une question
20 facile que vous nous avez posée.

21 Moi, je pense que ça devient un
22 problème de société. Quand on parle d'un problème
23 de société, ça ne doit pas nécessairement relever
24 d'un gouvernement, qu'il soit provincial,
25 municipal ou national. Je pense que si on veut

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1 principle of land claims is supported, uncertainty
2 over the outcome, lack of participation by local
3 governments and the length of the process all work
4 to undermine political goodwill. Land claims tend
5 to delay land and economic development or impair
6 resource industries and, thus, hurt local
7 economies.

8 Finally, concern is raised with
9 respect to the potential of more urban reserves.
10 Aboriginal leaders have argued that land awarded
11 as part of a land claim settlement or purchased as
12 a proper act of self-government should not be
13 subject to municipal taxation and by-laws.

14 Because the structure of municipal
15 regulations and services depends heavily on
16 territorial integrity, it is imperative that the
17 legal and financial implications of urban, land-
18 based self-government be clarified, with the
19 participation of local governments. A lack of
20 guarantee with respect to standards of
21 accountability and performance could result in
22 institutionalized ghettoization.

23 We acknowledge that the majority
24 of Aboriginal peoples now live in urban centres.
25 We insist that the federal government cannot

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1 vraiment régler des problèmes comme ça, suite à la
2 Commission royale, peut-être qu'on va y arriver
3 ensemble.

4 Ça ne peut pas être une
5 responsabilité d'un unique gouvernement ou d'un
6 unique groupe; ça devrait être une responsabilité
7 collective. Et c'est collectivement, peut-être,
8 qu'on devrait trouver une solution à ça.

9 C'est une bien petite tentative.

10 COMMISSIONER VIOLA ROBINSON:

11 Well, it is a solution and it is something that
12 doesn't have to wait for the Royal Commission. I
13 think it should proceed.

14 Thank you.

15 CÉLINE SIGNORI: Ce que je voulais
16 dire, c'est qu'à la suite des travaux de la
17 Commission, peut-être qu'on aura sensibilisé plus
18 de gens à cette problématique-là.

19 COPRÉSIDENT RENÉ DUSSAULT: Je
20 voudrais revenir brièvement sur ce que vous avez
21 mentionné à l'effet qu'effectivement plusieurs
22 femmes autochtones souhaitaient avoir des
23 ressources distinctes, propres par rapport au
24 réseau existant pour des raisons d'identité, de
25 sensibilité à la culture, et caetera. Du côté de

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1 simply withdraw their responsibilities for urban
2 Aboriginal people. Some residual responsibility
3 must remain.

4 The needs of Aboriginal urban
5 peoples must be met through a distinct process,
6 separate from agreements with reserves.
7 Municipalities must be included in discussions
8 among governments with respect to changes in their
9 relations with Aboriginal peoples. Municipalities
10 should not be left responsible for services
11 previously provided by federal or provincial
12 governments without consultation and an
13 appropriate transfer of funds. For example, in
14 1993 the federal government unilaterally withdrew
15 its support for Aboriginal housing.

16 Positive relations do exist
17 between municipalities and Aboriginal peoples, and
18 they are often rooted in pragmatic co-operation.
19 Mutual understanding and respect can emerge from
20 the provision of services. We intend to share and
21 to build on these positive models.

22 At the same time, for us to
23 continue to help build positive relations between
24 Aboriginal and non-Aboriginal peoples, a few
25 issues must be addressed and resolved from our

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1 la Fédération des femmes du Québec, c'est là un
2 défi additionnel, d'une certaine façon. Déjà,
3 l'accès aux réseaux publics généraux, c'est une
4 chose, mais la sensibilité au pourquoi de tels
5 souhaits exprimés par les femmes autochtones vient
6 en deuxième lieu et est souvent moins spontané.
7 Quand vous citiez la juge Abella, par exemple, sur
8 le respect des différences, dans le concret, ça se
9 manifeste de cette façon-là.

10 Donc je présume que, du côté de
11 vos membres, faire passer non seulement le réflexe
12 d'inclusion des femmes autochtones dans la
13 préoccupation des femmes au Québec mais également
14 du caractère distinct des besoins propres, ça fait
15 partie de votre démarche.

16 MICHÈLE ROY: Je pense que ça fait
17 partie de notre démarche, comme ça fait partie de
18 notre démarche d'accepter aussi les différences
19 chez les femmes avec des handicaps ou les femmes
20 de différentes communautés culturelles, où on
21 reconnaît le droit à la fois de se doter de
22 services, de lieux de rencontre, de lieux
23 d'échange qui correspondent à leur culture, à
24 leurs valeurs, et aussi que l'ensemble des
25 services et des activités qu'on a s'ouvrent aussi

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1 point of view.

2 First and foremost, there is a
3 need for all orders of government, as well as
4 Aboriginal peoples, to recognize and acknowledge
5 local government as a legitimate and valuable
6 partner in the evolution of Aboriginal self-
7 government.

8 There is a need to develop a
9 coherent and comprehensive explanation of self-
10 government and its implications for local
11 governments. Especially, the potential form or
12 forms of urban self-government with or without a
13 land base need to be defined and its implications
14 for municipalities addressed.

15 As municipalities are the
16 principal public agent for the quality of life of
17 all citizens, we would like to advocate local
18 government as a useful model to emulate with
19 respect to Aboriginal self-government. There is a
20 need for municipal and Aboriginal leaders to
21 engage in an ongoing dialogue to identify and
22 assess together the barriers to positive relations
23 and to work together toward common solutions.

24 Finally, we would like to conclude
25 with the following specific questions:

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1 aux particularités et aux différences.

2 Je pense que dans l'ensemble du
3 fonctionnement de la Fédération il y a cette
4 dualité de reconnaître que, oui, des groupes ont
5 le droit de se retrouver sur leurs propres bases
6 et doivent aussi pouvoir se retrouver dans
7 l'ensemble des services ou des activités
8 collectives.

9 Peut-être un dernier petit pas,
10 puisque vous l'avez mentionné, nous amène à une
11 question additionnelle des communautés culturelles
12 par rapport aux autochtones comme tels, qui sont
13 les premiers habitants. Très souvent,
14 spontanément, il y a bien des gens dans notre
15 société, au Canada comme au Québec, qui assimilent
16 les autochtones aux communautés culturelles en
17 oubliant une certaine "rationnelle" d'appartenance
18 comme premiers habitants, ce qui rend
19 effectivement la relation un petit peu plus
20 difficile quand la confusion s'installe.

21 Je sais que vous êtes conscientes
22 de ça, et ça fait partie de la démarche
23 d'éducation publique ou d'éducation auprès des
24 femmes du Québec par rapport aux femmes
25 autochtones et à leurs réalités concrètes.

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1 1. Will the Commission recognize
2 and recommend that local governments be guaranteed
3 a seat at the negotiation table with respect to
4 land claims?

5 2. Is the Commission prepared to
6 ensure municipal participation in the definitions
7 and implementations of Aboriginal self-government?

8 3. Will the Commission show
9 leadership in recommending the explicit
10 involvement of local governments in Aboriginal
11 issues in general?

12 Thank you very much.

13 CO-CHAIR RENÉ DUSSAULT: I would
14 like to thank you very much for presenting us with
15 a thoughtful and informative brief. I must say
16 that we have been expecting it with great
17 interest.

18 As you know, the Commission at the
19 very outset was highly concerned by the fact that
20 the very notion of self-government in urban
21 settings had not been studied in this country,
22 while there have been many studies and
23 recommendations of all kinds of task forces and
24 reports on the situation of status Indians living
25 on reserves and also on the Inuit and the whole

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1 CÉLINE SIGNORI: Particulièrement,
2 suite à notre congrès, dans nos documents, on a
3 spécifié les femmes des communautés culturelles et
4 les femmes autochtones pour que, justement, ce
5 soit bien défini déjà à l'avance, avec les
6 particularités que ma collègue a mentionnées aussi
7 pour les autres femmes, qui sont parfois
8 doublement discriminées. Mais elles sont
9 mentionnées comme telles. On a une démarche aussi
10 de sensibilisation auprès de nos membres.

11 COPRÉSIDENT RENÉ DUSSAULT: Comme
12 dernier point, comme M^{me} Robinson l'a mentionné,
13 la Commission a l'intention de produire un rapport
14 intérimaire sur la violence familiale. On a
15 visité énormément de communautés au Canada, on a
16 vu beaucoup de souffrances, beaucoup de problèmes
17 de toutes sortes, en particulier des problèmes de
18 violence faite aux femmes et aux enfants.

19 On estime qu'il y a un besoin
20 urgent de réagir par rapport à cette réalité-là et
21 on souhaite produire un document qui non seulement
22 fera écho par la voix des femmes autochtones qu'on
23 a entendues en public... et, de façon plus
24 générale, on a entendu beaucoup de femmes
25 autochtones en privé, en des sessions à huis clos

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1 question of the Métis in general and the question
2 of taking into account the fact that the majority
3 of Aboriginal people are now moving from the
4 reserves or northern communities to the cities.
5 This is the trend for the future, as we did
6 generally in Canada move from rural areas to
7 cities. Obviously, this is going to continue for
8 Aboriginal peoples.

9 While there is an obvious trend
10 that has to be looked at because of the impact it
11 is already having on cities, very little research
12 and thought has been given to it. That is the
13 reason that we decided to have our first national
14 round table on urban issues, because we knew that
15 in a Commission like ours, with roughly a three-
16 year time frame, we were better to start early
17 because a lot had to be done. We realized that we
18 wouldn't be able to do everything in this area
19 during the life of the Commission, but we would
20 like at least to help clarify some of the key
21 concepts and give some direction for those who
22 will have to really discuss and negotiate the
23 future of Aboriginal governments in their various
24 forms and their interrelations and harmonization
25 with the cities.

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1 dans les communautés parce que c'était trop
2 délicat pour qu'elles puissent s'exprimer en
3 public. Nous avons l'intention d'utiliser les
4 deux types d'information en protégeant les
5 identités, bien sûr, dans notre rapport, mais on
6 voudrait aussi associer des solutions; non pas
7 uniquement énoncer le problème et l'amplitude du
8 problème, mais pouvoir lancer des pistes d'action.

9 Dans ce sens-là, on sait qu'il y a
10 le Panel canadien sur la violence faite aux femmes
11 qui a fait son rapport dernièrement, et il y a une
12 étude de Statistiques Canada qui est sortie
13 confirmant un bon nombre de choses. Mais, sur le
14 plan des solutions, en tout cas de l'expertise par
15 rapport à ce qu'on fait avec l'identification d'un
16 problème qui est massif, on est certainement
17 intéressé à garder le contact avec un organisme
18 comme le vôtre dans les prochains mois. Si vous
19 avez des suggestions à nous faire, on est
20 disponible pour les recevoir, verbalement ou par
21 écrit.

22 Je voulais, en terminant, avoir
23 l'occasion de vous transmettre ce message-là.

24 Alors je pense que ça complète ce
25 qu'on pouvait faire ensemble dans ce contexte-ci

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1 So we are very happy that it was
2 possible for the Federation of Canadian
3 Municipalities to commit this brief, to think
4 about it and come up with some of the key concerns
5 and also some elements of solution.

6 We have received in the first week
7 of November, in our hearings in Ottawa, a brief
8 from the Native Council of Canada. I think you
9 are aware of that brief. It shows that everybody
10 is really having a first crack at it. It is a
11 substantial brief. Obviously, the Native Council
12 of Canada is also looking for its direction on a
13 very difficult question, and other organizations
14 are looking at the situation of Aboriginal people
15 in the cities.

16 Here in the province of Quebec we
17 had presentation by the Métis Association of
18 Quebec, and later today we are going to have a
19 presentation by the L'Alliance Autochtones Inc.
20 which represents Métis people.

21 We are aware also that there is a
22 discussion across Canada among the Métis
23 themselves. The western Métis see themselves as
24 a separate political entity, and have built up a
25 collective desire to govern themselves for many

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1 des audiences publiques. Nous vous remercions
2 encore une fois d'être venues nous rencontrer et
3 partager votre préoccupation et également votre
4 démarche d'ensemble et par rapport aux femmes
5 autochtones du Québec. Merci.

6 La Commission royale sur les
7 peuples autochtones va poursuivre son audience
8 publique avec la présentation de M^{me} Lise
9 Bourgault, si M^{me} Bourgault veut bien venir nous
10 rencontrer à la table, avec les gens qui
11 l'accompagnent.

12 Nous vous souhaitons la bienvenue
13 et, sans plus tarder, je pense que je vais vous
14 demander de présenter les gens qui vous
15 accompagnent, Madame Bourgault, et de procéder à
16 la présentation de votre mémoire.

17 LISE BOURGAULT: Ça me rappelle
18 les Communes.

19 Merci beaucoup, Monsieur le
20 Coprésident et Madame la Commissaire. Je voudrais
21 vous présenter, à ma droite, Jules Champagne, qui
22 a été mon adjoint pendant près de neuf ans alors
23 que j'étais député -- il a donc travaillé beaucoup
24 avec moi dans la recherche que nous avons
25 effectuée depuis toutes ces années -- et, à ma

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1 generations, up to Louis Riel and so on.

2 We also realize that there are
3 many status Indians who are living in the cities
4 and treaty people in the west coming to the cities
5 to live.

6 One of the questions that comes
7 before the Commission most often is the treaty
8 right question, as to whether it should be
9 restricted, as it is, to where the person lives or
10 if it should be portable to wherever the person
11 goes in Canada.

12 These are obviously difficult
13 issues.

14 What I would like to say at the
15 outset is that we have published a report on the
16 Urban Round Table. We were aware that it was a
17 first try, that we had a first crack at it. Also,
18 the Round Table happened during the strong event
19 of the constitutional negotiations, and a lot of
20 energy was turned to what was going on in the
21 negotiations leading to the Charlottetown Accord.

22 We are happy today to have the
23 Federation of Canadian Municipalities addressing
24 the issue through this brief. We know this is a
25 preliminary effort which will be followed by many

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1 gauche, Hélène Meilleur, qui a été ma
2 recherchiste, comme adjointe, et qui a travaillé
3 avec moi sur la présentation de ce mémoire.

4 D'abord, je voudrais remercier la
5 Commission de me permettre de témoigner devant
6 elle aujourd'hui. Vous n'êtes pas sans savoir
7 qu'à titre de député depuis 1984 j'ai été, malgré
8 moi souvent -- plus souvent qu'autrement -- mêlée
9 au dossier des Mohawks de Kanesatake. J'ose
10 m'octroyer aujourd'hui un peu le mandat de
11 représenter des centaines de personnes que j'ai
12 rencontrées dans différentes activités, des
13 personnes que j'ai rencontrées et qui m'ont parlé
14 de gens qui leur avaient parlé, et d'être leur
15 voix aujourd'hui de ce que j'ai entendu concernant
16 les problèmes que représente à mon avis la
17 présence dans les communautés urbaines des
18 autochtones, qui veulent, évidemment -- et j'en
19 conviens -- obtenir plus d'autonomie.

20 Je n'ai pas la prétention,
21 évidemment, de parler pour l'ensemble des peuples
22 autochtones; je pense que votre Commission a reçu
23 en témoignage des gens beaucoup plus expérimentés
24 que moi à ce niveau-là. Je me suis attardée à la
25 question des autochtones qui vivent en milieu

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1 others.

2 We have tried to get as many
3 mayors and cities to present briefs to the
4 Commission during the public hearings. I must say
5 that it has not been easy. We were not as
6 successful as we would have liked, for all kinds
7 of reasons. It is the same with the provincial
8 governments to a certain extent. We met with
9 quite a few mayors of major cities or mid-sized
10 cities to discuss the issue of self-government in
11 the context of the cities and also the issues of
12 the relationship between Aboriginal people living
13 adjacent to the cities. There are many reserves
14 or Aboriginal communities very close to the urban
15 settings. Here in Montreal, for example, we have
16 the largest Indian community in Canada, the
17 Kahnawake Reserve, which is almost within the
18 city.

19 We have succeeded certainly in
20 getting views, but we haven't received such a
21 comprehensive document so far. I wanted to say
22 that.

23 Also, in terms of the time frame
24 of the Commission and the plan for the year, we
25 plan, now that this is the phasing-out of the

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1 urbain, et en particulier les Mohawks de
2 Kanesatake. Ce sont ceux que je connais et ceux
3 dont je veux vous parler.

4 Je voudrais dès maintenant vous
5 dire que l'utilisation fréquente du nom "Mohawk"
6 ne fait pas référence à l'ensemble de la
7 communauté, loin de là. Elle fait bien référence
8 à une minorité d'entre elle. Si mes propos francs
9 et directs peuvent choquer plusieurs personnes,
10 ils reflètent malheureusement le sentiment d'une
11 grande majorité de la population qui se trouve
12 désemparée devant des événements qui se passe
13 notamment à Kanesatake, surtout si on fait
14 référence à la contrebande de cigarettes.

15 La particularité que représentent
16 les autochtones en milieu urbain, je pense, doit
17 nous obliger et à mon avis oblige la Commission à
18 poser un regard critique sur la reconnaissance
19 d'un droit inhérent à l'autonomie gouvernementale
20 en milieu urbain. La Commission, également, ne
21 peut pas faire abstraction que, depuis la crise
22 amérindienne, la cause autochtone a perdu
23 énormément d'appui à ses revendications légitimes,
24 et la Commission ne peut, à mon avis, ignorer
25 qu'il existe un racisme profond et inquiétant

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1 public hearings -- this is the last week of the
2 fourth round of hearings and the last round -- we
3 hope to complete our deliberations as a Commission
4 a year from now. That means our final report
5 would be available, we hope, in early 1995.

6 In addition to those four rounds
7 of hearings, we have published documents and an
8 overview of what was said. We have boiled down
9 15,000 to 20,000 pages of transcript into 100
10 pages or so. We plan to test some key policy
11 options with governments and Aboriginal
12 organizations sometime next spring, from May to
13 September. At that time the Commission will come
14 up with an analysis and options and discuss these
15 options, to give us a better feeling about could
16 work and what would fail and try to get the
17 reaction of both governments and Aboriginal
18 organizations and people.

19 Obviously, on this question of
20 self-government in urban settings, we would like
21 to have the municipal governments participating in
22 these test seminars. So we will be in touch with
23 you later on to discuss that. We want to keep
24 those small because we want to have a genuine
25 discussion.

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1 actuellement. Je pense qu'il y a un petit baril
2 de poudre qui risque d'exploser en tout temps.

3 Vous parlez vous-mêmes, dans un
4 rapport synthèse, d'égalité et de respect. Moi
5 aussi, je veux dire que nous sommes dans une
6 démocratie et que la justice, l'égalité, le
7 respect, l'équité, l'intégrité du territoire, ça
8 appartient à tous les peuples et non seulement aux
9 autochtones.

10 Je pense qu'on a aussi des
11 politiques coercitives, le gouvernement, dans ses
12 relations avec les autochtones, notamment avec la
13 Loi sur les Indiens, qui est arbitraire. Je pense
14 que tant et aussi longtemps que... comme disait
15 quelqu'un, si tu veux qu'un bébé apprenne à nager,
16 tu l'envoies dans l'eau et il nage. Mais si tu
17 continues tout le temps à être avec lui, il va
18 toujours se fier sur toi. Alors je pense qu'il
19 faut être drastique et redonner aux peuples
20 autochtones tout l'argent dont ils ont besoin mais
21 non pas faire gérer ça par un gouvernement et
22 continuer à gérer les autochtones comme pupilles
23 de l'État.

24 Je vais vous faire un petit
25 sommaire avant de passer aux recommandations que

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1 Again, to echo your concern about
2 consultation, I wanted to share that with you at
3 the outset. We will be in touch later on as far
4 as the question of self-government is concerned.

5 Getting back to your brief, you
6 discuss and stress many concerns about the
7 relationship with Aboriginal communities and
8 reserves adjacent to cities, the notion of an
9 urban reserve. We had a Round Table in Saskatoon
10 on the Muskeg Reserve with some officials of the
11 City of Saskatoon last May.

12 You also stress the situation of
13 non-Aboriginal residents being taxed on land
14 leased on urban reserves.

15 We had presentations during our
16 hearings from non-Aboriginal people living on the
17 Musqueam and Squamish lands who are taxed by the
18 Aboriginal government. There is an agreement,
19 which you refer to in your brief, with British
20 Columbia which allows municipal taxation. So the
21 whole question of non-Aboriginal people being
22 taxed without the right to vote for the government
23 that levies the tax is a question that was raised
24 with the Commission.

25 We have been given some models of

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1 je fais.

2 Le dossier autochtone, vous le
3 savez, a pris une ampleur assez considérable;
4 c'est un problème politique majeur. Une solution
5 uniforme et globale à mon avis est difficilement
6 envisageable parce que c'est un problème très
7 complexe qui concerne beaucoup de personnes avec
8 des problématiques différentes et des aspirations
9 différentes. Moi, je vais cerner les relations
10 des autochtones en milieu urbain.

11 On a une perception de plus en
12 plus négative les uns envers les autres. Les
13 actes de provocation et de désobéissance civile
14 sont devenus le lot quotidien de plusieurs
15 personnes. L'anarchie s'est presque installée; on
16 peut commettre n'importe quelle action et nos
17 corps policiers ne vont pas faire régner la loi.
18 Et voilà que ça cause un racisme à l'endroit des
19 autochtones qui, à mon avis, est très inquiétant.

20 Le statu quo est inacceptable dans
21 le cadre de nos relations avec les autochtones.
22 Je pense que les autochtones veulent continuer à
23 évoluer avec nous à l'intérieur du Canada. À mon
24 avis, le dossier autochtone n'est pas une question
25 juridique, il est à mon avis politique, et

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1 what self-government could look like in the
2 cities. It starts from the idea of autonomous
3 Aboriginal institutions within the cities, such as
4 hospitals, school boards and social services.
5 Then there is a debate, as you know, as to whether
6 these institutions should be status-blind or
7 distinct, to keep the distinction as between the
8 Métis, the Indians and Inuit. That is a difficult
9 issue that is before the Commission.

10 People involved in the front-line
11 services prefer the status-blind route, but the
12 particular organizations, certainly the Métis
13 Nations, want to have an identification.

14 The other question is the
15 relationship with northern communities or
16 communities with Band Councils that are outside
17 the urban area, which would act as a political
18 organization to monitor those institutions. Also
19 there is a discussion on the possibility of
20 setting up a kind of government parallel to the
21 city council on the territory. That brings a host
22 of questions also.

23 What I want to share with you is
24 that nobody has come up at this point with
25 definite models. Everybody is having a crack at

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1 extrêmement politique.

2 Pourquoi on en est arrivé à cette
3 situation? À mon avis, comme je vous ai dit tout
4 à l'heure, des habitants qui sont traités en
5 pupilles de l'État... il y a un paternalisme
6 désuet et inapproprié. Les politiques qui
7 s'adressent aux autochtones sont demeurées fixes
8 dans la Loi sur les Indiens. C'est engorgé par
9 une bureaucratie excessive, que j'ai vécue moi-
10 même au ministère, et je pense que les autochtones
11 ont tout à fait raison d'être frustrés devant
12 l'appareil qui gère leur vie à tous les jours.

13 Si on parle de paix sociale et
14 d'égalité et de justice, actuellement, une
15 minorité de Mohawks à Kanesatake bafouent les
16 principes qu'on s'est donnés depuis quelques
17 années de justice. Ils abusent à mon avis de
18 façon excessive des privilèges au vu et au su de
19 la population et des autorités. C'est une
20 question d'argent et non de principe. À mon avis
21 il y a des actes criminels et des déclarations
22 arrogantes qui ont été faites qui ont miné l'image
23 et qui ont terni les peuples autochtones et qui
24 discréditent leurs revendications. La population
25 à mon avis a atteint aujourd'hui un seuil de

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1 it and trying to figure out how it could work.

2 One of the things that was
3 mentioned often was along the line of the self-
4 governing bodies of the professions, a kind of
5 government that is not territorial as such but
6 covers the people. For example, the medical
7 doctors and lawyers are governed by self-governing
8 bodies.

9 These are ideas that are put
10 forward to the Commission.

11 My first question -- and I realize
12 that you say in your brief that this notion of
13 self-government in the city should be clarified --
14 is: Did you look at possible models? Did you
15 enter into a couple of steps into the technique to
16 look at what it could be, what kinds of model
17 could be possible? Has the Federation entered
18 into that kind of research as a group?

19 JOHN LES: Just to give my
20 thoughts on that question, as we say in the brief,
21 we feel that the municipal model is one that could
22 be emulated. I know that across the country
23 various municipal models, as we know them today,
24 have various levels of power. For example, in my
25 province of British Columbia a village does not

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1 tolérance zéro. Nous étions une société abondante
2 et nous sommes devenus également une société à
3 l'abondance zéro.

4 Alors je pense qu'on ne doit pas,
5 selon moi, selon nous, accrédi-ter ou donner des
6 droits basés sur une race. Je pense que le fait
7 que tu sois une race différente, même de premières
8 nations, ne doit pas te donner des opportunités
9 particulières devant la loi et la justice. On
10 doit faire une réflexion morale.

11 Comme j'ai dit tantôt, il y a des
12 irritants pour la population canadienne. Je me
13 suis toujours posée la question à savoir pourquoi
14 la nation Mohawk en tant que telle, que je
15 respecte -- j'en connais plusieurs et j'en
16 rencontre d'ailleurs plusieurs à Kanesatake, à
17 l'extérieur du territoire il va sans dire -- ne se
18 lève pas et ne dit pas haut et fort qu'elle se
19 dissocie des actes illégaux commis par cette
20 minorité qui entachent sa réputation et celle des
21 autres peuples autochtones.

22 Il y a des faux autochtones; j'ai
23 parlé d'excès et abus dans le privilège; certains
24 illogismes de revendications; l'idéologie Warrior
25 est à mon avis une chose à laquelle on doit

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1 have the same powers as a city does, and a city
2 government is much more autonomous than a village.

3 Perhaps if we were not to call it
4 a municipal model but call it something else, to
5 take away whatever stigma we happen to have
6 attached to us, I think there is a lot of merit in
7 examining that further to see whether that model,
8 without the label attached, is something that
9 could be implemented. It would certainly make it
10 much easier for us as municipalities to relate to
11 those structures of government. It is very much
12 services-to-people oriented.

13 The powers contained within that
14 model is something that we would obviously have to
15 work out and identify, hopefully in consultation.

16 We feel that there is a lot to be
17 said for that particular model.

18 **RON HAYTER:** In our examination
19 there is a suggestion -- and it is only a
20 suggestion. I think we have come to the point
21 that you have to look at government models that
22 work.

23 Certainly, from a practical,
24 administrative and political standpoint, municipal
25 government does provide a framework which works,

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1 absolument mettre fin; le droit inhérent à
2 l'autonomie urbaine, dont je vais vous parler, les
3 ambiguïtés et les limites de ça; l'autonomie et la
4 responsabilisation; l'obligation de rendre des
5 comptes; et je pense qu'il y a une révision et une
6 rationalisation du rôle de fiduciaire du
7 gouvernement fédéral, notamment la Loi sur les
8 Indiens.

9 J'ai parlé de loyauté des Mohawks,
10 respect et justice... vous avez le mémoire devant
11 vous. Je vous ai annexé des lettres personnelles
12 de citoyens d'Oka. Encore une fois, quand j'ai
13 témoigné à l'enquête du coroner Gilbert sur les
14 circonstances qui entourent la mort du caporal
15 Lemay, j'ai été stupéfaite de constater à quel
16 point certains Mohawks se moquent de nos
17 tribunaux.

18 Il y a eu des actions et il y a
19 encore des actions provocatrices et des paroles
20 méprisantes à l'endroit de la population blanche
21 et des gouvernements. Quand on parle de respect
22 et d'égalité, je pense que ça s'applique aux deux
23 peuples. Actuellement il y a des jeunes qui
24 vendent librement des cigarettes de contrebande
25 sur une route provinciale. Il y a des personnes

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1 and it really is a grass roots type of government
2 where you do have accountability, you have
3 effective delivery of local services and you also
4 provide a very good quality of life.

5 Certainly, by suggesting that this
6 model should be looked at, we are not trying to be
7 paternalistic. In today's world we are all trying
8 to survive, and sometimes that depends on being
9 able to accept good ideas, even if they don't
10 originate with yourself.

11 Municipal government, I think,
12 stands the test of scrutiny as a good model to
13 look at.

14 CO-CHAIR RENÉ DUSSAULT: Again,
15 the debate stems, in part, from the fact that many
16 Aboriginal people are moving to the cities and
17 establishing themselves in the cities. Some of
18 them are in transit, in and out, and they really
19 feel that they have been left out by the social
20 and economic institutions in the cities.

21 As you know, one of the reasons is
22 the rate of inmates in provincial jails,
23 particularly in the west, which is much higher
24 than the normal rate among the population at
25 large. So there is a concern about the

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1 qui s'enrichissent dans ces communautés-là au
2 détriment de leur propre peuple, qui ne sont
3 gênées d'aucune façon par ces actions-là.

4 Comment est-ce qu'on parler de
5 respect et d'égalité quand les autorités
6 gouvernementales et judiciaires sont paralysées
7 par ces agissements et ont peur d'intervenir?
8 Comment on fait pour expliquer à la population
9 canadienne que cette minorité de Mohawks ont en
10 leur possession des armes dangereuses et qu'on
11 n'est pas capable d'appliquer la Loi sur le
12 contrôle des armes à feu? Comment se fait-il
13 qu'une minorité de Mohawks encore, 200 personnes à
14 peu près, ne paient pas leurs contraventions et
15 qu'il est impossible d'aller les chercher, ne
16 paient pas leur électricité sous prétexte que
17 l'eau, qui est une ressource qui leur appartient,
18 produit cette énergie-là? Comment expliquer et
19 faire comprendre à la population que des Mohawks
20 érigent des barrages, armes à la main, sous à peu
21 près n'importe quel prétexte? Je pense qu'on a
22 besoin d'aiguiser nos crayons, parce que certains
23 Mohawks n'ont pas appris ce qu'est le véritable
24 sens du mot respect envers les autres. Il y a une
25 loi qui s'applique pour tous, et dans l'intégrité,

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1 sensitivity of the local institutions to take into
2 account the particularities of Aboriginal people
3 coming to the cities in a culturally acceptable
4 way.

5 There is a challenge to the
6 existing institutions, and there will remain a
7 challenge. We have received many presentations
8 where people stress ways to get more influence on
9 municipal councils and on the various institutions
10 under the municipal councils. This will continue
11 and should be improved. This normally should be
12 the easiest way.

13 Even alongside any form of self-
14 government, Aboriginal people are not saying
15 generally, "We want to be cut off from the
16 municipal institutions. We still want to have our
17 say and to influence institutions and make sure
18 they are going to be sensitive." So the situation
19 varies.

20 You have given a host of examples
21 of what has been done so far to improve the
22 situation along that line. Calgary is a good
23 example, with their committee.

24 Could we have your views on what
25 are the plans for the future to improve this

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1 à mon avis.

2 Je me demande toujours pourquoi la
3 Charte des droits et libertés garantit des droits
4 collectifs quand il s'agit d'autochtones au
5 détriment des droits individuels. Les autochtones
6 disent qu'ils ne se sentent pas liés par nos
7 valeurs parce qu'ils ne participent pas à
8 l'élaboration de nos lois. Le processus
9 législatif appartient à une minorité, et
10 l'ensemble des populations canadiennes s'y
11 conforment.

12 Pourquoi cette minorité de Mohawks
13 continue à faire en sorte d'empêcher les agents de
14 la Sûreté du Québec ou autres, même les
15 Peacekeepers, d'aller sur leur territoire? Quand
16 on se sent à l'aise devant la justice, on ne
17 devrait pas avoir peur qu'on intervienne. Si on
18 n'a rien à cacher, pourquoi refuser l'entrée de
19 personnes qui iraient vérifier?

20 J'ai dit tantôt que les Mohawks
21 sont en train de détruire l'image des peuples
22 autochtones et la crédibilité de leurs
23 revendications. Ce serait malhonnête de ma
24 part... et je le dis, je ne blâme pas seulement
25 les autochtones; je dis que les gouvernements ont

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1 situation of the municipal institutions toward
2 making more room for Aboriginal people and to be
3 more culturally sensitive and also economically
4 sensitive and socially sensitive to Aboriginal
5 people living in cities. Do you have some plans
6 to improve? I know many cities are working on
7 that and trying to achieve a better situation, but
8 is there something more specific than what is in
9 your brief for the future?

10 TED CHOLOD, President,

11 **Saskatchewan Urban Municipalities Association:**

12 Commissioners, I come from the city of Regina. I
13 am an elected official there. The City of Regina
14 has deliberately put together a policy that tries,
15 as best it can, to bring the Aboriginal community
16 into the decision-making process.

17 We do have, for example, a five-
18 member Board of Police Commissioners, one of whom
19 at the moment is Native. We have other committees
20 of Council which we ensure look at the issue of
21 Aboriginal representation and, consequently, a
22 voice in the various activities of municipal
23 government.

24 I think the awareness is there.
25 Whether there is a need for improvement, I would

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1 eux aussi leur grande part de responsabilité parce
2 qu'ils laissent perdurer les choses.

3 Actuellement je pense que les
4 Mohawks entretiennent des relations qui ne sont
5 pas très bonnes avec les Blancs. Il y a
6 différents forums qui se sont ouverts; notamment
7 il y a un Forum paritaire Québécois/Autochtones.
8 Les Mohawks ont refusé d'y participer. Il y a eu
9 des colloques régionaux qui ont été faits par le
10 Secrétariat aux Affaires autochtones. Encore une
11 fois, les Mohawks de Kanesatake n'étaient pas là.

12 On a hâte de les entendre parler,
13 de voir qu'ils participeraient avec nous. Si
14 nous, on est perçu comme étant anti-Indiens, peut-
15 être qu'à l'intérieur ils sont anti-Blancs aussi.

16 Il y a l'envers du décor. Souvent
17 on pense que dans les différentes formes
18 d'affrontement il y a une différence dans la
19 violence qu'on exerce pour se défendre
20 véritablement et celle qu'on utilise pour le
21 plaisir de provoquer. D'après moi, les événements
22 de l'été 1990 ont été une mise en scène très bien
23 préparée par la Société des guerriers. Le
24 gouvernement a fait nettement figure d'agresseur.

25 Il y a un envers à la médaille. À

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1 probably be the first to admit "yes," because it
2 is not that easy to find people to sit on
3 committees. You are aware of the fact that the
4 Aboriginals are there, but it is not that easy to
5 encourage representation on these various
6 committees.

7 I think that is the type of
8 activity, it seems to me, that can get the
9 Aboriginals to be more influential.

10 If I might make just one comment
11 with respect to the self-government model within
12 urban centres, certainly if we can come up with
13 one that will work, I think we would encourage
14 that. I guess our urban communities are somewhat
15 concerned that we can't seem to come up with a
16 model that will work.

17 One of the difficulties is that
18 the self-government unit on a reserve within a
19 city would be really responsible to no one --
20 perhaps the federal government, but perhaps no one
21 -- while the surrounding municipal government is
22 responsible to the provincial government. You
23 have a concern in terms of how you deal with
24 stress and the pushes and pulls of various
25 decisions being made on the reserve as opposed to

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1 comme celles prises à Kahnawake d'expulser les
2 Blancs de chez eux?

3 Je pense qu'on a, nous aussi, le
4 droit d'habiter ce territoire. C'est avec notre
5 argent qu'on a travaillé et qu'on a développé le
6 territoire du Québec. Ce n'est pas avec l'argent
7 du gouvernement, c'est avec notre argent. On a
8 acquis des terres, des propriétés. Je pense que
9 ça légitimise tout à fait notre propre conquête.
10 Qu'on le reconnaisse ou non, le patrimoine
11 canadien et québécois existe bel et bien aussi, et
12 je pense que c'est heureusement pour les
13 autochtones et pour les Indiens d'Oka que personne
14 n'a pensé, en date d'aujourd'hui, leur facturer
15 une contribution à l'État moderne que nous sommes
16 devenus. La responsabilité historique, à mon
17 avis, a des limites.

18 L'impression qui se dégage
19 actuellement du débat sur la question des
20 revendications territoriales est que ça ressemble
21 souvent -- c'est malheureux, mais c'est
22 l'impression qu'ont les Canadiens et les Québécois
23 qui me parlent -- à une opération de lobbying qui
24 utilise le même vieux prétexte pour permettre aux
25 Indiens de profiter continuellement de la vache à

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1 off the reserve, and that the whole group is still
2 part of a community.

3 JOHN LES: In our written
4 submission to the Commission at the end of August
5 there were a number of recommendations made. Some
6 seven or eight of those recommendations were to
7 municipalities themselves, as to how they could
8 better communicate and establish lines of
9 communication. That obviously has to be done
10 where it isn't being done already. Certainly our
11 Federation is willing to take a leadership role in
12 that way.

13 In my own municipality, until this
14 week, for the last six years has had an Aboriginal
15 representative on our Council. He was a past
16 Chief of one of the bands. I want to say that he
17 has made a number of very valuable contributions
18 to our decision-making process.

19 However, I have found that
20 Aboriginal people tend to prefer their own
21 institutions rather than getting involved in the
22 general city government, for example. It has been
23 a little frustrating to try to generate a good
24 level of interest in the Aboriginal community in
25 getting involved with various commissions and

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1 lait qu'est l'État. C'est ça, l'impression que ça
2 dégage.

3 On parle d'un puits sans fond.
4 Moi, je peux vous dire que, quand j'essaie de
5 savoir combien de personnes sont membres de la
6 communauté mohawk de Kanesatake, les chiffres sont
7 différents que ça provienne d'un ministère ou d'un
8 autre. On n'est jamais capable de savoir combien
9 de personnes vivent à Kanesatake et combien de
10 personnes vivent à l'extérieur.

11 Si on regarde le budget qui est
12 octroyé aux gens de Kanesatake, je pense que ce
13 n'est pas si pire, quand même, un budget de près
14 de 6 668 000 \$. En excluant de là, évidemment,
15 des fonds alloués à l'éducation, qui prennent une
16 grande partie du budget, le conseil de bande
17 dispose d'un budget qui frôle les 3 millions de
18 dollars pour une population qu'on dit de 838
19 personnes qui habitent sur le territoire...
20 encore une fois, c'est un chiffre qui peut peut-
21 être être contesté, sauf que moi, j'ai des
22 chiffres ici, et il y a différents chiffres. Sur
23 une lettre à la ministre, j'en ai 1 918; sur une
24 autre, 1 500; dans le dernier recensement, on
25 parle d'à peu près 850 personnes.

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1 committees that have been established by Council,
2 and the results have been somewhat sporadic.

3 Certainly, in the last number of
4 years in particular, we have tried very hard in
5 various community activities to get the Aboriginal
6 community involved. We have had, for example,
7 the B.C. Summer Games in our community. We were
8 very conscious of getting the Aboriginal community
9 involved. That has been successful, but not
10 always successful.

11 I do detect, in talking with
12 Aboriginal leaders a real desire on their part to
13 have their own institutions where they can do some
14 of these things in their own way and feel very
15 uncomfortable sometimes in a setting where it is
16 not the Aboriginal setting.

17 **RON HAYTER:** Also in the original
18 brief, at pages 40 to 43, it outlines some of the
19 initiatives that have been taken by some
20 municipalities across Canada -- and this is only a
21 listing of some of the municipalities that have
22 taken these initiatives.

23 Certainly, in my city of Edmonton,
24 it is a priority, and our experience has been a
25 good one in attracting involvement from the

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1 Je pense que les revendications
2 territoriales nous mènent actuellement dans un
3 cul-de-sac. Les Mohawks se contentent de subir.
4 Est-ce qu'on a des initiatives? Quelle sorte de
5 documents, quelle sorte de propositions ont-ils
6 mis sur la table pour nous démontrer leur bonne
7 foi à eux aussi? La situation sociale et
8 économique de Kanesatake autant que des
9 populations avoisinantes, souffre de cet état de
10 fait. On a continuellement une épée de Damoclès
11 sur la tête.

12 Alors on pourrait dire: "So what
13 do Indians want?" Les autochtones urbains ne sont
14 pas intéressés à revenir aux conditions des
15 premiers occupants, mais, victimes de la
16 colonisation, ils ont aujourd'hui trouvé le truc
17 pour profiter de tout ce que l'État moderne leur
18 apporte: continuer de vivre comme leurs ancêtres
19 tout en profitant des avantages de la sécurité
20 sociale, des pensions de vieillesse, de la
21 technologie moderne, avec des exemptions de taxe,
22 et en plus, finalement -- pourquoi pas -- un petit
23 brin de contrebande pour arrondir les fins de
24 mois.

25 Moi, je peux vous dire que la

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1 Aboriginal community in a variety of ways.

2 Earlier you were saying that there
3 seems to be a difference in the way Aboriginals
4 are treated in some municipalities compared to the
5 rest of the population. Also in the main brief we
6 indicate why that occurs in many cases. It is
7 because of this whole question of who is
8 responsible for whom, and it really causes
9 difficulties. Hopefully, through the process that
10 we are going through now, a lot of that will be
11 clarified and the problems will not be there.

12 CO-CHAIR RENÉ DUSSAULT: We
13 realize that the jurisdictional problem is a real
14 one. We have raised it in the introduction to our
15 report on the Urban Round Table. We are looking a
16 it.

17 Aboriginal people very often feel
18 that they fall between the cracks and that various
19 governments are sending them to the others. We
20 heard a lot about this situation.

21 We are concerned because we know
22 that, with the financial constraints that are
23 there, it is not going to be easy.

24 I think you are certainly right in
25 saying that Aboriginal people are looking for

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1 carte traditionaliste, elle a bien fonctionné au
2 Québec et qu'actuellement la population canadienne
3 et québécoise non autochtone commence à se
4 demander: "Est-ce que c'est vrai qu'ils sont si
5 mal pris que ça?" Est-ce que, en demeurant
6 urbain, on ne pourrait pas dire que c'est comme
7 chercher l'original en pleine ville?

8 Nous étions tolérant et nous
9 sommes devenus tolérants zéro. Nous étions une
10 société abondante et nous sommes devenus une
11 société d'abondance zéro. La richesse et l'argent
12 ne peuvent tout acheter. Il va venir un moment,
13 comme disait Alban Toughler (PH) dans sa dernière
14 publication, où la caisse la mieux garnie va se
15 trouver vide. Pourquoi penser que la leur ne sera
16 jamais vide si la nôtre l'est?

17 La politique fédérale, la Loi sur
18 les Indiens, est une mesure législative
19 paternaliste et humiliante. C'est aberrant de
20 constater que dans une époque moderne comme la
21 nôtre des gens au Canada vivent encore en pupilles
22 de l'État, sont traités en pupilles de l'État. Il
23 faut couper le cordon ombilical, leur transférer
24 l'argent et leur donner tout ce qu'on a dans les
25 programmes pour qu'ils l'administrent eux-mêmes;

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1 their own government. Once this is done, the
2 message we have is that they want to establish
3 links with neighbouring institutions and other
4 levels of government and also to participate in
5 those levels. It is not a message of returning
6 inward only; quite the contrary. Of course, it
7 takes time to work together, and that is why it is
8 important, I think, that those initiatives that
9 you list and others that might not be listed there
10 are encouraged and pushed. The more contact there
11 is, the more likely we are to succeed in getting a
12 formula that would fit both the concerns of
13 Aboriginal peoples and the municipalities, such as
14 harmonizing by-laws in cities and so on.

15 I would like at this point to ask
16 my colleague, Mary Sillett, to continue with a few
17 questions.

18 COMMISSIONER MARY SILLETT: Thank
19 you very much for coming here.

20 I would like to return to a
21 question that was previously asked by Mr. Dussault
22 on the whole issue of jurisdiction.

23 During our Urban Round Table in
24 Edmonton people said over and over and over again
25 that, when they come into the cities there is a

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1 et j'y reviendrai plus tard. Aux États-Unis, il y
2 a 4 000 lois qui régissent les relations entre les
3 gouvernements et les différentes tribus, et nous,
4 on a une seule loi qui encadre ces relations;
5 c'est absurde.

6 Je vous ai dit tantôt que cette
7 loi a favorisé l'émergence de conseils de bande,
8 de chefs de conseils de bande qui sont trop
9 souvent contestés. Même le vérificateur général,
10 dans son dernier rapport, le mentionne. Il dit:
11 "Je reçois des lettres de citoyens autochtones qui
12 me disent, 'Comment je fais pour me plaindre de
13 l'administration du conseil de bande? Où je vais?
14 Qui va m'écouter?'" La Loi sur les Indiens brime
15 l'autonomie des autochtones. Elle accroît leur
16 irresponsabilité.

17 J'arrive avec des recommandations.
18 Vous en voulez. Mais je ne prétends pas que mes
19 recommandations devraient, demain matin, devenir
20 force de loi ou autrement.

21 Actuellement, vu l'ampleur de la
22 contrebande et la difficulté de contrôler les
23 privilèges des exemptions de taxe, les autochtones
24 devraient dorénavant payer la taxe sur les
25 produits qu'ils achètent et être remboursés par la

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1 problem with jurisdiction. It is really
2 frustrating. We have often discussed this amongst
3 ourselves and said that, if there is one thing we
4 should really do, it is to look at this whole
5 issue seriously and considers ways it can be
6 resolved.

7 I was wondering if you have any
8 ideas as to how this whole issue of jurisdiction
9 could be resolved.

10 **RON HAYTER:** I think in the
11 remarks of Mayor Les he pointed out the one point
12 which I think is important, and it is also on page
13 43 of our brief. That is that the federal
14 government cannot draw a line separating
15 Aboriginal people on reserves and Aboriginal
16 people in urban areas. There has to be a residual
17 responsibility.

18 Right now what happens is that you
19 get caught in this situation where Aboriginal
20 people who do come to the urban areas are tossed
21 hither and fro because of this whole question of
22 who is responsible for whom, in areas of social
23 services, in health and matters of that nature.
24 Until there are very clear lines, there are always
25 going to be problems of interpretation.

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1 suite. Il n'y a personne qui dise qu'ils n'ont
2 pas le droit de ne pas payer de taxe, au
3 contraire. Mais c'est devenu tel qu'on vend à des
4 Blancs, et les Blancs de l'autre côté de la rue,
5 eux autres, vu qu'ils ne sont pas Indiens, ils ne
6 peuvent pas vendre pas de taxe. C'est un problème
7 très grave dans les communautés urbaines.

8 Moi, je dis qu'il devrait y avoir
9 la possibilité pour nous de contrôler les produits
10 achetés et que ça réduirait les abus. Il ne peut
11 pas y avoir un commerce à sens unique selon lequel
12 les Indiens achètent et revendent des produits à
13 des Blancs sans taxe alors que ce sont nos propres
14 impôts et nos propres taxes qui sont distribués
15 dans les réserves. Ils ont besoin d'argent.
16 Combien de taxe et d'impôt allons-nous récupérer
17 sur un paquet de cigarettes? D'un côté ils ont
18 des besoins énormes en termes d'aide, mais d'un
19 autre côté ils vendent hors taxe; alors on ne l'a
20 pas, cet argent-là, pour le leur donner. C'est
21 absurde.

22 La carte des autochtones,
23 heureusement que le conseil de bande a dénoncé ça
24 en 1991-92. C'était rendu que tout le monde
25 courait pour avoir une carte d'Indien. Ça

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1 JOHN LES: I think, when it comes
2 to the urban setting, if we are not talking about
3 reserves which we may well not be, the service
4 delivery aspects and institutionalized form of
5 service delivery to Aboriginal people that would
6 be recognized by everyone would be a potential
7 model that we could develop. We have many
8 examples of people obtaining social services not
9 always necessarily from the same agency. Perhaps
10 that is something that could be further developed
11 for Aboriginal people as well, so that they would
12 receive those services in a culturally sensitive
13 way, addressing specifically the needs of
14 Aboriginal people which may well be different in
15 some cases than it is for the population at large.

16 The implementation of self-
17 government in an urban setting is a very difficult
18 question. If it is not to be land-based -- and I
19 would suggest that being land-based would be very
20 difficult -- it certainly can be autonomous from a
21 service delivery point of view without a land base
22 from which to work.

23 COMMISSIONER MARY SILLETT: As we
24 were saying earlier, I think it is very difficult
25 for people with a land base to think about how

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1 coûtait 300 \$ et on payait jusqu'à 3 000 \$. Là,
2 on avait une belle carte d'Indien et on se
3 promenait. Il y a eu des commerces qui ont été
4 floués, dans la région de Lachute et des environs,
5 notamment à Hawkesbury où, du jour au lendemain,
6 les gens disaient: "Comment ça se fait, il y a
7 donc bien des autochtones, du jour au lendemain,
8 qui viennent acheter ici." On présentait une
9 carte d'Indien, et c'était entendu que si tu étais
10 un autochtone, tu ne payais pas de taxe. Donc on
11 ne chargeait pas de taxe. À la fin de l'année
12 Revenu Canada a dit: "Non, non. Les taxes, tu
13 les paies en dehors des réserves."

14 Il y a encore beaucoup de
15 personnes aujourd'hui qui se font flouer par ça.
16 Les Québécois veulent avoir une origine indienne
17 parce que ça confère tellement; tout le monde veut
18 être Indien. Il y en a même un qui, à sa grande
19 surprise, s'est découvert des racines autochtones
20 en faisant faire un arbre généalogique.

21 Ensuite, si on veut assurer une
22 cohérence dans nos politiques, pourquoi est-ce que
23 les Indiens doivent recevoir un remboursement de
24 TPS alors qu'ils ne la paient pas? C'est un
25 irritant dans nos relations.

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1 self-government is possible without a land base.
2 We have heard from people who have been living in
3 the cities for a long time, and they have
4 discussed it. There is much more discussion about
5 the possibility of self-government without a land
6 base by groups who have expertise in that area --
7 for example, the Friendship Centres, groups who
8 have political representation for Aboriginal
9 peoples off-reserve who are not living in their
10 communities, and organizations like the Native
11 Council of Canada. There has been a lot of
12 discussion about that.

13 I think Aboriginal people, because
14 there are so many of them now in urban areas, are
15 saying, "We must have the ability to make our own
16 decisions and to run our own lives. We must have
17 our own institutions, and we must have our own
18 services."

19 Having said that, one of the
20 things I want to say is that I guess it is easier
21 in the west -- you are talking primarily about
22 Indians off-reserve, but I just want to repeat
23 that Aboriginal peoples who are in the cities are
24 many. There are Métis who really do feel that
25 they have been marginalized; there are Inuit who

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1 J'avais demandé, lorsque j'ai
2 rencontré Ovide Mercredi lors d'une réunion du
3 caucus autochtone, s'il y avait des propositions
4 qu'il pouvait faire concernant l'"employabilité"
5 des autochtones dans les régions urbaines. Lui
6 proposait un programme incitatif, qui dirait: "Si
7 vous êtes une entreprise québécoise et que vous
8 engagez un autochtone chez vous, on va vous donner
9 un programme incitatif pour vous encourager à les
10 engager, à les embaucher, pour qu'ils travaillent,
11 pour qu'ils regagnent de la fierté." Je trouvais
12 ça intéressant. Ça devrait être sérieusement
13 envisagé qu'il y ait un programme incitatif.

14 Le programme PDEA, le Programme de
15 développement des autochtones en milieu urbain, ça
16 devrait être un programme qui devrait favoriser
17 les relations d'affaires entre les Indiens et les
18 Blancs. On parle de construire des ponts.
19 Pourquoi est-ce qu'on n'utilise pas les programmes
20 qu'on a pour dire: "Ce programme-là, si tu veux
21 ouvrir un commerce, va donc t'associer avec un
22 Blanc" et vice versa? J'ai fait ça dernièrement
23 avec un organisme à Pointe-aux-Anglais. J'ai dit:
24 "Pourquoi est-ce que vous n'allez pas vous
25 chercher des autochtones pour les associer avec

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1 have moved from their northern communities, and
2 there are other people not from reserves. I just
3 want to make sure that we all understand that. I
4 think, nationally, that is true.

5 When you were talking, I was just
6 thinking about what my own personal experience has
7 been with a town council. I think it is true
8 that, for the most part, they might be there in
9 your own city, but you never feel that you are a
10 part of it. So it doesn't surprise me when I
11 heard, for example, the speaker on your right
12 saying that Native peoples, although they know
13 they can run for municipal office in the big
14 cities, prefer to have their own institutions.
15 That doesn't surprise.

16 I guess, for the most part,
17 municipal council is something I have never heard
18 very much about. Now I hear, for example, that
19 municipal councils have many concerns. You have
20 concerns about land access; you have concerns
21 about zoning. You feel, for example, that any
22 land claim settlement or any self-government
23 negotiation may impact and, therefore, you feel
24 your interests should be represented.

25 Knowing that self-government and

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1 vous, pour qu'ils fassent partie de ce
2 développement-là?" Il y aurait bien moins
3 d'irritants.

4 La Commission, à mon avis, doit
5 absolument examiner la question de la crédibilité
6 des leaders et envisager la possibilité
7 d'instaurer un mécanisme spécial qui va permettre
8 aux membres d'une bande qui le veulent de vérifier
9 l'honnêteté et la crédibilité des chefs de
10 conseils de bande. Je vous réfère encore une fois
11 au vérificateur général.

12 L'obligation de rendre compte, à
13 mon avis, doit aussi être un facteur. La
14 Commission doit en arriver à la conclusion que,
15 quand on reçoit des argents de d'autres personnes,
16 il faut rendre des comptes sur ce qu'on fait avec
17 cet argent-là. Le ministère est devenu le bouc
18 émissaire de toutes sortes de difficultés.

19 Moi, je peux vous dire qu'à un
20 moment donné je posais une question au chef du
21 conseil de bande actuel de Kanesatake: "Comment
22 pouvez-vous m'expliquer que le ministère des
23 Affaires sociales, Santé et Bien-Être social
24 Canada, a dépensé 450 000 \$ dans un an au simple
25 chapitre du transport des malades?" Il m'a dit:

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1 land claims are separate processes, what roles do
2 you see yourselves playing at the national,
3 regional or community self-government negotiations
4 and also in terms of the land claims negotiations?

5 **KATHY WATSON, President,**
6 **Association of Yukon Communities:** If I can speak
7 to that one, I am from Whitehorse in the Yukon
8 Territory and we are presently going through the
9 land claims process. It is happening as we speak.

10 I think it is important that
11 municipalities think of themselves as a service-
12 providing government, a very hands-on kind of
13 service. We provide the quality of living type
14 services to our people, and I don't see the
15 municipal role changing in this process.

16 I think, ideally, we work with
17 service agreements much like adjacent communities
18 do now where one community will provide
19 recreational services for the use of the next
20 community on a service agreement basis, a sort of
21 fee for service provision. I don't see that that
22 role has to change or deviate.

23 We in the north are very far
24 apart. Our communities are measured in hundreds
25 of miles distance from each other, so service

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1 "Bien, Madame Bourgault, c'est une forme de
2 développement économique." "Ah, oui? Comment
3 ça?" Il dit: "C'est ça, on transporte des
4 malades à l'hôpital et c'est payant." Tout le
5 monde est devenu transporteur de malades.
6 N'importe qui transporte des gens supposément
7 malades à Montréal, et cela a coûté 450 000 \$
8 pour 838 personnes. Ça veut dire que, dans une
9 année, il y en a qui ont fait de l'argent, et ce
10 sont toujours les mêmes.

11 Mais ils ne se sentent pas
12 redevables, alors ils m'ont répondu que ce n'était
13 pas leur problème, que le gouvernement devrait
14 vérifier ça, que ce ne sont pas eux autres qui ont
15 à vérifier ça; donc ils ne se sentent pas
16 responsables de ces fraudes-là.

17 La Commission également doit voir
18 comment les listes des conseils de bande doivent
19 être l'objet d'une révision démographique et
20 rigoureuse, comme c'est le cas pour le reste de la
21 population blanche. Moi, je n'ai pas d'objection
22 à donner de l'argent pour leur bien-être, mais
23 encore faut-il que je sache que je le donne aux
24 bonnes personnes. Mais là, il y a des
25 différences... si vous voulez en voir, des

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1 agreements are something that are new to us. But
2 we certainly working very hard through our
3 community association to provide that.

4 We have asked specifically for
5 input from the band governments as well as the
6 Council for Yukon Indians to help us with that
7 process. Because of the sensitivity of the status
8 of our land claims at the time, there is a
9 reluctance to participate on behalf of the band
10 governments at that level at this point. However,
11 they have expressed interest, very much so, in
12 looking at our sort of footprints that we propose
13 for service agreements with our different
14 community groups, and we are hoping that that is
15 the solution.

16 RON HAYTER: I think inherent in
17 our presentation today and also the written brief
18 is an appeal for meaningful consultation.

19 In many cases land claims are
20 going to impact on municipalities. If you don't
21 have this process where municipalities are
22 involved in the discussions with those who are
23 making the claims, then you create an atmosphere
24 that is not very conducive to co-operation.

25 One thing that municipal

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1 chiffres, je vais vous en montrer. On ne sait pas
2 combien de personnes habitent là et on a de la
3 difficulté à faire un recensement.

4 Le ministère des Affaires
5 indiennes et du Nord canadien, c'est une machine
6 qui s'entretient par elle-même, qui justifie son
7 existence en assujettissant la vie de tous les
8 jours des autochtones. Tant que ce ministère-là
9 va exister, à mon avis, les autochtones ne
10 pourront être vraiment responsables devant les
11 gouvernements et les citoyens.

12 Alors moi, je propose qu'afin
13 d'assainir les budgets alloués aux autochtones et
14 d'alléger par le fait même la bureaucratie
15 fédérale en la décentralisant, le ministère des
16 Affaires indiennes doit être transformé dans sa
17 forme actuelle, et l'administration de ses
18 différents programmes pourrait, par exemple, être
19 transféré à un organisme permanent qui aurait
20 comme mandat de gérer et non de suppléer au désir
21 de fonctionner des autochtones.

22 Je propose qu'une commission
23 nationale composée de représentants des nations
24 autochtones et de spécialistes des questions
25 amérindiennes et d'un adjoint spécial au

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1 government does not want to be is an obstacle to
2 the process of self-government. But what happens
3 if you are not a player, if you are not at the
4 table where the discussions are going on and where
5 all the information is not being shared? Then
6 there is a tendency for fear to develop. Usually
7 what happens when you have fear is that it leads
8 to polarization, and polarization does not create
9 an atmosphere for good working relationships.

10 Municipal government has survived
11 in this country since the beginning of this
12 country, and it has survived very well despite
13 some unfair impositions by other levels of
14 government over the years. It has thrived and
15 prospered because it is a necessary form of
16 government. It provides the kinds of service that
17 people need at the grass roots.

18 That survival has meant a lot of
19 processes which involve agreements with different
20 parties, consultation, and we think it is a very
21 good model for success.

22 We think if we can be involved as
23 municipal government in the process of land claims
24 and in the process of self-government, we will be
25 able to work something out which will be

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1 vérificateur général du Canada, un adjoint
2 autochtone au bureau du vérificateur général,
3 pourrait être créée, qui se rapporterait au
4 Parlement et non au gouvernement. Dans le cadre
5 de son mandat, cette commission-là pourrait être
6 tenue d'exercer une compétence exclusive sur
7 l'administration des programmes autochtones
8 transférés dans les différents ministères, prévoir
9 des mécanismes d'examen des budgets alloués aux
10 conseils de bande, demander aux conseils de bande
11 des compte-rendu de leurs activités et des
12 services fournis à leurs membres, et rendre compte
13 de ces rapports à un adjoint spécial aux affaires
14 autochtones au vérificateur général.

15 Je conclus.

16 Je pense que le droit inhérent à
17 l'autonomie gouvernementale pour les autochtones
18 en milieu urbain doit être utilisé avec beaucoup
19 de sérieux actuellement. La Commission doit
20 envisager ce droit inhérent avec mille précautions
21 et ne peut pas faire abstraction de la réalité des
22 relations avec les Blancs en milieu urbain.

23 Non seulement elle doit tenir
24 compte de cette dimension spécifique, mais elle
25 doit envisager d'y répondre par des solutions

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1 beneficial to the Aboriginals and also to the non-
2 Aboriginal community. But if you don't provide
3 for that opportunity for meaningful consultation,
4 then there is always a possibility that you will
5 be simply sewing the seeds of future problems.

6 **COMMISSIONER MARY SILLETT:** We
7 have heard from over 2,000 presenters, and some of
8 those groups have said, "We have a real interest
9 in the issues being discussed by land claims and
10 self-government. We want to be involved."

11 You are saying that, because you
12 are at a different level -- you are not a third
13 party. Your interest is higher than that. You
14 are another level of government, and you actually
15 want to be at the table. You don't necessarily
16 want an observer or third party status. Is that
17 what I am hearing?

18 **RON HAYTER:** That is correct. The
19 whole process of land claims and self-government,
20 in so many cases, impacts upon existing local
21 government. The federal government and the
22 provincial governments are a little further
23 removed from the outcomes of such decisions, but
24 municipal government is there and, in many cases,
25 the impact is on the citizens in that local

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1 adéquate et innovatrices. Nous avons lu avec un
2 certain malaise dans "Partenaires au sein de la
3 Confédération" que les problèmes complexes et
4 différents que présentent les groupes autochtones
5 sans assise territoriale ne peuvent être traités
6 dans un rapport.

7 Quand vous allez avoir terminé vos
8 travaux, votre Commission va avoir coûté près
9 de 40 millions de dollars aux citoyens
10 contribuables. Évidemment, c'est une commission
11 très coûteuse; une des plus coûteuses. Je
12 comprends que par ailleurs c'est à cause de la
13 grandeur du pays et des nombreuses communautés
14 autochtones que vous avez visitées et que c'était
15 nécessaire. J'espère qu'elle ne subira pas le
16 même sort que les autres commissions de se
17 retrouver sur les tablettes du Parlement.

18 Je pense que, pour éviter ça, si
19 la Commission propose des solutions très terre-à-
20 terre et ne sombre pas dans des recommandations
21 utopiques... je pense que vous savez vous-mêmes
22 maintenant que votre mandat était très vaste au
23 départ. Il nous apparaît difficile d'envisager
24 une solution unique à un dossier aussi complexe.
25 Ce n'est pas d'une seule enjambée qu'on va régler

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1 government area.

2 By having a process which involves
3 local government, we are confident that you will
4 come up with a lot better solution.

5 CO-CHAIR RENÉ DUSSAULT: On this
6 very point, I think it would be useful if you
7 could forward to us a good description of the
8 impact that you have talked about, the practical
9 impact that land claims have on the cities. This
10 is said in your brief, but it would be of benefit,
11 certainly for the Commission and probably for
12 others, to have a concrete description.

13 For example, you are from
14 Whitehorse and the land claim is proceeding at
15 this point. What are the impacts?

16 Of course, in Saskatchewan the
17 treaty land entitlement has given money for
18 Aboriginal people to buy land in the market. They
19 came down to Saskatoon and they bought land, and
20 then they got the status of a reserve.

21 There are many kinds of possible
22 impact, and it would be useful if you could
23 document that for us as a supplementary.

24 RON HAYTER: We would be quite
25 pleased to do that. We can give you quite a

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1 cette situation-là.

2 Encore une fois, la Commission ne
3 peut pas non plus recommander des nouveaux
4 argents. La population canadienne est surtaxée,
5 elle n'a plus de capacité de payer. Alors on doit
6 être inventif et innovateur. L'abolition du
7 ministère des Affaires indiennes et du Nord
8 canadien m'apparaît à mon avis une des choses que
9 la Commission devrait recommander.

10 Il pourrait y avoir aussi un
11 projet pilote sur la commission nationale que je
12 vous ai proposée. On devrait peut-être commencer
13 tout de suite et on pourrait voir de quelle façon
14 ça pourrait opérer

15 Une solution à court terme pour
16 régler plusieurs des problèmes énoncés dans ce
17 document serait tout simplement l'application des
18 lois en vigueur actuellement. Un tel procédé
19 aurait comme effet d'éliminer l'improvisation et
20 la création de précédents qui, avec le temps,
21 deviennent des cas de jurisprudence. À moins que
22 la loi au Québec ait le nez en cire et qu'on
23 puisse à sa guise le modeler pour les
24 circonstances, c'est en appliquant la même justice
25 pour tous que les différentes communautés formant

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1 number of examples.

2 CO-CHAIR RENÉ DUSSAULT: Again,
3 discussing self-government in the cities, it is
4 totally obvious. We don't have to document that.
5 But the land claims present a variety of
6 situations, so I think it would clarify what you
7 have in mind and what you live through.

8 KATHY WATSON: I think there is
9 ample opportunity to provide many stories -- lots
10 of success stories and lots of frustrating
11 situations. We can certainly be specific and get
12 those back to you in an expedient fashion.

13 RON HAYTER: There are success
14 stories, and I think that is important. I think
15 they come about because of good communication and
16 good consultation. I think that is the keynote of
17 our request, that this be broadened so that it is
18 not on a hit-and-miss basis but accepted as a
19 general principle rather than just on a hit-and-
20 miss basis.

21 There are situations where
22 problems have arisen because of a lack of
23 consultation. I am sorry that Alderman Cholod
24 from Saskatchewan had to leave because he was
25 going to tell about the situation in Fort

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1 ce pays seront égales devant Dieu et devant les
2 hommes.

3 Merci beaucoup.

4 COPRÉSIDENT RENÉ DUSSAULT: Merci,
5 Madame Bourgault. Je voudrais vous remercier au
6 nom de la Commission d'avoir mis ensemble ces
7 réflexions. Je sais qu'elles sont accompagnées
8 d'un bon nombre d'annexes qu'on va regarder avec
9 beaucoup d'intérêt.

10 Comme vous le savez, la
11 Commission, au mois de mai, a fait une semaine
12 d'audiences dans les réserves d'Akwesasne et de
13 Kahnawake. Malheureusement, nous n'avons pas pu
14 nous entendre sur des conditions acceptables pour
15 faire une audience à Kanesatake, de sorte qu'un
16 certain nombre de groupes de Kanesatake sont venus
17 faire des présentations à Kahnawake.

18 Nous avons aussi, comme vous le
19 savez, réuni à Montréal dans la même semaine le
20 maire d'Oka et de la paroisse d'Oka, le député de
21 l'Assemblée nationale, également l'un de vos
22 collègues de l'époque, M. Lopez, et également, du
23 côté de Châteauguay, le maire Boursier et
24 d'autres, pour discuter un peu de l'objectif de la
25 normalisation des relations, pour décriper les

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1 Qu'Appelle where there is quite a major
2 confrontation shaping up there. It could have
3 been avoided if the proper forms of consultation
4 had been followed.

5 CO-CHAIR RENÉ DUSSAULT: Thank
6 you.

7 My very last point is that the
8 policy issue within the cities is very sensitive
9 to cultural minorities and also to Aboriginal
10 people who are not a cultural minority but have to
11 be understood as being part of the nations of
12 Canada as First Peoples. I know you alluded to
13 some undertakings that are made for making the
14 police services and the police forces more
15 sensitive to the reality of Aboriginal people.

16 I would just like to stress that,
17 from our point of view and from what we have
18 heard, it is very important to proceed in that
19 direction. I know you are aware of that, but I
20 wanted to have the opportunity to share this with
21 you.

22 Time is running. In closing, I
23 know you have a copy of the brief that was given
24 to us by the Native Council of Canada earlier this
25 month -- or last month now; we are in December

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1 relations quotidiennes, qui ne sont pas détendues,
2 au contraire, depuis 1990, mais dans le fond n'ont
3 fait qu'empirer d'une certaine façon.

4 Il est évident que ça préoccupe
5 beaucoup la Commission, qui a un mandat général de
6 réconciliation et de rapports sur une base
7 différente avec les autochtones. Alors c'est sûr
8 qu'on a souvent l'impression que, lorsqu'on
9 travaille d'un côté, le tapis retourne de l'autre
10 bord et qu'il faut recommencer pour essayer
11 d'avoir les quatre coins. C'est un peu ce qu'on a
12 vécu. J'ai fait état récemment que c'était une
13 situation qui préoccupait la Commission au plus
14 haut point.

15 Ceci dit, je pense qu'il y a
16 beaucoup de choses dans votre mémoire. Il est
17 certain qu'il y a des choses importantes, comme le
18 fait qu'on ne doit pas considérer tout le monde
19 sur le même pied et dans le même paquet. Je pense
20 que vous faites bien ressortir ces distinctions-
21 là. Il y a une situation, cependant, qui est
22 hautement politique, comme vous l'avez dit
23 d'entrée de jeu, et qui appelle des solutions
24 politiques si on veut aller au fond des choses et
25 non pas uniquement traiter les symptômes.

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1 now. The Native Council of Canada gave us in
2 their presentation what is labelled as a Model of
3 Urban Self-government. Do you have those four
4 models? It was given to us for our information,
5 and I just want to be sure that you have that,
6 too.

7 RON HAYTER: We don't, but we will
8 get it.

9 CO-CHAIR RENÉ DUSSAULT: We are
10 really looking for models, wherever they come
11 from, particularly in this area, as it is
12 something new and a concept that is difficult to
13 tackle. I just wanted to be sure that you had
14 come across this document.

15 I would like to thank you for
16 coming and sharing with us and presenting this
17 brief to the Commission. As I said earlier, we
18 are going to keep in close touch in the coming
19 months. Meanwhile, perhaps you could provide us
20 with a supplementary and any other further
21 thoughts by the Federation of Canadian
22 Municipalities. We are anxious to get as much
23 information from your organization and all the
24 cities across Canada.

25 RON HAYTER: We thank you very

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1 Ceci était dit, c'est évident
2 qu'on est conscient que, dans plusieurs milieux,
3 on est près d'une certaine rupture de la confiance,
4 dans le fond, que ça demande des institutions.
5 Donc c'est une préoccupation importante pour toute
6 société.

7 Il y a bien sûr la contrebande de
8 cigarettes, que vous avez mentionnée. Il y a
9 aussi des réalités qui sont, à notre point de vue,
10 tout aussi graves certainement sur le plan des
11 institutions et du respect des institutions; la
12 réalité, par exemple, qui veut qu'il y ait eu un
13 nombre important de décès sur la réserve
14 d'Akwesasne qui n'ont jamais fait l'objet
15 d'investigation, ce qui préoccupe des groupes
16 importants parmi la communauté mohawk d'Akwesasne,
17 pour des raisons géographiques, des raisons de
18 juridiction, des raisons de toutes sortes. Mais
19 le résultat est que lorsqu'on parle de
20 l'application de la loi, c'est une réalité qui est
21 sérieuse et qui est importante.

22 Donc c'est simplement pour dire
23 que la Commission est très consciente que la
24 situation est difficile, que les solutions sont
25 politiques à plus long terme, mais aussi, il faut

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much for this opportunity and also for the opportunity to provide some additional information. We will certainly get you that information as soon as possible.

CO-CHAIR RENÉ DUSSAULT: Thank you.
you.

We are going to recess the hearing for two or three minutes. We shall resume with the presentation of the Association of Canadian Universities for Northern Studies.

--- Hearing recessed at 12:15 p.m.

--- Upon resuming at 12:30 p.m.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on the Aboriginal Peoples of Canada resumes its public hearing with the presentation of a brief from the Association of Canadian Universities for Northern Studies.

I shall give the floor immediately to Jules Dufour.

JULES DUFOUR, Director, Association of Canadian Universities for Northern Studies: Thank you very much, Mr. Chair, and good afternoon, Madam Commissioner.

I would first like to thank you on behalf of the Association for this opportunity to present

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1 être capable de gérer le quotidien pour pouvoir
2 s'y rendre. C'est le danger qu'on court
3 actuellement, que le quotidien, au fond, dérape et
4 qu'on ne soit pas capable d'arriver avec une
5 disponibilité raisonnable de part et d'autre pour
6 regarder les solutions à plus long terme.

7 J'ai eu l'occasion de dire que le
8 mandat de la Commission n'est pas dans la gestion
9 des crises quotidiennes, mais un regard hors
10 période de crise un peu plus profond sur les
11 causes, pour aider par la suite les partenaires à
12 prendre leurs responsabilités et apprécier le
13 niveau des solutions et le rythme des solutions.
14 C'est le contexte.

15 Ceci étant dit, concernant la
16 réalité autochtone en milieu urbain, Kahnawake,
17 par exemple, est la plus grosse réserve adjacente
18 à un centre urbain important au Canada. Alors ça
19 comporte des avantages et des inconvénients et
20 pour les habitants de Kahnawake et pour la
21 population en général. Je pense que quand même,
22 la difficulté, c'est de gérer le présent en ayant
23 à l'esprit le passé.

24 C'est évident que dans les années
25 cinquante, quand on a construit la Voie maritime

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our views, and particularly what we are doing in the Association of Canadian Universities for Northern Studies.

I therefore wish to thank you on behalf of the President, Roger King, and also on behalf of the board of directors. The president apologies for not being with us today. He was not able to attend.

I am pleased, since I met the former president today, who was president not so long ago, Dr. Marianne Stenbaek, and she accepted my invitation to accompany me and present our brief.

I am doing this not as executive director but as a director, that is, a member of the board of directors of the Association. In the past we had a full-time executive director. We no longer have this position, it has disappeared, and we have been trying, as board members, to be more active for the last few years.

The brief was prepared by the members of the executive of our association, the officers, and it provides a good reflection of all of our activities and

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1 du Saint-Laurent, quand on a construit le pont
2 Mercier, on s'est peu préoccupé de l'impact
3 économique, écologique sur ces communautés-là et
4 qu'aujourd'hui on en paie en partie le prix, parce
5 qu'il faut faire un rattrapage.

6 Je sais que vous connaissez la
7 trame de fond plus large, même si vous faites
8 ressortir de façon bien sentie des éléments qui,
9 comme vous le dites, représentent ce que vous avez
10 entendu et entendez régulièrement. On est, au
11 niveau de la Commission, certainement très
12 intéressé à entendre tous les points de vue. On
13 n'a qu'à écouter les lignes ouvertes à Montréal
14 pour être au fait de la réaction de la population.
15 Cependant, c'est un peu le débat qu'on fait; à un
16 moment donné on a de la misère à arriver à une
17 situation un peu plus raisonnable où on peut faire
18 un dialogue véritable.

19 Ce que vous dites par rapport aux
20 Mohawks est certainement vrai, et on nous l'a
21 communiqué autant comme autant; il y a des points
22 de vue différents, il y a des débats importants à
23 l'intérieur des sociétés mohawks.

24 Vous dites que la Loi sur les
25 Indiens doit être abolie. Un grand nombre

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We are simply going to present to you the first part of our brief, and I shall then read to you and we will also be able to comment on the 18 recommendations we have prepared, and we will be able to talk about what our current concerns are.

MARIANNE STENBAEK:

I would like to give you a brief overview of the Association.

The Association of Canadian Universities for Northern Studies was founded at Churchill, Manitoba in 1977 and was incorporated in 1978. It is registered as a charitable organization and is a voluntary association of 37 Canadian universities and northern colleges with northern interests. The Association was established because of the need for a communications network to link university scholars who have an interest in northern studies with each other, with government and with other agencies concerned with northern science and development through education, professional and scientific training and research

The purpose of ACUNS is the achievement of northern scholarship through

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1 d'autochtones nous disent la même chose. Le
2 remplacement est moins évident et moins simple.
3 Comme vous le savez, il y a beaucoup de fonds
4 fédéraux; c'est une loi de financement dans le
5 fond et de contrôle en raison du financement, et
6 c'est très tatillon.

7 Il est évident qu'à partir du
8 moment où les fonds publics sont dépensés, on est
9 dans une situation de contrôle. Le vérificateur
10 général lui-même en fait état et indique qu'il
11 perd de vue, depuis un certain nombre de rapports,
12 pas loin de 2 milliards de dépenses -- c'est
13 inquiétant pour tout le monde -- parce qu'on est
14 allé au financement global, et caetera.

15 La réalité fondamentale, c'est
16 qu'il va falloir donner une mesure
17 d'autofinancement aux communautés autochtones et
18 diminuer les budgets publics. Sauf que souvent le
19 public a l'impression que, par une pensée magique,
20 on va retourner l'argent et que ça va se faire.
21 Alors ça nous amène à toute la discussion sur
22 comment faire pour donner une base économique qui
23 va permettre de diminuer les budgets publics, de
24 sortir de la dépendance et de faire en sorte que
25 ce soit plus équilibré.

1 education, professional and scientific training
2 and research. More specifically, the mission of
3 ACUNS is to represent the interests of the member
4 universities and colleges by influencing
5 government and private sector policies and
6 practices related to the support of northern
7 scholarship. ACUNS also seeks to establish
8 mechanisms through which resources can be
9 allocated to member institutions and northern
10 scholars for the purpose of increasing knowledge
11 of the north and ensuring an appropriate number of
12 trained and skilled northern scientists, managers
13 and educators.

14 In addition, ACUNS strives to
15 enhance opportunities for northern peoples to
16 become leaders and promoters of excellence in
17 education and research important to northern
18 society, to facilitate through conferences,
19 seminars, research and other methods the
20 understanding and resolution of northern issues
21 and to co-operate with other public, private and
22 international agencies and organizations concerned
23 with the advancement, application and impact of
24 northern scholarship.

25 ACUNS publishes a bilingual

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1 Aux États-Unis, on l'a fait en
2 bonne partie par la revendication territoriale il
3 y a 30 ou 40 ans, par des législations contestées
4 qui permettent d'avoir des casinos sur des
5 réserves indiennes, contrôlés par les
6 gouvernements indiens, et caetera. On est rendu à
7 ce type de débat.

8 Simplement abolir la Loi sur les
9 Indiens, si l'argent continue de venir du fédéral,
10 il faut des contrôles; donc c'est évident qu'il
11 faut trouver une source à la base.

12 Également, ce que je veux dire
13 concernant tout ce que vous mentionnez sur le plan
14 des mécanismes de reddition de comptes,
15 d'imputabilité à l'intérieur des communautés
16 autochtones, c'est qu'on a fait le tour d'un grand
17 nombre de gouvernements autochtones adjacents aux
18 villes et à l'extérieur. Essentiellement, on a
19 entendu parler beaucoup plus des gouvernements
20 autochtones et de leur gestion que du gouvernement
21 fédéral et des gouvernements des provinces, parce
22 que c'est ça, la préoccupation au niveau local
23 dans les communautés, et pas uniquement des femmes
24 autochtones. Donc c'est une préoccupation majeure
25 de la Commission.

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1 newsletter which Jules is going to show you,
2 "Northline/Point Nord", three times a year, which
3 is devoted mainly to contemporary issues and to
4 Canadian northern science. It has a circulation
5 of approximately 3,000 people, not only in Canada
6 but also internationally, and is published three
7 times a year. It is sent free of charge to anyone
8 interested in northern science.

9 ACUNS has also organized three
10 national student conferences and plans are now
11 under way to hold a third such conference in
12 Ottawa in October 1994. Undergraduate and
13 graduate students from all over Canada attend
14 these conferences and report on their work in the
15 Canadian north. In addition, ACUNS has also
16 sponsored a number of Regional Northern Studies
17 Student Workshops organized by students at which
18 students from a number of local institutions meet
19 to present papers and exchange information and
20 experience. To date, workshops have been held at
21 Trent University, the University of Alberta, and
22 Arctic College in Fort Smith.

23 The seventh edition of the popular
24 directory of polar specialists in Canada has been
25 published recently by ACUNS with the Circumpolar

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1 Quand on parle d'autonomie
2 gouvernementale, c'est évident qu'on va regarder
3 ces mécanismes-là de façon très sérieuse.

4 La question gouvernement ethnique
5 versus gouvernement public est difficile. On
6 voit, à cause de la Loi sur les Indiens et du
7 statut d'Indien, spontanément, la notion d'un
8 gouvernement autochtone comme gouvernement sur une
9 base de race ou d'ethnie. Il reste que ce sont
10 d'abord et avant tout des communautés politiques
11 et qui ont eu dans le passé des ouvertures
12 importantes vis-à-vis des Blancs au niveau de
13 l'adoption, au niveau d'inter-nations autochtones.
14 Mais tout ça a glissé, et ça fait en sorte que
15 dans le débat actuel c'est une question qui est
16 importante et qui est difficile. Alors ça fait
17 également l'objet d'examen de très près du côté de
18 la Commission.

19 Vous faites une proposition pour
20 remplacer la Loi sur les Indiens par une
21 commission. Dans le fond, ma question, c'est la
22 question centrale: Comment vous voyez ce nouveau
23 système-là, où, encore une fois, les fonds
24 viendraient quand même largement du fédéral? Le
25 ministre ce matin disait: "Bien sûr, on pense

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1 Scientific Directorate of the Department of Indian
2 and Northern Affairs.

3 ACUNS also publishes the booklet,
4 "Ethical Principles for the Conduct of Research in
5 the North." It has long been an essential
6 document for all scientific researchers in
7 northern Canada, and for many years the only
8 printed source of ethical guidelines for northern
9 research. I think it has set a precedent for many
10 other such booklets. This publication is
11 presently being revised prior to the publication
12 of the next edition.

13 The Canadian Northern Studies
14 Trust, the ACUNS Awards Program, established in
15 1982, raises funds for the granting of
16 Studentships, Special Awards, and other support to
17 persons interested in northern research and
18 education. These awards are granted to regular
19 university undergraduate and graduate students as
20 well as to northern residents wishing to further
21 their learning through shorter periods of training
22 at Canadian universities.

23 The Trust also offers a research
24 support opportunity in Arctic Environmental
25 Studies provided by the Atmospheric Environment

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1 qu'on doit aller dans la direction où des
2 communautés autochtones vont devoir taxer leurs
3 membres pour leurs propres services, mais souvent
4 il n'y a rien à taxer, il n'y a pas grand-chose à
5 taxer. Donc le besoin de transferts fédéraux va
6 demeurer, même à long terme."

7 Est-ce que vous pourriez
8 expliciter davantage cette recommandation? Je
9 m'excuse d'avoir fait un certain tour de piste
10 pour répondre à un certain nombre de vos
11 interrogations, mais j'ai pensé qu'on pourrait
12 peut-être sauver du temps comme ça.

13 LISE BOURGAULT: Non, je vous
14 remercie beaucoup.

15 Écoutez, ce que j'ai entendu, moi,
16 durant mes neuf années en politique -- et j'étais
17 d'accord avec ça -- c'est qu'à un moment donné le
18 ministère X ou le ministère des Affaires indiennes
19 développe un programme qui est supposé être bon
20 pour l'ensemble des autochtones. Au gouvernement
21 fédéral, quand on développe un programme, c'est
22 consigné dans un document, et voilà les critères
23 d'admissibilité; point. Ça ne veut pas
24 nécessairement dire que ce programme-là est
25 adaptable aux autochtones en milieu urbain ou est

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1 Service and Caribou Research Awards on behalf of
2 the Beverly and Qamanirjuaq Caribou Management
3 Scholarship Fund.

4 ACUNS considers that it is through
5 a concerted and diverse approach that Canada's
6 north can be kept at the forefront of academic and
7 scientific initiatives and that northerners,
8 including Aboriginal peoples, should share the
9 resources and expertise in Canadian universities.
10 At present, the Canadian Northern Studies Trust is
11 the major polar scholarship program in Canada.

12 In its work the Trust is directed
13 and assisted by a Management Committee appointed
14 by the ACUNS Board of Directors. In 1992-93 this
15 committee was chaired by Professor Nelson, and it
16 consisted of Mr. Abrahamson, Guy Brassard, Jean
17 Fournier, Mr. Mackie, Professor Stager, Marianne
18 Stenbaek and Roger King representing the ACUNS
19 Board of Directors. The Management Committee
20 selects recipients for the awards, discusses
21 policy and is responsible for fund-raising. ACUNS
22 is registered as a charitable organization and
23 issue receipts for donations on behalf of the
24 Trust.

25 Since 1982, the Trust has raised

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1 adaptable aux Micmacs ou aux Hurons de
2 Loretteville. C'est là le problème d'un
3 gouvernement quand il doit passer devant les
4 Communes un budget qui est alloué pour tel
5 programme pour supposément régler tel problème.
6 C'est la problématique du ministère.

7 Moi, je dis que la commission
8 nationale, qui pourrait être évidemment composée
9 de représentants de nations autochtones, c'est
10 l'évidence même... transférons-leur l'argent. Je
11 vous fais le pari que le 450 000 \$ que le conseil
12 de bande a obtenu de fonds fédéraux au chapitre du
13 transport de malades, si c'était le conseil de
14 bande qui avait à gérer cet argent-là, à mon avis,
15 le maximum que cela aurait coûté, c'est 100 000 \$
16 pour la même année. Le 350 000 \$, il aurait pu
17 l'utiliser pour autre chose dans sa communauté,
18 pour des besoins qui concernent sa communauté.

19 Le problème du ministère, c'est
20 qu'il a un cadre d'opération, alors qu'une
21 commission nationale qui gère les fonds qu'on
22 donne aux autochtones pourrait faire avec le même
23 argent, à mon avis, cent fois et mille fois plus.
24 Pourquoi? Actuellement, le problème, c'est que
25 quand il y a un programme défini, tout le monde

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over \$1 million dollars. Over \$800,000 has been directly disbursed as awards, and \$195,000 has been put into endowments sufficient to fund one Studentship in Northern Studies, one Special Award for northern residents and one Co-operatives Award annually. The endowments have been made possible from major donations by the Donner Canadian Foundation, the MacMillan Northern Canada Trust, Arctic Co-operatives Ltd. and the Northwest Territories Co-operatives Business Development Fund.

The Aboriginal Economic Program of the Government of Canada provided funds for a program called the Native Economic Graduate Scholarships Program from 1985 to 1991.

That gives an overview of some of the activities of ACUNS.

JULES DUFOUR: Mr. Chair, Madam

Commissioner, I would perhaps also like to mention that we are assisting in the development of the scientific training program in the North. Since the Association was founded we have been assisting this program of the Department of Indian and Northern Affairs to help graduate students who

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1 veut l'avoir, cet argent-là. Voilà la raison pour
2 laquelle certaines communautés autochtones sont
3 frustrées parce qu'il ne reste plus de budget.
4 Vous avez l'administration de ce programme-là qui
5 coûte énormément cher absolument pour rien;
6 absolument pour rien. Il y a des sous-ministres,
7 des sous-ministres adjoints, des sous-ministres
8 adjoints aux sous-ministres adjoints -- ça ne
9 finit plus -- qui s'entretiennent avec ce
10 pourcentage-là.

11 Alors la commission nationale,
12 avec un petit budget limité d'opération, ce n'est
13 pas compliqué, la communauté mohawk de Kanesatake
14 a besoin... là, ils viennent d'obtenir 1,5 million
15 pour panser leurs blessures. Les Blancs d'Oka ont
16 besoin de 1,5 million pour panser leurs blessures
17 aussi. Mais là il y avait un programme qui
18 existait au ministère à quelque part pour ça, et
19 si tu appliques et tu n'obtiens pas d'argent...
20 malin celui qui essaie d'être contre ça. Si la
21 communauté mohawk applique pour un programme qui
22 existe et qu'on n'a pas de fonds... il faut
23 quasiment qu'il y ait de l'argent. Ils ne peuvent
24 pas faire la différence que les Mohawks de
25 Kanesatake ont des besoins différents des Hurons

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want to pursue research and additional training in the North, and particularly research in the North, so that we can help them get around on the land, with lodging and transportation.

This program has had considerable success, as you will see in our brief, since it first came into existence.

Since 1962, 1963, more than 12 million dollars have been granted to a large number of students. You see that this program has developed, and today, in 1991-1992, we distributed more than \$748,000 among the 31 participating universities.

And so during that same year, 1991-1992, more than 280 students, spread throughout Canada, benefited from grants.

This is an extremely important program and we are perhaps going to talk about it with you, if you would like, after I have read the various recommendations you will find at pages 11, 12 and 13 of our brief, if you think there is time for that.

[ENGLISH FOLLOWS]

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1 de Loretteville.

2 Alors il faut absolument trouver
3 un mécanisme. C'est ça qui envenime nos
4 relations, c'est ça qui fait en sorte que la
5 perception du grand public à l'endroit des
6 autochtones est erronée de par ce fait-là. Il me
7 semble que la Commission a une obligation énorme
8 vis-à-vis de ça. Qu'on ne coupe pas un cent;
9 qu'on leur donne le même argent.

10 Il y a beaucoup de programmes
11 administrés par différents ministères qui
12 pourraient être gérés par cette petite commission
13 nationale, et les Mohawks d'Oka vont cogner là, et
14 après explication... il peut y avoir un principe
15 général, mais qui peut être applicable ici et non
16 applicable là. Ça presse qu'on fasse ça.

17 Sur le mécanisme, je pense qu'il y
18 a des autochtones dans la salle et d'autres à
19 Ottawa, avec votre Commission, qui pouvez trouver
20 le moyen. On a un Conseil des arts pour la
21 culture; on pourrait avoir ce conseil-là pour les
22 argents qu'on distribue aux autochtones. Peut-
23 être qu'il y en a qui ont fait des recommandations
24 semblables, mais je n'ai pas eu le temps de lire,
25 évidemment, tous les mémoires que vous avez reçus.

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1 social purpose must drive scientific research,
2 there is still a need to increase the focus of
3 university research in the north into areas of
4 inquiry most relevant to Aboriginal peoples. At
5 the same time, this should not be to the exclusion
6 of the interests of other residents of the north.
7 This necessitates some form of national co-
8 ordination and a unified approach based on co-
9 operation at several levels -- federal,
10 provincial, territorial and among universities and
11 colleges.

12 Northern residents, including the
13 Aboriginal people, should play a greater influence
14 in the planning of northern research and
15 circumpolar or bipolar studies. This should be
16 done without detracting from the research needed in
17 light of broader national and international
18 interests.

19 Information dissemination between
20 northern researchers and the local communities
21 continues to be a problem. Attention needs to be
22 given to the availability of scientific
23 information to all northerners who need it in a
24 form in which they can use it.

25 There is a need to increase the

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1 COPRÉSIDENT RENÉ DUSSAULT:

2 Évidemment, ce que vous proposez, c'est une
3 décentralisation complète et une gestion très
4 légère de coordination.

5 LISE BOURGAULT: Absolument. Ça
6 se fait... je m'excuse.

7 COPRÉSIDENT RENÉ DUSSAULT: Sûr,
8 mais il n'en demeure pas moins qu'il y a une
9 question de contrôle des fonds publics; ces fonds-
10 là vont devoir venir.

11 Ce que j'essaie de dire, c'est
12 qu'en faisant cette décentralisation mais en
13 laissant l'argent venir entièrement du côté
14 fédéral, il se peut que ce soit la voie et que ça
15 doive être fait, mais en même temps, si on ne fait
16 pas une démarche importante pour donner une base
17 économique aux communautés autochtones, on va
18 avoir autant de problèmes dans cette formule-là à
19 terme qu'on en a pour d'autres raisons. Tout le
20 problème de la démocratie à l'intérieur des
21 communautés autochtones, quand tout l'argent passe
22 au conseil de bande, on crée un pouvoir énorme où
23 les gens n'ont pas de marge de manoeuvre en-
24 dessous parce que tout doit venir du conseil de
25 bande. C'est la situation qu'on a.

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1 interests of the Aboriginal people in scientific
2 studies and for non-Aboriginal scientists to
3 become better informed about indigenous knowledge.
4 In short, there is a need for better appreciation
5 by all sides of the characteristics and
6 capabilities, including the limitations, of
7 indigenous knowledge and western science.

8 Aboriginal people must require an
9 academic qualification that will enable them to
10 participate at all levels in national and world-
11 class research on subjects important to them. If
12 northern Aboriginal peoples are to be made aware
13 of post-secondary education opportunities and to
14 be able to access these opportunities, northern
15 studies must be promoted, not just in the north
16 but throughout Canada.

17 Existing universities and colleges
18 need to increase courses and programs geared
19 specifically to northern studies and to Aboriginal
20 populations, especially in fields such as
21 medicine, engineering and social studies.

22 Northern programs and resources
23 available at universities and colleges should be
24 made more readily available to northern Aboriginal
25 peoples. Scholarship programs should be flexible

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1 Alors, en plus, dans l'optique que
2 vous décrivez, avec la discrétion totale, il faut
3 trouver des moyens de donner du pouvoir à
4 l'intérieur de la communauté. C'est simplement
5 pour dire que, par rapport à la bureaucratie du
6 ministère que vous décrivez, c'est une chose, mais
7 il y a d'autres dimensions au problème qu'on doit
8 regarder.

9 Essentiellement, ce que les gens
10 nous disent, c'est que de passer d'une
11 décroissance de la Loi sur les Indiens comme vase
12 communiquant à l'autonomie gouvernementale,
13 justement pour permettre l'autonomie véritable, là
14 encore, c'est évident que l'autonomie
15 gouvernementale, si tout l'argent vient d'un autre
16 gouvernement, on n'aura pas changé grand-chose, si
17 on ne s'en va pas dans une base où il peut y avoir
18 un autofinancement, qu'il y ait une partie du
19 budget qui soit autofinancée par les communautés
20 autochtones elles-mêmes.

21 LISE BOURGAULT: Comme je vous ai
22 dit, il y a une différence à faire dès lors entre
23 les communautés autochtones en milieu urbain et
24 celles qui vivent éloignées. Je ne connais pas
25 cette problématique-là. Mais les communautés

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1 enough to allow northern Aboriginal plus ordinary
2 students to take advantage of specific programs
3 and expertise at several universities rather than
4 necessarily spending all their time on one campus
5 enrolled in one degree program.

6 Due to the lack of adequate
7 planning, funding and provision of resources,
8 there is a very real danger of Canada becoming
9 dependent on the research, expertise, and
10 priorities of other countries. Canada needs to
11 increase scholarly attention on the study of
12 environmental, social, societal, economic and
13 political changes that are taking place in the
14 Canadian north and affecting Aboriginal peoples.

15 In spite of the creation of the
16 Canadian Polar Commission, there is still no co-
17 ordinated polar science program or even a polar
18 science policy in Canada which would be
19 responsible for managing government support of
20 universities and other non-government
21 organizations engaged in polar research.

22 Polar science in Canada continues
23 to be poorly managed, and this impacts adversely
24 on the Aboriginal peoples.

25 There are dangers inherent in the

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1 autochtones en milieu urbain, moi, je voudrais
2 voir le chef du conseil de bande actuel et son
3 conseil ouvrir la porte, simplement l'ouvrir;
4 qu'il ouvre la porte, c'est le défi que je lui
5 lance. La communauté alentour est prête, quoi
6 qu'il en dise et quoi qu'il en pense. Tant et
7 aussi longtemps qu'il va se mettre le paravent que
8 nous, on est contre eux autres tout le temps, nous
9 autres, la majorité qui regarde ça, on se dit:
10 "Qu'il l'ouvre, la porte. On va y aller. On va
11 aller voir avec lui, avec son conseil, avec les
12 membres de la communauté."

13 C'est aberrant de constater que
14 deux autochtones, deux Mohawks sur trois à Oka ne
15 connaissent pas combien d'argent est dévolué au
16 conseil de bande. Ils ne savent rien. Peut-être
17 que c'est le langage qu'on n'a pas, c'est la
18 communication. Pourtant, à l'ère électronique,
19 comment se fait-il qu'on n'est pas capable de
20 communiquer simplement, avec la radio
21 communautaire ou avec un simple document écrit en
22 langage mohawk pour ceux qui le veulent: "Voici
23 ce que reçoit votre conseil de bande pour votre
24 bien-être quotidien." Comment ça se fait qu'on ne
25 fait pas ça, que c'est si secret, tout ça.

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1 present trend toward an increased fragmentation of
2 research activities and funding sources in the
3 Canadian north. This appears to be largely
4 attributable to the current policy of federal
5 government institutions of transferring programs
6 and jurisdictions to northern institutions in
7 response to demands for more local authority and
8 control. The research is likely to become less
9 focused, unco-ordinated, under-funded and of poor
10 quality.

11 Levels and continuity of funding
12 of university research, training and education
13 programs are presently inadequate. There is a
14 problem in Canada generally, but it is
15 particularly acute in the Canadian north because
16 of the relatively high cost involved. There
17 continues to be a need for more inter-governmental
18 support for northern, nationally-relevant post-
19 secondary initiatives such as conferences,
20 training programs and research assistance.

21 Continued funding of the Northern
22 Scientific Training Program and its efficient
23 management is essential to the health, vigour and
24 very future of scientific research in the north.

25 Lack of adequate funding and

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1 Donc il y a une obligation pour la
2 Commission de voir à ça.

3 **COPRÉSIDENT RENÉ DUSSAULT:** Je
4 peux vous dire que ce n'est pas propre à la
5 situation urbaine mais qu'on retrouve ça
6 largement. Donc ça fait partie du problème
7 général qui a été mis en lumière devant la
8 Commission, en contexte urbain comme en contexte
9 rural, sur la gestion des gouvernements
10 autochtones.

11 Je voudrais à ce moment-ci
12 demander à ma collègue Viola Robinson de
13 poursuivre.

14 Viola.

15 **COMMISSIONER VIOLA ROBINSON:**
16 Thank you.

17 I guess I will start this talk
18 here by saying that it is a very sensitive
19 situation that exists here in the province of
20 Quebec, very unique in Canada. Certainly, I think
21 the problems here aren't easy problems, in
22 particular when you start talking about the
23 contraband issue and looking at the three
24 jurisdictions, the three states that are trying to
25 deal with that. That, in itself, creates a

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1 increasing uncertainties for the future make the
2 current absence of a science policy for the north
3 even more critical.

4 Increased participation in the
5 control, planning and execution of university
6 research in the north by northern residents,
7 including the Aboriginal people, has become a
8 reality. However, the present licensing and
9 reporting procedures are too complicated, too
10 fragmented and time-consuming for those involved.
11 There is a very real danger that they are becoming
12 counter-productive.

13 It is important that the basis of
14 scientific licensing in the north be reviewed with
15 the aim of maintaining rigour and protecting the
16 interests of northerners while, at the same time,
17 making the review process more efficient so that
18 projects are not delayed unnecessarily and
19 arbitrarily. At the same time, there is a need
20 for greater co-ordination of procedures between
21 the various organizations involved.

22 The meeting of interested parties
23 being organized by the Science Institute of the
24 Northwest Territories and scheduled for early
25 December -- I think it is next week -- is

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1 problem. I don't think Quebec itself can resolve
2 it, nor do I think New York can resolve it or
3 Ontario. I think it means a lot more than that.

4 Having said that -- and you will
5 excuse me for my naivety or my ignorance here -- I
6 would like to ask you a personal question. You
7 say you have been an MP for nine years. Are you
8 still an MP now?

9 LISE BOURGAULT: No.

10 COMMISSIONER VIOLA ROBINSON: All
11 right. You were an MP when this whole thing
12 erupted.

13 LISE BOURGAULT: Yes.

14 COMMISSIONER VIOLA ROBINSON: I
15 have always thought, being an Aboriginal person
16 and being a person from the Micmac nation, that it
17 took us a long time in eastern Canada, far east,
18 in Nova Scotia, to educate the public down there,
19 awareness about the Micmac nation and being
20 accepted as a nation. We had to go to Supreme
21 Court and spend all kinds of money that we didn't
22 have, and finally we are starting to get some
23 recognition.

24 I am just wondering, when you
25 really look back now to the situation we are

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undoubtedly a move in the right direction. In the meantime, it is strongly recommended that a similar workshop be planned for the Yukon and that workshops in both territories be co-ordinated in the future. It is vital to maintain a dialogue between all the stakeholders involved in northern research.

Thank you very much on behalf of the Association and the Executive of the Association.

CO-CHAIR RENÉ DUSSAULT: Thank you for this presentation. I am going to ask my colleague, Mary Sillett, to begin the discussion.

COMMISSIONER MARY SILLETT: Thank you very much. Thank you, Marianne, for coming at the last minute.

I just want to say that Royal Commission on Aboriginal Peoples has produced this booklet -- and I am sure you are aware of it. I just want to say that, as we have crossed the country, we have heard many presenters saying, "We have been researched to death," and I am sure you hear that often as well.

What we have been told by our

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1 sitting here trying to resolve, for a long time
2 the people in Kanesatake -- I guess particularly
3 there, right at that border state there -- and
4 Indian people in Canada generally, have been
5 appealing to the federal government and
6 governments for recognition and for some formal
7 way of sitting down talking about these problems
8 which never, never existed, it never happened.

9 It took something like the Oka
10 incident to bring people to life, it took
11 something of that nature which was part of
12 creating this Commission. We are asked to do a
13 job. It took hundreds of years to evolve, and all
14 of a sudden we are asked to come in and try to
15 resolve it, which is almost impossible.

16 You can talk about tax, you can
17 talk about border crossings and all this, but the
18 respect, equality and respect, why is it that is
19 so difficult for the federal government and for
20 other governments to respect, for instance, the
21 Jay Treaty, which we say gives Indians, at least
22 the First Nations -- it recognizes us as having
23 free access and free border crossing. It is
24 recognized in the United States but it is not
25 recognized in Canada.

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1 research staff is that what people are really
2 saying is, "We haven't benefited from that
3 research. We haven't seen any improvement to our
4 lives as a result of that research."

5 I was wondering if you could tell
6 us if that is what you think or don't think. Are
7 there any areas where research has been overdone?
8 Are there any areas, for example, where research
9 hasn't been done? Are there any areas where
10 enough research has been done?

11 JULES DUFOUR: We mention in our
12 memoire that there were specific fields where we
13 have succeeded in doing good research in
14 partnership with the northerners, especially in
15 land claim inventories. The Nunavut atlas is a
16 good example.

17 The Association is composed of
18 different universities, and they are free to do
19 what they want, but there is an increasing concern
20 to do research which is relevant to northern
21 issues, in partnership with the northerners. So
22 this is a growing concern among the members.

23 Especially, we try to use in a
24 better way the traditional knowledge. This is a
25 new trend in the Association. We have already had

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1 I know, I go to the States all the
2 time. We were called the workers; we would go
3 over there every summer to rake blueberries; I
4 used to go over there as a kid picking potatoes.
5 We survived off the eastern part of the United
6 States. No problem, especially over there; we
7 have dual citizenship, as far as Micmacs go.

8 When you come back over here, we
9 have all these problems. Why? It seems to me if
10 there was real political will and if there was
11 real good intention and if there was respect --
12 respect has been talked about an awful lot today.
13 But there is this whole thing about the Jay
14 Treaty; they are still talking about it, and
15 nobody wants to sit down and talk about these
16 things. Why would that have happened?

17 The other thing is, when this
18 happens -- and this is what really bothers me --
19 why is it that it has been ignored for so long and
20 why is it still being ignored by the federal
21 government? We have to sit down and talk with the
22 provincial government and talk with the people.
23 Let's start talking some sense, why does this
24 happen and how can we resolve it.

25 It is too bad that it has gone to

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1 some workshops on the traditional knowledge, and
2 we are going to continue in that direction.

3 Perhaps Marianne can add some
4 comments.

5 **MARIANNE STENBAEK:** I was a little
6 hesitant to answer because, whatever one says, one
7 is going to step on somebody's toes here.

8 I think there is some research
9 that might not have been of very direct relevance
10 to the communities. I think there also has been a
11 lot of research that has been relevant. I think
12 one problem is that a lot of the research gets
13 taken back to the southern university and is never
14 really communicated to the communities.

15 We have talked about this for a
16 number of years. I don't know what the answer is
17 to it. Personally, I don't think sending big
18 reports to the communities is the answer. I think
19 some form, either over the radio as radio
20 programs, television programs -- I have talked to
21 TVNC on a number of occasions, and they have said
22 that their viewers would very much like science
23 programs. Maybe that is the kind of avenue that
24 southern researchers should explore. It should
25 certainly be made available in Aboriginal

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1 the extent that it has, but we are at a point
2 where somebody has to begin some serious, serious
3 dialogue, meaningful dialogue, sit down and say,
4 "How can we work these things out?" That's what
5 is lacking and that's what has been lacking.

6 How would you see that? Why is it
7 that this is so difficult to achieve?

8 LISE BOURGAULT: Le traité Jay,
9 c'était en 1774 qu'il a été signé. Évidemment, la
10 société a beaucoup évolué. On est maintenant à
11 commercer avec le monde. On est dans un marché
12 global, comme ils disent. À mon avis, quand je
13 lis le traité Jay, c'était un traité fait pour la
14 circonstance à cette époque-là qui doit évoluer au
15 même titre que nous évoluons.

16 Moi, Madame Robinson, si la
17 contrebande de cigarettes qui prévaut... ce ne
18 sont pas juste les autochtones qui font de la
19 contrebande, c'est évident; on voit à tous les
20 jours des arrestations de plusieurs personnes.
21 S'il existe de la contrebande, c'est parce qu'il y
22 a des Blancs qui achètent des cigarettes pas de
23 taxe. Mais si la contrebande de cigarettes qui
24 émane des trois États dont vous faisiez mention --
25 et c'est une problématique en ce qui concerne les

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1 languages also.

2 The Danish Polar Institute
3 publishes a scientific periodical in Greenlandic
4 and in Danish which is widely disseminated amongst
5 Greenlanders. Something like that might be very
6 useful.

7 There is an awful lot of research
8 there, and a lot of it is useful, but it kind of
9 stays in the south very often -- obviously not all
10 the time, but maybe far too often.

11 JULES DUFOUR: I would like to add
12 that the Association, as a whole, has tried, I
13 would say in the last 10 years, to have better
14 links between the researchers and the people
15 dealing with the real issues in the north by
16 having in our Association Yukon College and Arctic
17 College as full members of the Association. We
18 meet every two years in the north. We try to have
19 forums and workshops, and we have set up an adult
20 committee on the northern colleges, on northern
21 training. The committee is still working on
22 different issues in order to improve research and
23 to have a better involvement, which I would say is
24 the key for the future, of northern residents in
25 the research process.

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1 frontières pour n'importe quel gouvernement de
2 gérer ça, de contrôler ça -- si c'était la
3 communauté dans l'ensemble qui profitait de cette
4 contrebande-là, il me semble qu'on serait plus
5 ouvert.

6 Moi, je n'ai pas vu la communauté
7 mohawk de Kanesatake s'enrichir depuis une couple
8 d'années, au contraire; j'ai vu trois ou quatre
9 personnes s'enrichir. Et je pense que c'est la
10 même chose qui se passe dans les autres
11 communautés. Si la communauté en entier en
12 profitait, il me semble qu'on serait moins choqué.

13 Le traité Jay, si on l'appliquait
14 aujourd'hui, comment pourrions-nous, nous, les
15 Blancs, commercer si nous, on avait l'obligation
16 de charger des taxes sur ce qu'on vend et que les
17 Indiens, eux autres, n'ont pas de taxe? Il
18 faudrait tout de suite dire qu'on n'aurait plus le
19 droit de faire du commerce et qu'il y aurait juste
20 les Indiens qui auraient le droit de nous vendre
21 des affaires. C'est comme ça qu'il faut que je le
22 voie. Aussi terre-à-terre que ça puisse paraître,
23 le traité Jay, qui parlait de commerce, libre
24 commerce, ça, c'est le fun quand il n'y a pas de
25 taxe en jeu, et quand je commerce avec l'Europe ou

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1 That is the way the Association
2 tries to be more aware of what are the real
3 concerns of the northerners.

4 **MARIANNE STENBAEK:** I might add to
5 that that, in the conferences we have had -- I was
6 President until October 1 this year. In the last
7 four years we did always try to have Aboriginal
8 peoples and students at our conferences. We tried
9 to include traditional knowledge to the extent
10 that we could.

11 If I were to sum up what I learned
12 about that in the four years I was there it is
13 that the main problem is the dissemination
14 problem, how to get it to the communities in a
15 forum that is useful to the communities.

16 The other thing that came up time
17 and again was that researchers from southern
18 universities were looking for some cross-cultural
19 training. There is a lot of goodwill, I think, in
20 southern universities. Some people just don't
21 know how to go about it, but they would be very
22 willing to learn. Many researchers have spent
23 long times in the communities and have learned to
24 speak a little bit of the Aboriginal language and
25 have learned how to behave.

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1 avec les Américains ou avec l'Asie du Pacifique,
2 je commerce sur la même base. Mais si moi, parce
3 que je suis Blanche, je dois vendre ça à 10 \$ et
4 que l'autochtone, parce qu'il est autochtone, peut
5 me vendre 8 \$, je vais aller acheter à 8 \$. Le
6 gouvernement, son 2 \$ de taxe, qu'il oublie ça, ça
7 n'existe plus. C'est là, le problème.

8 Il n'y a pas de problème de
9 commercer avec des autochtones, au contraire.
10 Imaginez-vous, Madame Robinson, l'opportunité
11 extraordinaire qui existe pour les Mohawks de
12 Kanesatake d'ouvrir leur culture aux autres.
13 Combien de milliers de personnes, à votre avis,
14 iraient voir ce que c'est qu'une maison longue,
15 c'est quoi, la tradition de la maison longue,
16 comment fonctionnent les leaders spirituels. Je
17 ne sais pas, mais tout en gardant leur culture,
18 ils pourraient faire en sorte que ça profite à la
19 communauté. On paierait pour aller les voir, pour
20 aller entendre ce qu'ils ont à dire.

21 Ils ont une chance inouïe. Ils
22 sont situés à quelques kilomètres de Montréal. On
23 aurait des possibilités de leur donner de l'argent
24 dans le cadre des programmes qui existent pour
25 faire ça. En restant fermé et en disant: "J'ai

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1 It might be a good idea to have
2 some formalized cross-cultural training of
3 researchers so that, when they go to a community,
4 they avoid at least some major mistakes.

5 **COMMISSIONER MARY SILLETT:** Thank
6 you. I feel in a way that I am having a
7 discussion with the converted. You have really,
8 on record, proven that you are very sensitive
9 especially to the needs of the northerners with
10 respect to doing research in the north.

11 You said earlier that you have
12 found ways of incorporating traditional knowledge.
13 As you know and as I know, Native people have been
14 very concerned that the research capability, the
15 wisdom, the knowledge of people in their
16 communities sometimes is under-utilized with
17 respect to research projects. There is a
18 recognition that we don't have enough hard
19 scientific researchers. What we are saying is
20 that we do have a knowledge to contribute. We
21 have a contribution to make in this area, and that
22 contribution should be recognized and should be
23 used.

24 One of the things we understand
25 very well is that the way information is

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1 des droits", "Moi, je vends pas de taxe", "Viens
2 pas chez nous parce que t'es la police des
3 Blancs", "Fais pas ci" et "Fais pas ça", il n'y a
4 rien qui se passe. Pendant ce temps-là, c'est
5 toujours nous autres, les mauvais garnements de
6 l'affaire.

7 C'est ça, le problème. C'est là
8 qu'on est rendu. Je comprends très bien ce que
9 vous me dites, mais, madame, moi, je viens de la
10 région de Québec, et on a toujours bien vécu avec
11 les Hurons jusqu'à ce qu'ils commencent, eux
12 aussi, à nous vendre des affaires hors taxe. Ce
13 n'est pas juste des cigarettes. C'est du parfum,
14 de l'alcool, enfin, tout ce qui se vend pas de
15 taxe. Alors nous, on est aussi bien de fermer
16 tous nos commerces. C'est ça, la réalité. Il
17 faut que ce soit fair pour les deux côtés: On va
18 aller acheter et ils viendront acheter chez nous.

19 COMMISSIONER VIOLA ROBINSON:

20 Thank you. I understand that, and I think you
21 have made yourself very clear. I think the point
22 I am trying to get across is that it has resulted
23 as a lack of recognition and a lack of co-
24 operation previously, prior to that. If it had
25 been there, maybe we wouldn't have this problem

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1 communicated in many Aboriginal communities is
2 orally. Many Aboriginal communities have very
3 strong oral histories, a very strong tradition of
4 oral history.

5 When we were thinking about how to
6 get certain information from the Inuit who had
7 been relocated from northern Quebec to the High
8 Arctic in the early 1950s, one of the things that
9 we recognized was that there had been a lot of
10 information written about these people by non-
11 Aboriginal people. There had been a lot of
12 information written about these people from a non-
13 Aboriginal viewpoint. We felt we had a
14 responsibility, in the name of fairness, to allow
15 people to tell their story by themselves in a way
16 that they were comfortable. So we gave the
17 opportunity in a public forum for those Inuit to
18 tell their side of the story.

19 I was really proud that the Royal
20 Commission did this. I don't know if there is any
21 other Royal Commission that has recognized that
22 there is a different way of giving information.

23 Yes, we have been preoccupied with
24 the question of information dissemination. We
25 feel that, in principle, it is our responsibility,

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1 today. And I am just thinking, how do we get
2 around that.

3 But I have seen some very positive
4 things too, myself, with Akwesasne -- well,
5 Akwesasne, that's not Kanesatake; I get my names
6 mixed up. But I have seen some positive things.
7 Usually, you don't always see the best side of
8 communities.

9 I think when you talk about
10 internal problems within a community such as that
11 is one that would probably -- I don't think that
12 we would or could go to try to correct or rectify
13 that; that's something that has to be done within
14 the community itself. That has always been the
15 thinking of Aboriginal people and communities.

16 I want to just say, about your
17 talk about the Indian Act and the many, many years
18 of paternalism and the waste of dollars, I think
19 there is a lot of people who share that view. It
20 is being shared by a lot of Aboriginal people
21 themselves. It has done a lot of damage, many
22 years of damage that we have to try to redo now,
23 and it is going to be very difficult. That whole
24 paternalistic state of mind that existed for many
25 years did not do anybody any good. So I think the

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1 if not our duty, to give the research results back
2 to the community. But, you are right: Who wants
3 volumes and volumes of books? We are told this is
4 a society where people read very rarely; they
5 watch television, and there is not a lot of time
6 any more. That is a challenge that you have to
7 face and that we have to face with respect to our
8 research projects.

9 I would like to congratulate you
10 on the work that you are doing.

11 CO-CHAIR RENÉ DUSSAULT: I would
12 like to get back to the ethical guidelines that
13 the 37 university members of your organization
14 adopted in 1982. Of course, the concern is with
15 the north.

16 At the outset, very early, our
17 Commissioners had to face the larger issue that
18 is, in fact, exactly the same issue but covering
19 the south also. There is a huge debate across the
20 world, in a way, under the heading of decolonizing
21 research. We are certainly quite aware of it.

22 Of course, being a Commission on
23 Aboriginal peoples, the first message we got was
24 that, if we were to base our recommendations on a
25 research program, it would have to be seen as

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1 blame has to go where it belongs, as people have
2 said, back to the governments.

3 Some of the proposals that you
4 make, probably if examined closely, as you
5 mentioned, might be one model that possibly could
6 work, I don't know, but it has to be something
7 different. The relationship between the federal
8 government and the Aboriginal people themselves --
9 they want something different themselves.

10 Going to the gambling, I can't
11 help but wonder about generating revenue from
12 gambling. I know some of the provinces have
13 resorted to that. Just take 6/49; it is one of
14 the biggest revenue-generating devices in all of
15 Canada. You have the gambling casinos in Manitoba
16 and one right here in Montreal that they are using
17 to generate revenue to come out of their deficit
18 and to meet their needs for their programs or
19 whatever. And that seems to be fine; it takes
20 legislation.

21 Why would it be so difficult for a
22 community to do the same thing? I just get the
23 sense from you that it is not proper and it is not
24 right and they should not be able to do that.
25 Could you explain to me why it shouldn't be, other

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1 valid by both non-Aboriginal people and Aboriginal
2 people, and that normally research had been done
3 on Aboriginal people by southerners, by non-
4 Aboriginal people who made their career and
5 published in their own universities, but with
6 cultural bias because of the different world
7 views.

8 What we did as a Commission was
9 that we organized two research symposiums where
10 both Aboriginal and non-Aboriginal researchers,
11 joined by Aboriginal leaders, came to Ottawa and
12 to Alberta to discuss that very issue. It was a
13 tough discussion, and we realized that we had to
14 do as much as we could during the life of the
15 Commission and for our own research program, but
16 that this debate would go on long after we were
17 gone.

18 Nevertheless, we have looked
19 around to see if this question had been tackled.
20 We came across your Code of Ethics and some other
21 documents, but frankly we didn't find much. So we
22 decided to publish our own Code of Ethics. We
23 discussed this with the Federation of Social
24 Sciences in Canada, and they were quite interested
25 in it, I must say. This Code of Ethics is

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1 than saying that the revenues are only going to a
2 handful of people? There is a lot of revenue
3 being generated in Canada from gambling itself,
4 provincially and federally, and somebody must be
5 monitoring that. How is that being monitored, and
6 what would be the difference? Why couldn't
7 something like that work in a community?

8 LISE BOURGAULT: Je pense qu'on ne
9 peut pas réécrire l'histoire à tous les jours. Il
10 est temps à mon avis qu'on cesse de se blâmer
11 mutuellement. Ça, les blâmes, on s'en est donné.
12 Ça fait longtemps qu'on se dit que c'est la faute
13 du gouvernement, c'est la faute d'untel. Alors, à
14 partir de tout de suite, il faudrait cesser de se
15 blâmer et entreprendre... mais à portes ouvertes
16 et avec les autochtones devant nous, qu'ils
17 admettent qu'ils ont des torts, admettons qu'on en
18 a, et à partir du moment où on va avoir dit ça,
19 arrêtons d'en parler. Ça ne change rien à
20 l'histoire. Je ne peux pas rien y changer.

21 Ceci étant dit, vous parlez des
22 revenus de gambling. Moi, je n'ai pas
23 d'objection, s'il y a un gouvernement... est-ce
24 qu'il peut y avoir un gouvernement autochtone?
25 J'en doute. Les Mohawks vont dire qu'eux autres

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1 attached to all our research contracts and is part
2 of our process. It is not always easy; we are
3 breaking new ground on many aspects.

4 What struck me the most is that we
5 didn't come across much written literature on the
6 whole subject. It seems to me that it is a field
7 of study, as such.

8 My question is: Are you aware of
9 publications that address that large debate about
10 decolonizing the research and the way to conduct
11 research on Aboriginal peoples with Aboriginal
12 people to make sure that there is no bias put into
13 it and that the reading is there. Of course, it
14 is more spontaneous when you have a case study in
15 a community, but it gets more tricky when you move
16 to economics or law, as such.

17 I would like to know, because you
18 are a group of 37 universities, whether we have
19 missed something that is available. If not, I
20 would like to know if the Canadian Association of
21 Universities for Northern Studies has ever
22 envisaged really addressing that issue in a more
23 formal fashion as a field of study, and to publish
24 on that. There is a lot of people across not only
25 this country, but across the world, who are

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1 sont une nation, les Micmacs sont une nation.
2 Est-ce que toutes les nations autochtones vont
3 avoir leurs propres casinos ou gambling?

4 Le gouvernement du Québec gère
5 Loto-Québec. S'il y a un gouvernement autochtone
6 qui voulait gérer "Loto-autochtone", je n'ai pas
7 d'objection à ça du tout. Là où j'en ai, c'est
8 qu'on ouvre un casino à Oka, un casino à
9 Kahnawake, un casino à Akwesasne et, tant qu'à y
10 être, un casino à Lachute. Trop de casinos, c'est
11 comme pas de casinos du tout. C'est là que j'ai
12 un problème avec ça.

13 Si les autochtones -- les Mohawks,
14 les Micmacs, les Abénaquis, les Algonquins, et
15 j'en passe -- se réunissent ensemble et forment un
16 gouvernement autochtone et qu'ils veulent avoir un
17 système de loterie, pas de problème, que ce soit
18 distribué à l'ensemble d'eux autres. Mais là,
19 vous faites référence au fait que Kahnawake
20 voudrait un casino. Kanesatake ont déjà ouvert un
21 grand bingo hall qui ne marche pas parce qu'ils
22 voudraient ouvrir ça à tous les jours alors que la
23 Loi sur les loteries du Québec dit que c'est pour
24 des activités seulement qui sont bénéfiques pour
25 l'ensemble de la population.

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1 wrestling with this issue.

2 JULES DUFOUR: I don't know,
3 personally, of research projects dealing with this
4 issue specifically. I am sure, with the growth of
5 some specific programs in ethics in universities
6 -- for example, in my own university, which is a
7 very small university, we have a very short
8 program on ethics, and I know some other
9 universities do. But this issue of ethics for
10 scientific research or involvement of researchers
11 in other areas I am sure has been addressed, but
12 maybe not in a formal project such as you have
13 mentioned, with specific definition and all the
14 usual ways of doing research.

15 We have a committee working on
16 that now. Like the last recommendation of our
17 report, we are going to deal with that during the
18 next year more deeply.

19 I take note of your concern. I
20 would like to share in the next year the
21 experience you have, and maybe we can help with
22 any specific request you have for the Association.
23 We would be very pleased to come to the next
24 meeting and talk about it.

25 CO-CHAIR RENÉ DUSSAULT: That is

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1 C'est là, le problème que j'ai.
2 Je pense que vous aussi, vous devez avoir ce...
3 Moi, je n'ai pas d'objection, si un gouvernement
4 autochtone réunissant tous les Indiens au Canada
5 veulent avoir un système de loterie autochtone
6 pour leur aider, c'est le fun; on achètera
7 des 6/48 autochtones et des 6/49 canadiens. Il
8 n'y a pas de problème à ça.

9 COMMISSIONER VIOLA ROBINSON:

10 That's interesting. It does exist.

11 LISE BOURGAULT: Yes.

12 COMMISSIONER VIOLA ROBINSON: It
13 does exist in the United States. I have gone
14 across the border from Ontario to the reserve
15 there, and they have the biggest, most
16 sophisticated gambling casinos that one can
17 imagine. I don't know who is running it, but I
18 will tell you, it is busy, and they seem to be
19 prospering quite well. We have been in other
20 parts of the United States where it exists as
21 well.

22 I hope you didn't misunderstanding
23 me about the blaming part. I wasn't blaming
24 anybody. It is not me that's blaming, it is
25 everybody thinking, like you said yourself, this

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1 good news. We would have liked to have had some
2 feedback on this Code of Ethics from the academic
3 community and other circles. Frankly, we haven't
4 had much, if any, so far. We think we have put a
5 rolling ball somewhere, and that it is
6 perfectible.

7 It is crucial because it is part
8 of your brief.

9 JULES DUFOUR: I would just like
10 to add that next week there is a very important
11 meeting for two or three days in Yellowknife
12 dealing with that issue. We recommend another
13 meeting in Yukon. So this is also something which
14 concerns us at this moment.

15 MARIANNE STENBAEK: If I could add
16 something, there is a number of ethical guidelines
17 for dealing with northern research and Aboriginal
18 research. In the States the Arctic Research
19 Commission as well as the National Science
20 Foundation has put one out. The Nordic countries
21 have put one out also; it came from the University
22 of Umayo (ph), which groups all the Nordic
23 countries together.

24 This coming spring, I think in
25 April, the Greenlandic government is putting on a

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1 Indian Act paternalism has to end and something
2 has to take its place. That was the basis of my
3 comment on that Indian Act. It sounds like
4 blaming. We can't rewrite, but I think we can
5 correct. Certainly, something has to be redone
6 there, whatever the terminology we want to use, on
7 how we deal with the rights of Aboriginal people
8 in this country.

9 I am just going to make one more
10 comment, and that has to do with your zero
11 tolerance statement. I think that possibly maybe
12 two years ago or so it was a zero tolerance. I
13 don't think it is a zero tolerance any more. I
14 would like to think and I do believe that the
15 Royal Commission, in the past two years of going
16 around the country, has done much to educate and
17 to heal the wounds in both Aboriginal and non-
18 Aboriginal communities.

19 That's very encouraging when you
20 are travelling across Canada and people's views
21 and thinking are starting to change. The very
22 thing that we are talking about is become more
23 accepted in a lot of constituencies and levels of
24 government across Canada. Whether we accepted it
25 or not, it is a fact that -- that's what we have

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1 conference on traditional knowledge in Iceland. I
2 know that in their preparation for that meeting
3 they are trying to look at some of these issues
4 also. You probably already know about that.

5 I think one could also look at
6 specific individual universities to study their
7 particular models of community-based research.
8 Arctic Institute at Calgary is a good example.
9 Tomorrow, when we come back with McGill, we are
10 going to show you some different models that we
11 have used.

12 So there are models out there, but
13 very little has been written about it.

14 CO-CHAIR RENÉ DUSSAULT: We are
15 aware that it is a growing concern in many areas,
16 because the trend of the future -- and one of the
17 messages in your brief is to say it is very
18 important to continue to do good research in the
19 north. One of the problems that is happening
20 right now is this difficulty to work with
21 Aboriginal researchers. The relationships are
22 strained, so we have to adjust our ways of doing
23 things.

24 That is the reason I wanted to say
25 that we understand exactly what you mean, that it

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1 to deal with. With the information that we are
2 gathering through these hearings, through briefs
3 and through our research -- you know, we have a
4 huge, massive research project. And by what we
5 have heard, what we have seen, it goes to show
6 that the facts are there and we have to
7 acknowledge that and people have to be educated.

8 We can't right all the wrongs, but
9 I think, at least from what we have heard, for
10 instance the education system has a responsibility
11 to correct some of the historical information that
12 they are teaching, the history that they are
13 teaching in the school systems as far as
14 curriculum goes. That's another thing that has
15 contributed to, I guess for lack of a better word,
16 ignorance about Aboriginal issues, because the
17 truth has never been told.

18 We have the mandate to correct
19 that, and once people realize that, maybe things
20 will start working a lot better.

21 Having said that, I don't think I
22 have any more comments to make except to say that
23 it is an issue that we could sit and talk about
24 probably for a week here and still not come out
25 with a good, strong -- but your ideas certainly

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1 is important for the future.

2 It is also important to get funds.
3 It will certainly be easier if Aboriginal people
4 and non-Aboriginal researchers work together than
5 if they fight each other as to the ways of doing
6 things, to get funding from institutions.

7 We certainly were quite pleased to
8 hear your concerns and to share with you. We hope
9 that you are going to continue in that direction.
10 We are available to discuss with you. We feel
11 that, if there is to be a legacy from our
12 Commission, it is that. There are all kinds of
13 legacies for royal commissions, but that is
14 certainly one of them. It is a growing reality
15 and it is going to continue.

16 We have tried to do our share, and
17 we are living the experience of going through the
18 implementation of such a code of conduct. We are
19 available to share with your organization on this.

20 JULES DUFOUR: Thank you. I would
21 like to mention my own personal experience in the
22 last two years. I am involved in the review
23 process of the Great Whale Hydro Project. It was
24 a concern all the time for us, as members of the
25 commission and committees, to have the local

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1 are ones that are very interesting, when you talk
2 about some of the ways that things could be dealt
3 with, and I think they will certainly deserve a
4 lot more study on our part to see how they can
5 work.

6 Thank you.

7 LISE BOURGAULT: I will be very
8 happy to help, voluntarily, the Commission to
9 develop this idea of a national commission if you
10 so want. But can I say to you, Mrs. Robinson,
11 that I think that we don't want to be American.
12 We have a Canadian way of doing things. Regarding
13 the casinos and how it is going, especially in
14 Atlantic City for instance, I know about it
15 because I have been there. So we want to do it in
16 a Canadian way, and I don't think the American way
17 is better.

18 For the zero tolerance, I guess
19 the day that the authorities and that this
20 minority of Mohawk will stop to take this
21 opportunity of the States and the Ontario province
22 in Akwesasne to smuggle goods into our economy,
23 our tolerance will be -- it is not that dramatic,
24 I should say, but it has to be stopped now. If
25 that continues, then it is going to be enhanced,

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1 people involved in research and involved in the
2 whole process, even in the formal research. We
3 tried to have the views of all local community
4 people in the process.

5 That is a concern for northern
6 Quebec, and I am sure for other projects in Canada
7 in the northern parts of the provinces and in the
8 Northwest Territories and Yukon.

9 CO-CHAIR RENÉ DUSSAULT: Thank
10 you. Mary Sillett has one last question.

11 COMMISSIONER MARY SILLETT: Thank
12 you, Mr. Dussault.

13 I am thinking about the issue of
14 justice. I have always been struck with the
15 question: Do I, myself, know very much about what
16 the traditional justice system looked like in
17 Labrador, for instance? I have some idea of that
18 from the stories that my grandfather and
19 grandmother told me, but my grandfather didn't
20 have his whole life to tell me stories. He had to
21 make a living. You can't touch on every issue.

22 What resource do we have to look
23 back and find that information? We have limited
24 literature that is done by probably Qadlanaut
25 anthropologists, and I question the validity of

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1 and I don't think that nobody wants this.

2 Before the 1990 crisis, we used to
3 live maybe not perfectly but we lived with the
4 Mohawk community, and it seemed at that time it
5 was not so bad. But, since that time, internal
6 crises have been the day-to-day basis of this
7 community, and it is sad, for them and for us.

8 COMMISSIONER VIOLA ROBINSON: Can
9 I just ask one last question, and that's based on
10 this morning's presentation, about the taxes. I
11 think we are paying way far too much tax anyway
12 for cigarettes and tobacco products to begin with.
13 If that was to be reduced the way that it was
14 said, then there wouldn't be any reason for any of
15 this.

16 LISE BOURGAULT: Oui, mais les
17 gouvernements sont légitimés de mettre des taxes
18 sur des produits qu'ils considèrent comme étant
19 néfaste pour la santé. Si fumer est néfaste pour
20 les Canadiens, ça doit être néfaste aussi pour les
21 autochtones, qui sont des êtres humains comme
22 nous. Alors après les cigarettes, ce sera
23 l'alcool? Ce sera d'autres produits taxables? On
24 va être obligé de réduire les taxes à chaque fois
25 parce qu'il y aurait commerce illégal dû aux non-

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1 the research they have done more and more, as I
2 get more and more information.

3 In Labrador, for example, they do
4 have ways of documenting oral knowledge. This is
5 a woman's personal project; "Them Days" it is
6 called. It is a Labrador magazine. They
7 interview many Labrador Elders and older people,
8 and they get an idea. They document their
9 stories.

10 One of the real problems with that
11 magazine -- the idea is good. It is very good at
12 preserving information, knowledge and having that
13 written for future use, but it is about
14 everything. It can be about someone freezing
15 their leg. You have to go through maybe 30 or 40
16 magazines to find what you want.

17 Have you considered ways of
18 capturing oral knowledge, ways of making sure that
19 the knowledge of the people somehow survives?

20 **MARIANNE STENBAEK:** I think that
21 is something that maybe the Commission could help
22 with. Really, it ought to be a national project.
23 It really needs to be something that the
24 government or the Commission sets into motion in
25 every Aboriginal community in this country before

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1 taxes? Où est-ce qu'on va s'arrêter? Là, ça va
2 être les cigarettes, et demain matin, ce sera
3 l'alcool, les chocolats, tout ce qui est produit
4 de luxe. On va toujours être obligé d'enlever les
5 taxes; donc les gouvernements ne seront pas
6 capables d'agir. C'est ça, le problème.

7 Donc, que les autochtones puissent
8 fumer sans taxe, je n'ai aucun problème avec ça.
9 Mais s'ils m'arrivent à Ottawa avec des computers
10 et ils réclament 10 cartons de cigarettes par
11 semaine, je vais trouver que c'est trop, mais
12 deux, peut-être que ce serait correct.

13 Avec les contrôles qu'on a
14 aujourd'hui, ils peuvent s'acheter des biens et
15 des services pour eux-mêmes, payer la taxe et nous
16 la réclamer. Il y a moyen de faire ça, même avec
17 les conseils de bande. Soyons inventifs et on va
18 le régler, le problème de la tolérance zéro.

19 Merci.

20 COPRÉSIDENT RENÉ DUSSAULT:

21 Évidemment, on pourrait avoir tout un débat sur la
22 limite de la taxation et les effets pervers de la
23 taxation dans divers domaines.

24 Je voudrais simplement en
25 terminant dire que je pense que ce qu'on a essayé

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1 it is too late. A lot of it is very time-
2 sensitive, and for some of it, unfortunately, it
3 is already too late. They should go out and spend
4 the money to collect all of these stories and
5 legends, and whatever, and do it now -- not in 20
6 years, but now.

7 Then, once we have collected, we
8 can worry about how to systemize it and analyze
9 it. I understand that the Canadian Polar
10 Commission is setting up a data base on
11 traditional knowledge. That is a very worthwhile
12 initiative, but we need to collect it now and we
13 need to do it before it is too late.

14 I think, if we did that, Canada
15 would really become quite a leader in that, and it
16 would become a project, or whatever you want to
17 call it, that would set a model for many other
18 countries. I think, in my ways, in our
19 relationship between Aboriginal and non-Aboriginal
20 in research and other things, we are really far
21 ahead of other countries. We are modest about it,
22 but we could capitalize on it.

23 COMMISSIONER MARY SILLETT: I
24 think, if this initiative is taken, it is taken
25 because of individuals like Doris Saunders in

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1 de véhiculer en parlant du traité de Jay, c'est
2 moins l'idée de l'application du traité comme
3 telle que si on veut aborder les dossiers à partir
4 du fond, à leur racine, lorsqu'on évacue une
5 réalité, par exemple, comme le traité de Jay, qui
6 est sujet à interprétation -- est-ce que c'était
7 uniquement pour la subsistance ou pour du
8 commerce -- c'est gros comme le monde, mais
9 simplement, ce que M^{me} Robinson disait, c'est
10 qu'au Canada, il n'y a jamais eu une discussion
11 sur le traité de Jay. Ce n'était pas discutable.
12 Cela n'a pas été ratifié. Il y a eu un arrêt en
13 Cour suprême, l'arrêt Francis (PH), qui a dit:
14 "Ça n'a rien à voir, ça ne fait pas partie du
15 corpus législatif canadien."

16 Il n'y a rien de plus difficile
17 quand il y a des morceaux de base au fond des
18 dossiers qui n'ont jamais été abordés et des bouts
19 qui permettent d'aller beaucoup plus loin et de
20 déborder, et caetera. Ça fait que le débat à un
21 moment donné sort d'un certain contrôle
22 raisonnable.

23 Alors c'est dans ce sens-là que la
24 question était évoquée, comme un exemple; et il y
25 en a plusieurs autres au Canada.

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1 Labrador, for example. Pauktuutit has been very
2 good about doing those kinds of thing. In fact,
3 they, more than anyone else, have said that there
4 is a vast knowledge in the Elders with respect to
5 traditional midwifery, and we have to document
6 that information -- not tomorrow, but today. We
7 have to do that fast because it is invaluable
8 information. Once these people go, you will never
9 have that information again.

10 I just wanted to say that surely
11 there must be a standardized way of getting this
12 information. What we have are sort of sporadic
13 initiatives, depending on someone's interest and
14 depending on the political will and too dependent
15 on funding.

16 MARIANNE STENBAEK: To a very
17 large extent on the funding.

18 The Research Councils have
19 something called strategic grants. Maybe one
20 thing the Commission could do is recommend to the
21 Research Councils that this should be a priority.
22 You are absolutely right that it is now or never.

23 COMMISSIONER MARY SILLETT: Thank
24 you.

25 CO-CHAIR RENÉ DUSSAULT: In

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1 Je pense que vous avez
2 certainement eu l'occasion de faire valoir de
3 façon éloquente le point de vue d'un bon nombre de
4 personnes que vous avez côtoyées pendant vos neuf
5 années comme député à la Chambre des Communes et
6 évidemment dans la région d'Oka/Kanesatake. On
7 apprécie que vous soyez venue à la Commission.

8 Nous allons, encore une fois,
9 regarder votre mémoire, et si vous avez des points
10 de vue additionnels à faire... et il se peut aussi
11 qu'à un moment ou à un autre on ait à échanger sur
12 des questions de structures que vous avez abordées
13 dans votre mémoire pour aller un peu plus loin et
14 tester un certain nombre de choses. On souhaite
15 garder le contact et on vous remercie encore une
16 fois d'avoir fait cette présentation devant nous
17 aujourd'hui.

18 LISE BOURGAULT: C'est moi qui
19 vous remercie. Thank you very much.

20 COPRÉSIDENT RENÉ DUSSAULT: La
21 Commission royale sur les peuples autochtones au
22 Canada suspend son audience publique pour 15
23 minutes. Nous allons reprendre à 3 h 45 avec la
24 présentation de l'Université McGill.

25 Merci.

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1 closing, I don't want to open a whole can of
2 worms, but the definition of the north is not an
3 easy thing. The Commission has to wrestle with
4 it, of course. There is Labrador, the Northwest
5 Territories, Eastern and Western Arctics, and also
6 the northern parts of the provinces.

7 By definition, you focus on the
8 north and you must have your own definition as to
9 what is the north. We would be interested in
10 sharing that with you in the coming weeks. If you
11 have information or documents, we would be happy
12 to receive them.

13 JULES DUFOUR: I will answer this.
14 There has been a long discussion, since the
15 beginning of the existence of the Association,
16 especially for the special training program when
17 the students were requesting money: Are you
18 really going to the north? Are you too close to
19 your university. It was a very crucial question.

20 For sure, there is no problem when
21 we are talking about the Arctic that we are
22 talking about the north. When we are dealing with
23 the natural resources, we are dealing with small
24 communities, even in the northern parts of
25 provinces. We are talking about the psychological

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1 --- Courte suspension à 15 h 34

2 --- L'audience reprend à 15 h 53

3 **COPRÉSIDENT RENÉ DUSSAULT:** La
4 Commission royale sur les peuples autochtones au
5 Canada reprend son audience publique avec une
6 présentation de l'Université McGill. Je voudrais
7 sans plus tarder demander aux représentants de
8 l'Université McGill de bien vouloir procéder à la
9 présentation.

10 Please proceed when you are ready.

11 **MARIANNE STENBAEK, Director,**
12 **Centre for Northern Studies & Research, McGill**
13 **University:** Thank you very much, Mr. Dussault and
14 Madame Robinson.

15 I would like to introduce, first
16 of all, the people who are here: John Wolforth
17 from Native and Northern Education; Martha Crago
18 from Human Communication Disorders; Timothy Johns
19 from CINE at Macdonald campus; and Joyce Pickering
20 from Northern Quebec Module. I am Marianne
21 Stenbaek from the Centre for Northern Studies.

22 We have a brief that tries to give
23 an overview of activities at McGill that deals
24 with northern as well as Aboriginal peoples. We
25 are not going to read all of it, you will be happy

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1 distance and the social problems.

2 Most of the time, we refer to the
3 definition of the north by the different
4 classifications of the north. I will just give
5 you an example of the debate we had in the last 10
6 years.

7 We decided in 1986 to form in the
8 Association a sub-association of four sub-Arctic
9 universities, mid-north universities. We have the
10 two in Quebec, Abitibi Temiskamingue and
11 Chicoutimi, Lakehead, and Laurentian, and then we
12 added Memorial University in dealing with
13 Labrador, to try to have more links. We are not
14 in the south, but we are not in the north. We are
15 in the sub-Arctic region, and that was a concern
16 for us.

17 I think you are dealing with
18 degrees of north when you travel. Now we would
19 consider that, when you are dealing with the
20 resources and the social problems of small
21 communities in northern provinces and in the
22 Arctic, we are dealing with the north. That is
23 the "mental north" that was talked about many
24 years ago.

25 We mention in our report, too,

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1 to know. What we are going to do is take out some
2 excerpts.

3 I would like to read a greeting
4 from our Principal, David Johnston:

5 "McGill University has a long
6 and treasured tradition of
7 teaching and research about
8 the north of Canada and work
9 with Aboriginal peoples. We
10 have learned much, and
11 through this process of
12 learning have been able to
13 contribute and interact.
14 That historical foundation
15 has been important to so many
16 other disciplines taught and
17 researched in this
18 university. For these
19 reasons, we especially
20 welcome the thoughtful
21 undertaking which your Royal
22 Commission represents and
23 look forward to assisting and
24 encouraging it in every
25 possible way."

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1 that we are still developing this conscience of
2 the north in southern universities. The
3 involvement of university researchers and
4 professors in the development of the conscience of
5 the north is very important, and the special
6 reality of the north.

7 COPRÉSIDENT RENÉ DUSSAULT: Merci.

8 COMMISSIONER MARY SILLETT: I just
9 want to mention that we should never forget that
10 the people who are in the room are very hungry,
11 and I don't want them to be really mad at me for
12 the rest of their lives, but I do want to know one
13 thing.

14 The Makivik Corporation did make a
15 presentation to us the other day, and they gave us
16 very specific figures on the cost of living, for
17 example, in northern Quebec communities. Could
18 you very quickly tell me how that compares, for
19 example, with Grise Fjord or the cost of living in
20 other parts of the northern provinces. Is it
21 equally as expensive to live in the northern parts
22 of the provinces as it is in Nunavik or Nunavut?

23 JULES DUFOUR: To make a
24 comparison of the cost of living in Yukon with
25 that in the northern parts of the provinces, such

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1 McGill University welcomes the
2 opportunity to address the Royal Commission on
3 Aboriginal Peoples because it has allowed our
4 university community to focus on issues that it
5 has dealt with on an individual basis for almost a
6 century, but collectively only for a short while.

7 The official change at McGill can
8 perhaps best be traced to the convocation at
9 Macdonald campus in June 1992 when McGill
10 conferred a doctorate honoris causa on Mary Simon,
11 a well-known Inuit leader. When the presenter --
12 and I was happy to have the honour of being that
13 presenter. When the presenter who introduced her
14 to the university community said that she was the
15 first Inuk, indeed the first Aboriginal person, to
16 be so honoured at McGill, a cheer arose from the
17 graduating class. That cheer showed the enormous
18 change they felt and the warm welcome that McGill
19 students and faculty extended to Mary Simon and,
20 through her, to all Aboriginal peoples.

21 There have been many individual
22 efforts before, many of extraordinary importance
23 and service to the north and to Aboriginal
24 peoples, we believe. The list spans over 100
25 years: the medical projects, the medical clinics,

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1 as Quebec?

2 COMMISSIONER MARY SILLETT:

3 Northern Saskatchewan.

4 JULES DUFOUR: I would say that
5 maybe in the prairies there are more links between
6 north and south. In Quebec, for example, or in
7 the eastern part of Canada, there are less links,
8 so it is very expensive for communication, for
9 transportation, for everything. Even coming from
10 a southern university -- we call it University of
11 Quebec at Chicoutimi -- we have to pay \$500 to
12 \$600 for the fare. So we are in the north in that
13 sense.

14 MARIANNE STENBAEK: Mary, in terms
15 of what we have been talking about today, it also
16 means that doing research in the north is
17 extremely expensive. As money is becoming less
18 and less, we are seeing researchers who would
19 really like to go Grise Fjord, but they just
20 cannot manage it, so they go to Sudbury or Quebec
21 City and they do something somewhat different. It
22 means that you lose out on a lot of potentially
23 wonderful researchers because the cost is
24 astronomical.

25 COMMISSIONER MARY SILLETT: Thank

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1 the Quebec Module working in northern Quebec,
2 dental projects and ophthalmological clinics; the
3 famous work on Arctic waters and their
4 relationship to the food chain by Dr. Max Dunbar;
5 the first 30 years of the Arctic Institute at
6 McGill; the two research stations, Axel Heiberg
7 and the Schefferville Subarctic Research Stations,
8 built and donated to McGill by Dr. George
9 Jacobsen; the work done in the McGill Certificate
10 Program in Northern Social Work Practice, led by
11 Professor Liesel Urtnowski; the work on early
12 Indian history by Bruce Trigger; the extraordinary
13 community-based teacher training program started
14 by a dedicated Jack Cram and continued by John
15 Welforth, the Northern and Native Education
16 program; the extension of their work in the
17 language and educational research of Martha Crago,
18 Lynn McAlpine and Donald Taylor; the Northern
19 Studies Minor program; the Centre for Northern
20 Studies and Research; and the many other
21 researchers and programs who have worked with the
22 Mohawks, the Ojibway, the Montagnais, the Naskapi,
23 the Algonquins, the Cree, the Inuit and other
24 Aboriginal groups in Canada and around the world.

25 It has been an individual

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CO-CHAIR RENÉ DUSSAULT: It is always interesting to be in Quebec City.

I would like to thank you for your presentation, which was quite useful. We hope to be able to stay in touch on a number of points.

Thank you, Mr. Dufour and Ms. Stenbaek.

The Royal Commission on Aboriginal Peoples will recess its public hearing until 2:15 p.m., when we shall resume with the presentation of the brief of the Canadian Arctic Resources Committee.

--- Hearing recessed at 1:25 p.m.

--- Upon resuming at 2:27 p.m.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on the Aboriginal Peoples of Canada resumes its public hearing with the presentation of the Canadian Arctic Resources Committee.

I would like without further delay to ask the representatives of the Canadian Arctic Resources Committee to proceed with their presentation.

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1 conviction for years amongst many professors and
2 students that we must build innovative
3 partnerships. So, individually, we have been
4 engaged, engaged for over 100 years. We have
5 given of our professional and human expertise and
6 have received much in return. However, it was
7 only last fall that we collectively started to
8 examine what else we could and must do. The
9 questions were simple; the answers are complex and
10 yet to be worked out, in partnership we hope:

11 What can McGill offer Aboriginal
12 students and communities?

13 What can Aboriginal students and
14 communities offer McGill?

15 How can we increase awareness of
16 Aboriginal issues and concerns in the university
17 teaching and research as well as in university
18 life?

19 How can we build new partnerships,
20 meaningful ones?

21 How can we heal old wounds, old
22 attitudes?

23 How can we increase Aboriginal
24 content or reflect Aboriginal issues at McGill?

25 How can we incorporate traditional

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1 I would like to welcome the three
2 of you and ask you to proceed whenever you are
3 ready.

4 NIGEL BANKES, Chairperson,
5 Canadian Arctic Resources Committee: Thank you,
6 Mr. Dussault and Ms Sillett. It's a pleasure and
7 an honour to be here today on behalf of the
8 Canadian Arctic Resources Committee to present our
9 brief.

10 My name is Nigel Bankes, and I am
11 the Chairperson of the organization. With me, on
12 my right is Mary Crnkovich, who I think is known
13 to both of you. She has already appeared before
14 this Commission in her capacity as legal counsel
15 to Pauktuutit. Mary is also a member of the Board
16 of the Canadian Arctic Resources Committee.

17 On my left is Terry Fenge who is
18 the Executive Director of the organization.

19 CARC has been in existence for
20 over 20 years. From its inception the
21 organization has argued for environmentally-
22 sustainable development in the north and for
23 development that benefits the people of the north,
24 especially its indigenous inhabitants. We have
25 argued, as an organization, for a balance between

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1 knowledge into courses, research and management
2 structures?

3 How can we help Aboriginal
4 students feel more at home on campus?

5 There are many more questions,
6 questions that we would like to work on
7 collectively in the next years in partnership with
8 Aboriginal students and communities.

9 Chancellor Gretta Chambers, who is
10 dedicated to a strong Canada respectful of all its
11 peoples, has played a central role in helping
12 McGill to focus on the full inclusion of
13 Aboriginal students and issues in the McGill
14 community. The newly-established Institute of
15 Canada, whose mandate is to show and reflect the
16 multicultural aspect of Canada and to deal with a
17 variety of Canadian issues, will also help us
18 sharpen this focus.

19 We want to make it clear to
20 Aboriginal students and communities that we
21 already have many programs and a collection of
22 expertise and physical resources that are open to
23 them. But, most of all, we want to convey that
24 there is a desire at all levels of the university
25 to enter into new partnerships, innovative

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1 the renewable and non-renewable resource economies
2 and, from the time of the Mackenzie Pipeline
3 Inquiry to the present, we have argued that
4 settlement of land claims is a national priority
5 and should precede non-renewable resource
6 development.

7 Our brief today is concerned with
8 comprehensive land claims and the extent to which
9 they have, and may in the future, served as a
10 vehicle for reconciliation between the peoples of
11 Canada and for fostering reciprocity and sharing.

12 As you will have noted, our brief
13 is divided into two parts. The first part
14 contains our basic submission, and the second part
15 contains six appendices which are designed to
16 provide supporting argumentation for the main part
17 of the brief. We have also made available to you
18 today a short list of rather more precise
19 recommendations. The heart of the brief, I think,
20 is found in the first 27 pages.

21 Like the Commission itself, we
22 have been searching for some sound, principled
23 basis on which to ground an appraisal or critique
24 of modern land claims agreements and the federal
25 government's land claim policy. We believe that

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1 partnerships.

2 As was pointed out at the
3 Commission's Youth Forum here a few weeks ago,
4 Montreal and its surroundings, among all Canadian
5 cities, has the largest concentration of
6 Aboriginals who are potential university students.
7 This fact also strengthens our resolve to make
8 McGill even more relevant and responsive to
9 Aboriginal students and issues.

10 Today we have come to tell you
11 about us, but we are here to learn, too. We want
12 to work together to forge educational
13 opportunities, research agendas and university
14 structures that will help give Aboriginal peoples
15 an education that will not alienate them from
16 their own identities or from their communities,
17 but will allow them and us to give them something
18 to take back to the communities. We want, too, to
19 be enriched by the presence of Aboriginal
20 students, staff and content on our campus, so that
21 we can all work together toward a new partnership,
22 not just within the university but within Canada.

23 I would like now to turn it over
24 to John Wolforth who will talk a bit about the
25 role of the university.

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1 the principles of sustainability, informed by
2 modern feminist writings, provide one such basis,
3 and we develop that argument in the brief and in
4 our recommendations.

5 We are attracted to the principles
6 of sustainability as a touchstone against which to
7 measure land claim agreements and federal policy
8 for a number of reasons. Not only are those
9 principles consistent with the philosophy of our
10 own organization, but they have achieved
11 international recognition and support from a
12 number of sources. There is, therefore, a sense
13 in which they constitute an internationally-
14 recognized standard against which to measure
15 Canadian achievements or the lack thereof.

16 Perhaps most important, though, is
17 the sense in which the principles of
18 sustainability force us to set goals for the
19 future. Rather than concentrating on the
20 historic, but real, injustices suffered by the
21 Aboriginal peoples of Canada, they force us
22 instead to direct our attention to the question:
23 How can we, as non-Aboriginal Canadians, in
24 partnership with Aboriginal Canadians, ensure a
25 sustainable future for the Aboriginal peoples of

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1 JOHN WOLFORTH, Director, Native &
2 Northern Education Programs, Faculty of Education,
3 McGill University: I should like, Mr. Chairman,
4 to say something in general terms about the role
5 of the university and then to describe very
6 briefly the program that I have had the honour and
7 privilege to be associated with for the last six
8 or seven years.

9 In our report we say, basically,
10 that the university can do three different things
11 to assist Aboriginal people in meeting their
12 legitimate aspirations in the area of education.
13 The university is a reservoir of expertise, and
14 some of that expertise was accumulated by scholars
15 in various disciplines over a large number of
16 years.

17 It would be inappropriate for
18 Aboriginal people to disregard that expertise,
19 even though it may in some cases, as we say in our
20 report, be seen as an example of cultural
21 appropriation. Nonetheless, the resource is there
22 in the form of numerous monographs, learned
23 articles, books, artifacts in museums, and so on.
24 It is the duty and responsibility of the
25 university now to enable Aboriginal people to

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1 northern Canada? This, I think, is a tremendous
2 challenge, but it is a challenge that we have to
3 meet.

4 In introducing the brief today, I
5 would first like to indicate how we define the
6 principles of sustainability and then present a
7 few examples of how that analysis might work. We
8 will then be able to try to respond to your
9 questions. We don't have all the authors of our
10 submission here, but we will do our best.

11 Our usage of the term
12 "sustainability" has four components: economic;
13 environmental; socio-cultural; and political and
14 institutional. Each of those components overlaps
15 with the others.

16 On the economic side
17 sustainability requires that renewable resources
18 be managed to ensure their continued productivity
19 over time. Non-renewable resources must be
20 managed in such a way as to minimize environmental
21 damage while providing for the needs of all
22 members of affected communities, including women.

23 Environmental sustainability is
24 provided by insisting upon the preservation of
25 genetic diversity and the protection of

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1 regain that knowledge, to make it accessible to
2 Aboriginal people so that they can use it to meet
3 their own aspirations.

4 One of the ways in which we would
5 like to do that is by creating mechanisms by which
6 we can increasingly involve Aboriginal people in
7 partnerships of research, to address questions
8 which are of particular interest both to the world
9 of scholarship and to Aboriginal people
10 themselves.

11 The second area in which I think
12 the university can be of assistance -- and I think
13 the program which I will describe in a few minutes
14 illustrates this particularly well -- is in
15 creating bridges.

16 Unfortunately, in the past many
17 Aboriginal young people have not seen universities
18 as welcoming institutions for them. For northern
19 Aboriginal people in particular, this is
20 understandable. The university is a long way
21 geographically, and it is a long way culturally
22 from their own environment. It is very difficult
23 very often for young Aboriginal men and women to
24 come to southern universities and to find an
25 environment where they can thrive and where they

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1 functioning ecosystems.

2 Socio-cultural sustainability can
3 only be achieved by insisting upon social justice,
4 gender equality, respect for cultural and
5 linguistic diversity and by according to
6 indigenous peoples the opportunity to self-
7 determine their future.

8 Finally, governmental and quasi-
9 governmental institutions, including institutions
10 established by land claim agreements, will only
11 meet the tests of sustainability if they govern
12 themselves in accordance with principles of
13 transparency, openness, accountability and gender
14 equality.

15 How, then, do model land claim
16 agreements and current federal policy measure up?
17 Do they make provision for these different
18 elements of sustainability? Do they value equally
19 the roles and values of men and women?

20 We argue in the brief that they
21 fall short. This is not entirely surprising, for
22 it is evident that federal land claim policy was
23 developed in a much narrower policy environment
24 than the more holistic approach demanded by the
25 principles of sustainability. To make that

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1 can learn and where they can grow. The dropout
2 rate and the rate of failure amongst Aboriginal
3 people has been a distressing characteristic of
4 this experience in the past.

5 One of the things that the
6 university can do -- and McGill's record in this
7 area has been particularly good, I think better
8 than our record in the third area that I will deal
9 with -- is in community-based programs of various
10 kinds. The university has responsibility to take
11 what it has to offer to Aboriginal communities.

12 There are many advantages in doing
13 this. One of them is that it does indeed make the
14 university more accessible to young Aboriginal men
15 and women. It enables them to gain the kind of
16 training they might require in areas such as
17 education, community health, counselling and
18 various other para-professional roles which enable
19 them then to fulfill those roles in their
20 communities, in areas where expertise is much
21 needed.

22 More important than that, it puts
23 a certain pressure on the university -- and I hope
24 I can say something about this in the program that
25 I have been associated with. If the university

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1 assertion a little more concrete, I would like to
2 provide some examples.

3 Take, first, the question of
4 balance that is at the heart of the different
5 elements of sustainability -- balance between the
6 renewable and non-renewable sectors of the
7 economy; balance between economic and socio-
8 cultural considerations; and balance between the
9 different roles and values of men and women.

10 We do not see that need for
11 balance and that need for the preservation of
12 options reflected in a rigorous way in the federal
13 government's land claim policy or in modern land
14 claim agreements. Modern land claim agreements
15 all but ignore issues of justice, language,
16 culture, education and housing. They focus
17 instead on creating complex administrative regimes
18 within which non-renewable resource development
19 will be able to occur. Much of the provisions are
20 taken up with detailed statements as to the terms
21 and conditions pursuant to which developers will
22 have access to Aboriginal land and the
23 circumstances under which expropriation will be
24 able to occur.

25 By implication, the contributions

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1 goes to the community, it changes in many subtle
2 ways. It takes with it some of the things that it
3 thinks are worthwhile. It takes with it some of
4 the resources which it believes can enhance the
5 education of Aboriginal people. But, in taking
6 them, it takes also from the Aboriginal
7 communities certain characteristics.

8 It has to be accessible. Its
9 programs have to be meaningful to the people who
10 are participating in them. That means that it has
11 to re-examine its pedagogical styles, the way in
12 which it presents information, the way in which it
13 addresses problems, the way in which it engages
14 its students in discourse.

15 It needs to be culturally
16 sensitive. It needs to re-examine its curriculum
17 and to make sure that it is indeed relevant to the
18 needs of the people that it is working with in
19 partnership, in a way that isn't necessary in the
20 south. All too often universities in the south,
21 as I think we are all aware, simply present their
22 wares and expect students to make the best of
23 them. That just isn't possible in community-based
24 programs. Instructors who go to Aboriginal
25 communities have to be concerned with what the

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1 of the renewable resource sector are devalued.
2 Also devalued are the social and cultural
3 preconditions necessary for people to live
4 meaningful and fulfilled lives of dignity.

5 A more specific example arises in
6 the context of wildlife. The modern land claim
7 agreements do create co-management regimes for the
8 management of wildlife. But, with the exception
9 of the James Bay and Northern Quebec Agreement,
10 they do not provide, through hunter income support
11 programs and the like, an economic means for
12 people to stay on the land. In our view, that is
13 a significant omission.

14 Our Appendix on hunter income
15 support programs illustrates that these programs
16 have the potential to fulfill a broad range of
17 health and social objectives, including the
18 support of family units and the reinforcement of
19 traditional knowledge.

20 The failure of governments to
21 support these programs is not only short-sighted
22 but also illustrates the extent to which the land
23 claim negotiation agenda is driven by government,
24 not by community needs.

25 We recommend that the range of

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1 interest and needs of their students are in that
2 community. If they are not, they do not survive.

3 This means also that the courses
4 given have to be appropriate in a linguistic and a
5 cultural sense. Our experience here has been
6 particularly interesting, as I will explain in a
7 few moments.

8 The third area in which I think
9 universities can play a role -- and here I would
10 have to say that McGill has not had a particularly
11 good record in the past, maybe not as good as some
12 other universities. As was mentioned a few
13 moments ago, there is a serious desire to create a
14 change by providing support on campus for
15 Aboriginal students who wish to pursue studies in
16 the more orthodox mainstream style.

17 There are many ways in which the
18 university can make itself more welcoming to
19 Aboriginal students. I think, in doing so, it
20 produces benefits not only for those potential
21 students but also -- and I think this is more
22 important -- for the university itself.
23 Universities are enriched -- all educational
24 institutions are enriched -- by having a variety
25 of students from a variety of backgrounds.

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1 issues that can, and should, be negotiated as part
2 of a land claim agreement be expanded to reflect
3 the full range and balance of sustainability
4 principles, as well as the full range of concerns
5 of all members of Aboriginal communities. We
6 recommend that specific attention be given to
7 hunter income support programs.

8 Second, let's take the issue of
9 financial compensation. Lying at the heart of
10 sustainability is the ideal of social justice and
11 the observation that no society will be
12 sustainable if there are members of that society
13 whose basic needs are not being met. Needs, then,
14 might form a basis for measuring the adequacy of
15 federal compensation payments; yet, there is no
16 evidence that this is in fact the case. Instead,
17 the adequacy, or otherwise, of payments seems to
18 be determined by reference to a per capita formula
19 arrived at on an entirely arbitrary basis and
20 applied to modern settlements across the board.

21 If anything, these compensation
22 payments, as the name implies, look to the past
23 rather than to the future for their justification.
24 We understand that factors such as past injustices
25 and alienations of land to third parties ought to

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1 Students of Aboriginal background, in the Canadian
2 context, are particularly enriching on the
3 university campus.

4 The areas in which the university
5 can play a role -- the one that is usually looked
6 at first is admissions, and I think this can be
7 somewhat misleading. Generally, when we talk of
8 admissions, we begin thinking in terms of quotas,
9 in terms of affirmative action, and that always
10 raises hackles on the university campus. I think
11 we should think much more of recruitment, or
12 finding ways in which we can attract intelligent
13 young Aboriginal men and women to come on to the
14 campus to pursue mainstream studies, if you want
15 to call them that -- the regular orthodox
16 curriculum of the university.

17 The kind of community-based
18 programs that I touched on a few moments ago, I
19 think, are a particularly appropriate way of doing
20 this. They do indeed act as a bridge. By taking
21 the university to the community, you make the
22 university more accessible and, in fact, you then
23 encourage Aboriginal students to see the
24 university as a place where they can indeed find a
25 home.

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1 be taken into account in determining compensation
2 but, equally, we need to look to the future and to
3 the satisfaction of needs.

4 Similar observations, I think, can
5 be made about the quantum of land and resources
6 that remain in Aboriginal hands after settlement
7 agreements. Quantum seems to be arbitrary rather
8 than based upon an assessment of present and
9 future needs of the Aboriginal peoples concerned.

10 Third, and finally, take the
11 related issues of finality and certainty.

12 We acknowledge that government has
13 a legitimate interest in creating conditions in
14 which the respective legal entitlements of the
15 crown and of the Aboriginal people concerned are
16 clarified or rendered certain. It is less clear,
17 however, that this same claim can be made for
18 finality or, indeed, that the principle of
19 finality is at all consistent with principles of
20 sustainability.

21 In fact, we would suggest
22 otherwise, for the adaptability of physical and
23 social systems is an important part of ensuring
24 sustainability. So, too, is the idea of learning
25 by doing and incorporating the lessons of the past

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1 So recruitment and admissions, I
2 think, have to be looked at together.

3 I think another area that is very
4 important is by looking at university programs and
5 seeing how we can change. I don't think it is
6 appropriate for universities to present a western
7 European, if you will, style of knowledge to
8 Aboriginal communities in a kind of "take it or
9 leave it" way. We have to look at the way in
10 which knowledge has to be transformed both by
11 being presented to Aboriginal people and by
12 Aboriginal people interacting with knowledge and
13 then, in turn, changing that knowledge. It is not
14 just a matter of saying what is relevant, but
15 simply trying to look at knowledge as a much more
16 dynamic concept that can be continually altered by
17 the involvement of Aboriginal people.

18 An important aspect that enables
19 this to take place is in the provision of support
20 and advocacy services for Aboriginal students on
21 campus. This is an area where some universities
22 in Canada, I think, have done a little better than
23 McGill and where we would certainly hope that we
24 will be able to improve.

25 It is very important for

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1 into future practice.

2 This suggests to us that land
3 claim agreements should provide for a regular
4 review in accordance with agreed-upon principles
5 that include reference to the attainment of
6 sustainability. It also suggests to us -- and
7 this is addressed in detail in one of the
8 appendices. It also suggests to us that
9 implementation is just as important as the
10 agreements themselves and, as our analysis of the
11 implementation negotiations of the Nunavut
12 Agreement demonstrates, deserves a much higher
13 priority than it currently receives.

14 At present, implementation
15 negotiations seem to be treated more as an add-on
16 than as an integral part of creating a better
17 future.

18 These are just a few specific
19 examples of how the sustainability analysis that
20 we propose might be applied. Our most fundamental
21 recommendation is simply that the principles of
22 sustainability provide an important touchstone
23 against which to measure current government policy
24 as well as existing agreements. These principles
25 ought to be explicitly incorporated into both, and

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1 Aboriginal students, particularly those from
2 northern or remote communities, to feel that the
3 university is a welcoming place for them; to feel
4 that there are places on the campus where they can
5 find a home; to know that, if they run into
6 trouble, there are Elders who can counsel them in
7 a culturally-appropriate way; to know that, if
8 they are having problems with the university
9 bureaucracy -- and all universities have
10 cumbersome bureaucracies; I don't think McGill is
11 alone in that respect -- there are people who can
12 understand that bureaucracy and interpret it to
13 them and speak on their behalf. All of those
14 things go together.

15 Those are the three areas where I
16 think universities can be particularly helpful to
17 Aboriginal people: by providing expertise through
18 the accumulation of generations of research; by
19 providing community-based programs; and by
20 increasingly encouraging Aboriginal students to
21 come into mainstream programs on campus but, in
22 doing so, to recognize that, at least in the first
23 instance, many of them will need some additional
24 support, some additional attention, and that that
25 isn't done simply out of a kind of paternalistic

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1 we recommend that the government comprehensive
2 land claims policy be amended to that effect.

3 As I mentioned at the outset, we
4 tabled with you this afternoon a more precise
5 statement of our recommendations than is contained
6 in the full brief.

7 With those introductory remarks,
8 we are available to try to answer your questions.

9 Thank you.

10 CO-CHAIR RENÉ DUSSAULT: Thank you
11 very much for presenting us with your brief. As
12 we were just forwarded your recommendations, we
13 haven't had an opportunity to read them
14 beforehand.

15 Because your brief is raising
16 major issues, of course the question is always
17 what is the best route to implement them. I am
18 just a bit uncomfortable because I didn't have the
19 opportunity to read your recommendations at
20 length.

21 Do you feel you have given us the
22 summary that is necessary?

23 NIGEL BANKES: I think the
24 recommendations that we tabled today are drawn
25 from the first 27 pages of the full brief.

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1 view of their role on campus, but that it is done
2 because we genuinely want them to be on the campus
3 because we know that their presence on the campus
4 is going to enrich us as well as to enrich them.

5 If I can just say a little bit
6 about the program with which I have been
7 associated, in some ways I think it provides a
8 very good model of the second type of contribution
9 that the university can make -- that is, the
10 contribution through community-based programs.

11 The McGill Native and Northern
12 Education Program started in the mid-1970s, in
13 part, as a result of the James Bay and Northern
14 Quebec Agreement. That Agreement gave the Kativik
15 School Board the somewhat unique position, shared
16 with the Cree School Board, of training its own
17 teachers, amongst other things. A link was made
18 with McGill in order to provide the mechanism for
19 doing this.

20 McGill created a program which
21 would lead to initial certification and would
22 provide teachers -- almost all of them women, many
23 of them in their thirties, forties and even in
24 their fifties, who had worked as classroom
25 assistants for a number of years and who were,

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1 CO-CHAIR RENÉ DUSSAULT: So there
2 is nothing additional.

3 NIGEL BANKES: I will let Terry
4 speak to that, if I may.

5 TERRY FENGE, Executive Director,
6 Canadian Arctic Resources Committee: What I could
7 do, perhaps, is recount for you some of the
8 recommendations, and then I would hand the
9 microphone on to Mary to talk about some of the
10 additional recommendations.

11 You have in front of you two and a
12 half relatively short pages. We have tried to
13 distil a number of our thoughts and ideas on two
14 and half pages, and we have organized it under
15 three headings: Principle and Process;
16 Negotiating Agenda; and then the crucial question
17 of Implementation.

18 Nigel has already given you the
19 background on our fundamental recommendation,
20 which is that the current land claim policy needs
21 to be reformed, and we are suggesting that the
22 principles of sustainability be used as a
23 touchstone in which to do so.

24 Let me mention a few things on the
25 negotiating agenda on page 2 -- two things. First

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1 therefore, very dedicated and, in fact, very
2 expert and very competent teachers, but who lacked
3 the qualifications which would give them the
4 credibility in the outside world and also perhaps
5 lacked some knowledge and skills which would make
6 them even more effective.

7 That work started with the Kativik
8 School Board in the 1970s, and it had two rather
9 interesting preconditions. One of them was that
10 it should take place in the communities. There
11 was no question of these women coming south.
12 Almost all of them had families; some of them,
13 indeed, were grandmothers, and it just wasn't
14 feasible for them to come south. Although some of
15 them were bilingual, there was no question that
16 Inuktitut was their most important language; some
17 indeed were unilingual.

18 The two conditions were that
19 whatever program McGill offered in partnership
20 with the Kativik School Board should be offered in
21 the community and that it should be offered in
22 Inuktitut.

23 That model has developed in an
24 interesting way, in a way of which we are very
25 proud, starting from an initial base in which

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1 of all, on the land quantum, we found that, if one
2 looks at the land claim agreements that have been
3 negotiated to date, the amount of land that
4 Aboriginal peoples retain under land claim
5 agreements roughly falls within a quantum of 15 to
6 25 per cent. The James Bay situation is
7 significantly underneath that.

8 We don't believe that is an
9 equitable situation.

10 Second, if you look at the whole
11 question of Aboriginal peoples sharing in the
12 generation of revenue from the development of
13 crown land and resources within Settlement Areas,
14 I think this is a rather interesting topic. When
15 the federal land claims policy was reformed in
16 1986, amidst great fanfare, the federal government
17 announced that it was prepared to share royalties
18 derived from oil, gas and mineral development with
19 Aboriginal peoples. The share of those royalties
20 that has been provided to Aboriginal people
21 through the northern land claim settlements is
22 very small.

23 However, there is another side to
24 this issue. The federal government in the north
25 uses other tools and techniques to capture

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1 courses were delivered in English and then were
2 translated into Inuktitut, which you can imagine
3 is a very cumbersome process. We are now in the
4 situation where we have a pool of very competent,
5 skilled Inuit instructors who, in working with
6 people like Professor Martha Crago and other
7 colleagues at McGill and from elsewhere, have
8 developed the expertise, sometimes through being
9 involved in research projects, which enables them
10 to deliver the courses in the program in
11 Inuktitut.

12 I think I am right in saying that
13 ours may be the only program in Canada certainly,
14 and maybe one of the few in the world, where it is
15 possible to attain a Bachelor's Degree entirely in
16 an Aboriginal language. It is possible to reach
17 the B.Ed degree entirely in Inuktitut, using this
18 mechanism of trained, competent, well-skilled,
19 experienced Inuit instructors who deliver McGill
20 University courses. We are very proud of those
21 people.

22 The model was so successful that
23 it was adopted by the Eastern Arctic Teacher
24 Education Program in the early 1980s and has
25 really expanded in the Northwest Territories

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1 economic rent rather than royalties.
2 Unfortunately, the land claim agreements do not
3 provide the ability for Aboriginal people to share
4 in those tools and techniques. Aboriginal peoples
5 are restricted to sharing royalties.

6 If one is to abide by the
7 principle of fiscal equity, one would need to
8 broaden the range of tools and techniques which
9 Aboriginal people can use to gain a fair share of
10 the revenue and rents that the crown receives from
11 development within Settlement Areas.

12 A third area we would suggest you
13 look at is the whole question of the ownership and
14 management of sub-surface resources. We find that
15 in the northern land claim settlements,
16 notwithstanding the term "land claim," Aboriginal
17 peoples are provided with, in essence, a marginal
18 role in the disposition of rights to use the sub-
19 surface and an inability to own portions of the
20 sub-surface.

21 We think this is entirely
22 inequitable and is a major sin in the land claim
23 policy to date. It is something that we would
24 suggest that you turn your attention to.

25 Nigel has already mentioned at

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1 through the establishment of Arctic College in
2 1986 and the absorption into Arctic College of the
3 Eastern Arctic Teacher Education Program and, most
4 recently, through the initiative of the Government
5 of the Northwest Territories in its attempt to
6 increase the participation of Aboriginal teachers
7 in the school system, through a series of
8 community-based programs, starting with one in the
9 Keewatin District which terminated last year and
10 most recently with three programs, one which is
11 currently in operation along the Arctic coast in
12 the Kitikmeot District and the other two which are
13 operating in the North Baffin.

14 The model essentially started as
15 an Inuit model. Our courses were courses in
16 Inuktitut. The model was well-regarded by other
17 communities, and interest was shown by a number of
18 Aboriginal communities in other parts of Quebec in
19 the late 1980s. Since that time, in the last six
20 years, we have now extended the program to a
21 number of communities, first working with the
22 First Nations Education Council in Quebec to offer
23 a similar program in Kahnawake and Kanasatake, in
24 Maniwaki, in Rapid Lake and in Restigouche.

25 That initial agreement has now

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1 some length the whole question of renewable
2 resource development and our position in favour of
3 programs and other means to bolster and support
4 hunting, fishing, trapping and gathering
5 economies, so I won't speak to that.

6 Lastly is the whole question of
7 implementation, a very important question. I
8 would invite Mary to make some comments on that.

9 MARY CRNKOVICH, Canadian Arctic
10 Resources Committee: Thank you, Terry.

11 In our recommendations we have
12 called upon you to consider recommending that the
13 guidelines currently in place for comprehensive
14 claims be discarded. These are guidelines that
15 were developed in 1991 by the federal government.
16 They were not part of the comprehensive claims
17 policy that was developed in 1986, and that policy
18 development was the result of ongoing discussions
19 with a number of the claimant groups.

20 Unlike that, the guidelines
21 themselves are something done very internally and,
22 as you can well imagine, have a direct impact on
23 the effectiveness of any land claim agreement.
24 These guidelines are inappropriate and do not
25 reflect any of the Aboriginal claimant groups'

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1 expired, successfully I might say. We provided a
2 program in all of those communities which resulted
3 in a large number of teacher trainees receiving
4 initial certification.

5 In the process of working with
6 people in the communities and with linguists at
7 McGill University, we developed courses in Mohawk,
8 in Algonquin and in Micmac, and we now have those
9 courses in place.

10 We continue to work with some of
11 those communities on an individual basis. As
12 devolution has taken place, it seems to be more
13 appropriate to work with them on a community-by-
14 community basis. We now have a flourishing
15 program in Kahnawake, both at the initial
16 certificate level and at the Bachelor of Education
17 level.

18 More recently we have started to
19 work with the Cree School Board, together with the
20 University of Quebec at Chicoutimi, which runs a
21 parallel program to our own. We are very pleased
22 to work in partnership with the Cree School Board,
23 particularly for those teachers who have English
24 as their preferred second language.

25 We have also extended to a number

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1 viewpoints and, in our view, should be discarded.

2 As well, in discarding them, we
3 are proposing that you recommend that
4 implementation is an integral part of the land
5 claims process and, therefore, should be part of a
6 new comprehensive claims policy, that it should
7 not be separated and isolated as an additional
8 after-the-fact matter.

9 We have said that the
10 implementation contracts that exist -- the Nunavut
11 Land Claim Agreement is discussed at length in an
12 appendix to this brief. That implementation
13 contract is negotiated by the parties, but it is
14 done at the end of a process, after many, many
15 years of negotiating a land claim. It is our view
16 that these plans to implement and give life to the
17 meaning of the agreement should be done at the
18 same time, by the same people and at the same
19 negotiating table, not done after the fact by
20 people who have had no involvement in the
21 development of the comprehensive claim agreement.

22 These plans that do get developed
23 should have legally-binding commitments in them.
24 They should be given contractual status so that
25 the Aboriginal claimant group, once they have

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1 of communities in Nova Scotia, working in part
2 through the Micmac Educational Authority but also
3 working with the individual communities.

4 We are very pleased with our
5 efforts in the last few years. We think there are
6 many more things that we could do.

7 The keynote -- and this is my last
8 remark. The keynote has been the one that
9 Marianne referred to earlier on. The keynote is
10 one of partnership. We are not, despite McGill's
11 history and James McGill's background as a fur
12 trader, any longer an imperialistic institution
13 or, I hope, not a paternalistic institution.
14 Partnership has been the keynote of all of these
15 relationships.

16 We have not in any case sought a
17 connection actively with any Aboriginal community.
18 We have waited until Aboriginal communities have
19 contacted us. We then try to sit down with each
20 community and to work out a program which is
21 respectful of the academic standards of the
22 university but, at the same time, responds to
23 their own unique and individual needs. In every
24 case I think we have been able to do that.

25 We believe strongly in the notion

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1 completed an agreement, have some commitment to
2 knowing that their agreements will be implemented
3 as agreed to.

4 Another important recommendation
5 we felt should be made is that the implementation
6 plan, since it is an integral part of a
7 comprehensive agreement, should be made available
8 to the Aboriginal claimant group and the community
9 that is represented in the agreement prior to
10 their ratifying any agreement. They should have
11 an opportunity to review it and fully understand
12 not just the agreement but what the contract
13 entails. Without that, they are not being fully
14 informed, and it would be unfortunate for them not
15 to have that opportunity.

16 Generally, in the principal
17 section of our recommendations another important
18 aspect to implementation was the recommendation
19 that land claim agreements be regularly reviewed.
20 What we recommended here was that perhaps every
21 five years there would be a review.

22 Under the Nunavut Land Claim
23 Agreement, there is a commitment to review every
24 five years, but it is only review as to how the
25 legal contract, the implementation plan, is being

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1 of community-based programs. We believe that, to
2 offer community-based programs in a respectable
3 way, a great deal of community contact is
4 important. One of my jobs as Director and one of
5 my colleague Lynn McAlpine's jobs, as Associate
6 Director, is simply to visit communities. We
7 spend a lot of time in all of the Aboriginal
8 communities that we work in, from Baker Lake in
9 the Northwest Territories to Cambridge Bay to
10 Arctic Bay to Cape Breton to Kahnawake -- a vast
11 area, I might say. A great deal of time is spent
12 working with educational representatives in those
13 communities, working with instructors, and working
14 on a personal basis with students.

15 We hope our model is one that can
16 be used in many other situations, and we hope it
17 is something that will help Aboriginal people to
18 meet their legitimate educational aspirations.

19 Thank you, Mr. Chairman.

20 **TIMOTHY JOHNS, Centre for**
21 **Indigenous Nutrition and Environment, Macdonald**
22 **College, McGill University:** I, first of all,
23 bring the regrets of the Director of the Centre
24 for Nutrition and Environment of Indigenous
25 People, Harriet Kuhnlein, who is meeting tomorrow

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1 implemented. There is not a general review of how
2 the land claim itself is succeeding in its
3 implementation.

4 It is our view that that type of
5 five-year evaluation of the agreement could be
6 done by some party outside of the two parties who
7 sign the contract and also sign the land claim
8 agreement. We have recommended that one group
9 that could be considered could be the Claims
10 Commission which was the commission proposed by
11 the Liberal Party in its October 8, 1993 paper.

12 I will stop there and leave you to
13 your questions. Thank you.

14 CO-CHAIR RENÉ DUSSAULT: Thank you
15 again. I would like to thank the Canadian Arctic
16 Resources Committee for presenting us with a very
17 informative brief. Obviously, a lot of thought
18 and effort has gone into the provision of this
19 brief. It is certainly going to be very useful
20 for the Commission. I would like to thank you
21 very much for doing this.

22 It is always good for us when out
23 of our Intervenor Funding Program support -- and I
24 know that it was not all that was needed for the
25 preparation of this report -- good results flow.

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1 with the Health Commission of the Yukon First
2 Nations. I think you may have met Harriet. She
3 participated in the Vancouver Round Table on
4 Health and Social Issues.

5 The Centre for Nutrition and
6 Environment of Indigenous Peoples is described
7 starting at page 13 in the brief that you have.
8 This is a new research and education facility on
9 the Macdonald campus of McGill University, which
10 was initiated in response to the concerns of
11 Aboriginal people with regard to the integrity of
12 the traditional food system.

13 I think it is a centre that is
14 certainly unique in the McGill context, in that it
15 involves, I think, truly a partnership between
16 Aboriginal people and the university, and I think
17 it probably is a good model in a much broader
18 context.

19 The Centre officially opened its
20 doors on September 15. At that time there was a
21 co-operation agreement signed between the
22 Governing Board and McGill. The Governing Board
23 is comprised of the organizations listed at the
24 bottom of page 14, which are six organizations
25 that represent Inuit, Indian and Métis people in

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1 That being said, you described the
2 structure of your organization. I believe you
3 have 14,000 members. You are not federally-
4 funded; you are privately funded by your members.
5 What is the process in your organization when you
6 present a brief like this one? Is it a committee
7 report? Is it a report that has the support of
8 the Board of Directors?

9 Could you expand a bit on that.

10 **NIGEL BANKES:** I can speak to
11 that.

12 We have, as an organization, a
13 committee composed of some 20 individuals who are
14 selected to serve on the committee because of
15 their background in northern issues. They are
16 drawn from all sorts of professions and from
17 across the country.

18 In addition to the formal
19 committee members, we have members who support the
20 organization through actually joining the
21 organization and subscribing to the organization.
22 The process that we go through for preparing a
23 brief such as this is to internally, within the
24 Executive Committee of the Board, thrash around
25 what sort of position we wish to take and then to

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1 the area north of the 60th parallel in Canada.

2 The first Chairman of the
3 Governing Board is Bill Erasmus, the National
4 Chief of the Dene Nation, and the host community
5 is the Mohawk Council of Kahnawake.

6 That agreement, among other things
7 it lays out in detail, provides for a relationship
8 where the Governing Board is authorized to oversee
9 the activities of this research and education
10 centre. It has the responsibility of actually
11 approving the activities of the Centre, and it is
12 also able to oversee the financial activities of
13 the Centre.

14 The research model that the Centre
15 follows is a participatory research model. It
16 involves participation between our Governing Board
17 and the staff of the Centre and also between the
18 Centre and Aboriginal communities in Canada and
19 elsewhere. It is participatory in the initiation
20 of projects. The projects, in the first instance,
21 are initiated in response to specific concerns
22 about particular issues that relate to nutrition
23 and the environment of the people. It is
24 participatory in the undertaking of the projects
25 and in the approval of protocols and, I think very

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1 have different members of the Board and others
2 contribute to the preparation of that submission.

3 Drafts are then circulated to
4 interested Board members for their comment and
5 input.

6 It would be misleading to say that
7 14,000 members or 5,000 members had signed on to
8 this brief. Those members support the
9 organization and the general goals of the
10 organization, which I think are well-known to our
11 supporting public. We remain consistent with
12 those general goals which, no doubt, evolve over
13 time.

14 CO-CHAIR RENÉ DUSSAULT: Thank you
15 for that clarification. It is useful.

16 There are two main issues I would
17 like to raise with you. The first one is about
18 the whole question of extinguishment.

19 You say in your brief that to
20 achieve certainty and clarity of title -- and you
21 agree that this should be achieved, that it is not
22 a necessary step to include the extinguishment
23 clause in whatever form it has evolved in the last
24 few years, that it is not necessary to do that to
25 achieve this end. I know you have appendices to

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1 importantly, in the dissemination of the results
2 of the research activities.

3 The specifics of what we are
4 prepared to engage in, and are engaging in, in the
5 first instance relate to social and
6 epidemiological methods and aspects of gathering
7 information on dietary intake and on food
8 patterns. They involve certainly strictly
9 scientific methods, but also are concerned with
10 cultural issues and with issues such as indigenous
11 knowledge.

12 The second major activity that we
13 are engaging in is laboratory analysis of foods or
14 of environmental samples that relate to specific
15 problems of nutrition and environments of
16 indigenous people. We have the capacity on site
17 to look at nutrient constituents of foods,
18 pharmacological properties, toxicological
19 properties and, specifically, at contaminants.

20 The initiation of this Centre and
21 the impetus for its creation came out of
22 involvement of people from the university and
23 Aboriginal leaders as part of the Arctic
24 Environmental Strategy. Certainly I think you are
25 well aware of the seriousness of some of the

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1 your brief.

2 As you know, we hope to be able to
3 come up with an interim report on the whole issue
4 of extinguishment -- an interim report because we
5 feel that, if it would help to create some
6 movement, it is never too soon. It has been one
7 of the problems in the way of many settlements.

8 But it is easier said than done.
9 Of course, since the Coolican report in 1985, many
10 people have been looking at alternatives to
11 achieve that certainty and clarity of title
12 without having to go that far, in terms of
13 surrender, release and on and on.

14 Do you have additional technical
15 documents that you could share with us to support?
16 Many people say that and, of course, we were
17 really looking for technical solutions. We feel
18 that a small step is a big step in this area, and
19 it would be very useful.

20 Could you tell us a bit more as to
21 the ways and means to achieve the goal that is
22 shared by many people in this country while
23 meeting the necessity for certainty and clarity of
24 title?

25 NIGEL BANKES: It is clearly a

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1 contaminant issues that have been identified,
2 particularly in the north.

3 In this regard, I think it is
4 particularly important to recognize that this
5 Centre is established to be independent from
6 government. Although the money for the creation
7 of the Centre comes from government, it is with
8 the full condonement of the government that the
9 university and the Board and Aboriginal
10 communities work independently from the
11 government. This is particularly important in
12 issues of contamination where some of the data
13 that may be gathered may be of a politically
14 sensitive nature.

15 In terms of the educational
16 complement of CINE and our activities, that takes
17 place on several levels. Certainly the
18 participatory research model is set up in a way
19 that it is educational itself and it involves
20 people in the activities.

21 Although we are new in this, we
22 are prepared to offer specialized training to
23 individuals, either at CINE or in relation to
24 projects that are undertaken, likely in the north.

25 At the same time as the

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1 very difficult issue -- not just a difficult issue
2 but a tremendously emotional issue given the
3 connection that Aboriginal peoples feel to the
4 land. Extinguishment of title to land is, in some
5 sense, extinguishment of them as people.

6 We have given a lot of thought to
7 this problem. A number of the members of the
8 Board are lawyers who have worked for and with
9 Aboriginal organizations and have thought about
10 the problem in that context.

11 We don't have a formal, technical,
12 legal brief that we could share with you at this
13 stage.

14 In terms of alternatives to
15 extinguishment that actually might provide the
16 required certainty, it seems to us that the basic
17 problem that one has to be concerned with is that
18 people will go to court based upon an
19 unextinguished title and, therefore, threaten the
20 security of third party title. If that is the
21 problem, then that is the specific issue that
22 needs to be addressed.

23 We perhaps discussed two
24 solutions, if they can be called solutions. One
25 is to suggest that the rights contained within a

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1 co-operative agreement was signed between the
2 university and the Governing Board, a second
3 co-operation agreement was signed between McGill
4 University and Yukon and Arctic Colleges, with the
5 intent in relation to CINE and the mandate of
6 those two colleges and the mandate of the
7 university in general that these three
8 institutions would work in co-operation.

9 Finally, the last way that we are
10 involved in education is very much in the way that
11 my colleagues have already spoken about -- the
12 normal university context that trains students and
13 grants degrees both at the undergraduate and
14 graduate level.

15 Certainly we are very excited that
16 we have a very important research model in
17 relation to the issues that we are concerned
18 about. These are issues that certainly are
19 important to Aboriginal people, and I think we can
20 make at least a small contribution in this regard.
21 I think these are also issues that are of great
22 global importance. We are well aware in the
23 national and international arenas that we have
24 received attention from a number of people.

25 The Macdonald campus is in Ste-

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1 land claim agreement constitute an entire
2 statement of rights to land, thus making it
3 extremely difficult for anyone to sue on the basis
4 of another interest in land. So define the rights
5 in the agreement and state that the agreement
6 provides an exhaustive list of rights in relation
7 to land.

8 A second possibility is to look at
9 the sort of thing that was being talked about at
10 the time of the Charlottetown Accord last year,
11 when discussions were focusing on the inherent
12 right to self-government and the entrenchment of
13 that in the Canadian Constitution, but also a
14 significant discussion focusing on when that right
15 should become justiciable and a clause being put
16 into the Accord, either in the text or in the
17 political accord, indicating that the right would
18 be non-justiciable for a number of years.

19 I don't think we have thought this
20 through every precisely, but maybe that which
21 seemed to be politically acceptable to both
22 Aboriginal organizations and to the provincial
23 governments and the federal government last year
24 could be looked at as a way of dealing with the
25 issue of certainty.

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1 Anne de Bellevue. You people who have to travel
2 between Montreal and Ottawa have to pass through
3 our campus every time you drive either on Highway
4 20 or on Highway 40. We would certainly welcome
5 you and your colleagues to drop in any time you
6 wish to see our facility.

7 JOYCE PICKERING, Northern Quebec
8 Module, Public Health Unit, Montreal General
9 Hospital, McGill University: I am from the
10 Northern Quebec Module, and I will just explain
11 very briefly what we do.

12 We have a contractual arrangement
13 with the Cree Board of Health and also the Kativik
14 Boards of Health. We provide tertiary care and
15 referral services for those two Boards of Health,
16 and we also have a mandate to support the Cree
17 Board of Health in community health programming
18 and evaluation.

19 I would like to address really
20 only one thing right now verbally, and that is the
21 issue of health careers. We do believe that
22 Native people should have control over their
23 health services. There are right now Kativik and
24 Cree Boards of Health that we actively work with.
25 I will speak more about the Cree because that is

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1 CO-CHAIR RENÉ DUSSAULT: Just to
2 be sure I hear you correctly on the second one,
3 the rights recognized or defined in the agreement
4 and the issue of justiciability, it would not be
5 justiciable for Aboriginal people for a length of
6 time to secure security to third parties, or is it
7 the reverse? What do you have in mind?

8 NIGEL BANKES: Sir, what I was
9 suggesting is that the rights contained in the
10 agreement certainly would be justiciable and they
11 would need to be enforceable. The land claim
12 agreement would be recognized under section 35 of
13 the Canadian Constitution, and constitutional
14 rights would flow from that and would be
15 justiciable.

16 I think other rights outside the
17 agreement, based upon Aboriginal use and
18 occupation, might not be justiciable.

19 Maybe the second option is nothing
20 more than a technical way of expanding on the
21 first option.

22 CO-CHAIR RENÉ DUSSAULT: That
23 makes it clear.

24 The second point concerns the
25 royalty on resources and sharing the economic

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1 the group with which I am more familiar.

2 The Cree Board of Health does have
3 Cree people in senior administrative positions.
4 The Executive Director, the heads of some of the
5 CLSCs and so on are Cree. But technical
6 competence remains largely in the hands of the
7 non-Cree people. They are dependent on non-Cree
8 for their physicians, almost all their nurses.
9 There are no people trained in public health who
10 are Native.

11 I think, until technical
12 competence can also be in Native hands, the power
13 they have over their own health services will be
14 limited.

15 I wish I could say that the
16 Faculty of Medicine at McGill had as good a record
17 as the Faculty of Education has in community
18 involvement, in providing health care services and
19 in encouraging Native people to be active and to
20 participate in university programs. But I don't
21 think we do. I think we have done very little, if
22 anything at all, to promote Native health careers
23 at McGill.

24 What I would like from this
25 Commission is your active support and your push to

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1 rent. One of the things that struck us while
2 touring the country and meeting with many groups
3 in the resources field -- forestry, mining,
4 electricity, and whatever -- is that in many land
5 claims Aboriginal peoples are not made partners or
6 given compensation. They remain largely
7 spectators to the development of the resources
8 that happened on their ancestral territories.

9 We feel that the whole idea of
10 trying to make Aboriginal people, through those
11 settlements, partners in the development of the
12 resources is an interesting idea.

13 Of course, if you are a
14 shareholder, it brings you to another level of
15 discussion. You have some say in the management
16 of the enterprise.

17 Do you have some thoughts on the
18 whole idea? I know you say in your brief and in
19 your recommendations that there should be capital
20 transfers also. When you addressed the whole
21 issue of economic rent and royalties, did you give
22 some thought to the ways and means to use those
23 land claims agreements to really make Aboriginal
24 people partners in the development of the
25 resources -- not only to get their authorization,

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1 McGill and to other educational institutions to
2 say that we need, as an institution, to look
3 carefully at what we are doing. We need to do
4 more to support Native health careers.

5 It has been said that knowledge is
6 power. Until we can transfer our knowledge to
7 Native people, there is a lot of power that won't
8 remain with them. It goes the other way, too.
9 They have knowledge that we need to have.

10 Thank you.

11 MARIANNE STENBAEK: In our brief
12 we have sections 3 and 4. Section 3 is just a
13 directory of Faculty at McGill that is involved in
14 either northern and/or Aboriginal issues, all 99
15 Faculty members. I think we have missed a few.
16 It constitutes approximately 8 per cent of the
17 Faculty at McGill who work in this area. Then we
18 have a list of some of the physical resources that
19 are particularly applicable to what we are talking
20 about here today. We won't go into that.

21 Martha Crago will sum up some of
22 our recommendations and our conclusions to you.

23 MARTHA CRAGO, Professor, School of
24 Communication Sciences and Disorders, McGill
25 University: I think you have probably gotten the

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1 but taking into account some of their concerns?
2 They would be part of the development process.

3 TERRY FENGE: You raise an
4 important, but complex, question. Let me take a
5 first stab, and then I will pass the microphone
6 along.

7 The first thing to note is the
8 actual language used in the 1986 land claims
9 policy. I think, if you go back to that policy,
10 you will see that much of the rhetoric behind that
11 policy is very similar to the concepts that you
12 were espousing and rather similar to your own
13 remarks in the press release that you published
14 earlier this year in relation to reciprocity and
15 sharing.

16 I think perhaps the problem was
17 that the 1986 policy, when it was reformed, did
18 not go far enough to actually reflect the rhetoric
19 involved.

20 Secondly, I think it is fair to
21 suggest that nobody who is sitting down and facing
22 a bevy of lawyers and government people on the
23 other side of the table would have all the
24 answers. Therefore, surely it is important that
25 Aboriginal peoples have the opportunity to try to

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1 sense, as you have heard other people talk, that
2 there are things that we are very proud of at
3 McGill, and there are other things that became
4 very clear to us as we started to prepare the
5 document about the situation at McGill. I want to
6 address some of those things.

7 McGill doesn't have any
8 comprehensive policy on the role of Aboriginal
9 students at McGill, and it doesn't have any
10 comprehensive policy on the place of Aboriginal
11 content and context in course curricula and
12 research, nor does it have any centralized plan
13 for program development.

14 Overall, we feel there has been
15 insufficient co-ordination of university efforts
16 with the Aboriginal communities and within the
17 university itself. Of course, we see some very
18 notable exceptions to that, but the major point is
19 the comprehensiveness and the centrality of these
20 issues at McGill.

21 These limitations I think we see
22 best as problematic challenges that await McGill's
23 efforts in the future. The kinds of limitations
24 that we have seen associated with educational
25 programming, some of which have been mentioned by

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1 design perhaps a variety of tools and techniques
2 to enable them to become partners in economic and
3 social development. These might through Inuit
4 Impact and Benefit Agreements, through the Nunavut
5 Agreement; it might be through participation
6 agreements in the Inuvialuit Agreement.

7 We think, through sharing in
8 royalties and sharing through rents and other
9 mechanisms that are used to cream off economic
10 rent, by sharing management rights for sub-surface
11 as well as surface -- all of these things build
12 Aboriginal peoples into partnership with
13 government.

14 Therefore, we should perhaps not
15 concentrate on one or two tools or means; we
16 should be expansive in thought here and seek to
17 free negotiators to think expansively, to see what
18 they can design, rather than being limited
19 arbitrarily by the limits of the land claims
20 policy.

21 NIGEL BANKES: I am not sure that
22 I have much to add to that, other than that I
23 distinguish, I suppose, in my own mind between an
24 opportunity to participate in a project in terms
25 of its job opportunities, management

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1 others, are:

2 - There have been problems in
3 attracting and retaining Aboriginal students that
4 have not been systematically addressed.

5 - There has been no systematic,
6 across-the-university consultation with Aboriginal
7 communities about their educational needs.

8 - There have been no organized
9 investigations of educational possibilities
10 developed at other universities that might be
11 applied at McGill.

12 - There has been extremely limited
13 organized support for students studying on campus.

14 - There is a limited number of
15 educational programs specially designed to suit
16 Aboriginal educational needs.

17 Those are some, among a few
18 others, that we have been able to look at.

19 We also see limitations associated
20 with research efforts:

21 - There has been no systematic
22 consultation by McGill with Aboriginal communities
23 about their research needs and their research
24 agendas.

25 - There hasn't been any mechanism

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1 opportunities, training opportunities and the
2 right to economic rents. I sort of sever out
3 almost as a third question this issue of whether
4 or not Aboriginal people wish to actually invest
5 in a project that is occurring on their
6 traditional lands.

7 It seems to me that the latter is
8 a very risky option which clearly needs to be
9 evaluated on a case-by-case basis with great care.

10 CO-CHAIR RENÉ DUSSAULT: Let me be
11 a bit more specific.

12 Two weeks ago in Montreal we had a
13 discussion on this very issue with the Grand
14 Council of Crees. Mary and I were in Montreal
15 earlier last May, and one of the things that
16 struck us was that the Crees in James Bay told us
17 that to see the young Crees going to work for
18 Quebec Hydro, for them and for the community
19 leaders, was to see them as a kind of traitor.

20 There is a training centre with 50
21 positions in James Bay to get the training in the
22 electricity techniques. They said, "Because we
23 don't feel we have a partnership in Quebec Hydro,
24 it is kind of an adversarial relationship."

25 It seems to me, at least, that

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1 for putting McGill's research potential at the
2 disposition of Aboriginal communities.

3 - We also find that present
4 federal and provincial granting structures place
5 limitations on how researchers can incorporate and
6 respect Aboriginal research agendas.

7 - We also find that there are
8 limited numbers of Aboriginals involved in the
9 peer review process associated with obtaining
10 grants.

11 These limitations, among others,
12 remind us of the kind of concerted activity and
13 action that needs to be undertaken in the future.
14 To this end, we have come up with a set of
15 recommendations that we would like to make to the
16 university itself, and which we would like to look
17 to you to help endorse, if they are the kinds of
18 recommendations that you think would be important
19 to have put into place.

20 We have come up with a set of
21 recommendations first that concern changes to
22 university structure and organization, in an
23 attempt to put into place some centralized and
24 comprehensive programs related to Aboriginal
25 education.

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1 there is something wrong there. There are jobs
2 available in the Cree territory in the north.

3 That is why the whole issue of
4 being a partner in the development of the resource
5 seems to be so important. Otherwise, people get
6 cash payments, and they resist development and
7 then get other cash payments, but they never feel
8 part of what is happening on their own land. The
9 process was not made to make them partners. "We
10 give you money, and we do what we feel is
11 necessary to do on the territory." It is the same
12 with the forestry industry, and so on.

13 That is the kind of thing that we
14 would like to address: What are the means to
15 bring partnerships, a feeling that there is an
16 interest in the development of the resource, not
17 only in terms of receiving cash payment but a
18 longstanding interest of the Aboriginal people
19 involved?

20 I don't know whether that
21 clarifies what I had in mind in putting that
22 question, but it seems to me to be pretty
23 fundamental.

24 **NIGEL BANKES:** It certainly is a
25 fundamental issue. I think, if one looks at the

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1 1. We feel that McGill should
2 create a university structure which involves
3 representatives from Aboriginal communities in
4 making decisions about how McGill can best proceed
5 in supporting the needs of Aboriginal communities
6 and their students.

7 2. We feel McGill should create a
8 full-time post for an Aboriginal person who would
9 work with a half-time McGill professor to document
10 the existing Aboriginal student body, their needs
11 for support, to consult with the communities about
12 their educational needs, and to develop plans in a
13 series of "think tank" in conjunction with the
14 Centre for Aboriginal and Northern Affairs of how
15 these needs can be operationalized into
16 educational, support and research programs at
17 McGill. These personnel then need to be supported
18 by a network of professors at McGill who have
19 worked extensively in Aboriginal communities.
20 They need to be carried out under the direction of
21 the Vice-Principal Academics office, and there
22 should be advisory boards of representatives from
23 Aboriginal communities to work in partnership with
24 these two particular people.

25 3. The present Centre for

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1 two northern agreements that I am most familiar
2 with, the Nunavut Agreement and the Inuvialuit
3 Agreement, it would seem to me that the
4 participation agreements that are provided for
5 under the Inuvialuit Agreement actually seem to
6 have been quite successful in bringing people on
7 side and in developing partnerships with Imperial
8 and Shell in the development of oil exploration in
9 the Delta area.

10 In the context of the Nunavut
11 Agreement, I think there was an important
12 opportunity missed in the negotiations there
13 because of an attempt by the federal government,
14 between the agreement-in-principle stage and the
15 final agreement, to severely restrict the ambit of
16 what are called the Inuit Impact and Benefit
17 Agreements. They were initially designed to apply
18 very broadly to any developments occurring
19 anywhere within the Nunavut territory.

20 As the agreement was finalized, it
21 really only applies to developments occurring
22 where Inuit land is directly affected, where
23 mineral exploration, for example, is occurring
24 under Inuit land or in relation to hydro projects
25 anywhere within the Nunavut territory.

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1 Northern Studies and Research, we feel, should
2 become the Centre for Aboriginal and Northern
3 Studies. It should become a nexus of researchers
4 who can act as advisers to the personnel we have
5 just mentioned and who can provide resources to
6 help Aboriginal people fulfill their own research
7 agendas.

8 We have recommendations concerning
9 changes regarding the Aboriginal students at
10 McGill.

11 4. There is a need for a
12 systematic effort to attract support and involve
13 Aboriginal students at all levels of education.

14 5. There should be non-
15 discriminatory ways to identify these students so
16 that we can help support them once they come on
17 campus.

18 6. Special recruitment for
19 students should be carried out.

20 7. Special orientation and
21 preparation sessions should be established for
22 these students.

23 8. There should be individualized
24 tutoring and academic support systems for
25 Aboriginal students.

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1 I think there was an opportunity
2 there to provide a basis for negotiating
3 partnerships which might provide jobs, training
4 and economic opportunities for people, and there
5 was a pull-back.

6 COMMISSIONER MARY SILLETT: I am
7 really sorry that I am not Mrs. Wilson because I
8 know you had hoped that she would be here. I will
9 tell her that when I see her.

10 I just have one question because I
11 am very conscious of the time factor, although I
12 have a number of questions I can privately pursue
13 with both Terry and Mary because I have known you
14 for a very long time.

15 I am encouraged that this document
16 addresses gender equality issues. That is
17 something I don't see very often in terms of the
18 discussion of land claims and the discussion of
19 self-government. I guess we have Mary to thank
20 for that.

21 This morning we heard from the
22 Canadian Municipalities, and they said very
23 clearly that the land claims and self-government
24 are issues they are very interested in. They say,
25 for example, that land claims do have an impact

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1 9. There should be a university-
2 wide Aboriginal student centre so that these
3 people have a place to meet.

4 We have some recommendations
5 concerning teaching at McGill.

6 10. We believe that a university-
7 wide effort should be made at an official level to
8 include Aboriginal and traditional knowledge in
9 courses and research projects where it is
10 warranted. This means that McGill would need to
11 consult with Aboriginal communities about the
12 kinds of educational programs, both existing and
13 non-existing, that are of interest to the ongoing
14 needs of their students.

15 11. We think McGill should study
16 the possibilities for additional field-based and
17 long-distance continuing education in other
18 domains besides education. We certainly support
19 that there needs to be more education for health
20 care professionals in the north.

21 12. We feel there is a need for
22 students to be able to write their exams and
23 theses in their Aboriginal language, if they want
24 to.

25 There is a number of

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1 upon the issues they are responsible for, issues
2 such as zoning or land access or taxation, and
3 that in future they would very much like to be a
4 party at the table -- not an observer but an
5 actual party. They feel they have a legitimate
6 request. They say they are not a third-party
7 interest; they are a level of government that has
8 actual responsibilities and actual jurisdiction
9 and, therefore, they should be sitting at the
10 table with Aboriginal groups who are negotiating
11 land claims.

12 I know that you have primarily
13 concentrated your work on land claims and self-
14 government in the north, but I was wondering
15 whether you have come across those kinds of issues
16 -- requests from groups such as municipalities or
17 hamlet councils or, in the case of northern
18 Quebec, hamlet settlement councils or third-party
19 interests, and how have they been addressed in the
20 land claims settlements to date?

21 NIGEL BANKES: I am not sure that
22 I have much to offer you there. I think, because
23 there is a much greater congruence between the
24 people who sit on municipal councils and the
25 beneficiaries under a land claim agreement,

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1 recommendations that we have mentioned concerning
2 research:

3 13. The Centre for Aboriginal and
4 Northern Studies should organize a network of
5 researchers whose expertise would then be
6 communicated to the communities. The research
7 potential of the group would then be disseminated
8 so that interested people can call upon McGill.

9 14. This research network should
10 encourage federal and provincial funding agencies
11 to prioritize funds for research and networking
12 efforts.

13 15. The Centre should address
14 intellectual property rights and ownership rights
15 of research carried out in Aboriginal communities.

16 16. This consortium of
17 researchers should attempt to integrate Aboriginal
18 students into their research network and include
19 Elders in this research network as well.

20 Finally, we think there is a
21 number of things that McGill could do to create an
22 Aboriginal context on campus:

23 17. We could have an Aboriginal
24 peoples Awareness Day, which could become part of
25 Open House events at McGill.

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1 perhaps the issues of conflict are not as severe
2 in many northern areas as they might be in the
3 south.

4 The analogous situation in the
5 north almost is the question of: To what extent
6 do the territorial governments get to sit at the
7 land claim agreement negotiation table as a
8 separate party? If one looks at the northern land
9 claim agreements being handled quite differently,
10 in the Nunavut Agreement very clearly the position
11 that was taken was that the territorial government
12 was an arm of the federal government, could sit as
13 part of the federal negotiating team, but was not
14 technically a party. That was important in terms
15 of the enforceability of the agreement and against
16 whom one might be suing in the event of a dispute.

17 My understanding is that in the
18 Yukon, the Yukon government is actually a party to
19 the land claim agreement.

20 I think there is some experience
21 in dealing with those issues in the north, but it
22 is primarily at the party level rather than the
23 question of whether or not somebody else gets to
24 sit at the table. It would be my understanding
25 that no other parties, other than the governments

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1 18. We feel that cross-cultural
2 awareness courses and seminars could be made
3 available to all McGill Faculty.

4 19. We could have a high profile
5 Aboriginal speaker series.

6 20. We could have an Aboriginal
7 in-residence program.

8 21. We could produce Aboriginal
9 plays in our theatre festivals, along with a
10 number of other ideas.

11 Finally, the implementation of
12 these recommendations will require that within
13 McGill sufficient funds should be allocated in
14 order to implement them.

15 In short, we feel that, to fulfill
16 a social contract with Aboriginal people at
17 McGill, central and internal structures need to
18 change, and change in such a way that they are
19 highly attuned, responsive and expressive of
20 Aboriginal needs and identities.

21 I will conclude with a few words
22 from the Conclusions section of our report, hoping
23 to highlight the issues that we think are of such
24 concern to us as an individual university to
25 universities across the country and comments on

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1 including the territorial government, have been
2 able to sit at the table in northern land claim
3 negotiations.

4 MARY CRNKOVICH: I think it is an
5 interesting note to add that in the Nunavut Land
6 Claim Agreement, the municipalities did
7 participate but that they participated to the
8 extent that during the land selection negotiations
9 the Inuit included members of the Hamlet Council
10 to participate with them. They were asked to
11 participate, and members of the Hamlet Council
12 came with the Inuit negotiators, and they
13 collectively negotiated for the lands.

14 In some cases lands were selected
15 in the municipalities. While the federal
16 government was clearly the ultimate nay- or
17 yeasayer for government, they did work closely
18 with the municipalities. But, again, that was the
19 choice of the Aboriginal claimant group in that
20 case. They were not given status to come in.

21 COMMISSIONER MARY SILLETT: I
22 think the answer to my question is very different
23 in the north from the south. You are very right,
24 in that, when we were meeting this morning, I
25 thought about the situation, particularly in

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1 where we would love support to be able to
2 encourage our own university and other
3 universities to look at some of these
4 considerations.

5 A very telling comment emerged at
6 McGill last spring when a group of professors
7 gathered from various departments and faculties to
8 discuss Aboriginal concerns at McGill. This was
9 really a first-time event. One of the professors
10 avowed: "I feel like I'm coming out of the
11 closet." Indeed, certain of us had been working
12 away in our own closeted corners and research
13 stations, attempting to make change in our own
14 research and teaching practices regarding
15 Aboriginal issues. As well, a few brave
16 Aboriginal students have entered our gates,
17 largely unrecognized, and received an education,
18 often alone, often unsupported, often uncompleted.
19 They, too, have inhabited the corners and the
20 shadows.

21 The next years need to see the
22 beginning of a new age at McGill, as well as at
23 other Canadian universities. In these years we
24 need to heal the patterns of marginality. The
25 strengths and challenges of Aboriginal university

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1 Labrador, where people are on the community
2 councils. The composition of the communities is
3 that the majority of the people are Inuit.
4 Usually the mayor is an Inuk, and that mayor is
5 probably involved in the land claim negotiation.
6 There is a lot of communication.

7 For example, the mayor might not
8 sit at the land claim negotiations in his capacity
9 as mayor, but certainly he has the interests at
10 heart, so that there is a lot more representation;
11 whereas, the situation in the south is completely
12 different. Municipal governments are almost alien
13 to the reality of the life of an Aboriginal
14 person.

15 Thank you very much.

16 **TERRY FENGGE:** I would like to draw
17 your attention to our first recommendation. While
18 we have talked about the need for further reform
19 of the land claim policy, we have quite purposely
20 in our recommendations put, I think, a fairly
21 significant burden -- at least, we are
22 recommending that you assume a fairly significant
23 burden.

24 We are suggesting that, in light
25 of the variety of briefs and recommendations that

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1 education must be made more central. The
2 centering of Aboriginal issues needs to include
3 cultural respect, pride, open sharing, large
4 measures of hospitality, support, and social
5 justice as its principal ingredients.

6 Aboriginal education can no longer
7 be a matter of survival: the survival of
8 students, of small underfunded, understaffed
9 centres, of inadequate courses and programs, of
10 individuals without a network, of research
11 programs without communities' agendas, of
12 universities without central administrative
13 policy. The mentality of bare survival must be
14 redressed.

15 To heal the effect of this
16 mentality, universities must open their gates to
17 Aboriginal communities, to their students, seek
18 their counsel, instantiate their ideas, build
19 programs and practices that will empower rather
20 than marginalize, that will underline the strength
21 and dignity of Aboriginal students' identities,
22 their cultural holdings, their remaining
23 languages, as well as recognize their struggles
24 and serve to enrich the wider community and the
25 populations of Aboriginal communities.

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1 you have received and in light of the rather
2 significant research that you have contracted, you
3 may be in a position to publish before the release
4 of your final report a draft land claims policy.
5 We are suggesting that you might want to get such
6 a document into the public realm to see what might
7 fly in advance of the presentation of your final
8 report.

9 We would, furthermore, suggest
10 this in light of recent political changes in
11 Ottawa and in light of published statements by the
12 Liberal Party indicating that they are amenable to
13 looking again at the land claims policy.

14 If I may be colloquial, strike
15 while the iron is hot.

16 Thank you.

17 CO-CHAIR RENÉ DUSSAULT: Thank
18 you. As I mentioned, we hope to be able to come
19 up with an interim report on the issue of
20 extinguishment and the land claim policy. Whether
21 we could commit ourselves to come up with a full
22 draft in all aspects is something else, but the
23 top priority is to address that issue in an
24 interim fashion, as we did in "Partners in
25 Confederation" in order to have the benefit of

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1 Educational institutions such as
2 McGill must adapt to Aboriginal ways and concerns
3 instead of insisting that Aboriginals fit into
4 existing research and educational practices. Gone
5 are the days of Native informants, of Native
6 teaching assistants in classrooms, of Native
7 nurses' aids, of health care and court room
8 interpreters. The next era must educate
9 Aboriginal doctors, nurses, elementary school
10 teachers, high school teachers, university
11 professors, social workers, scientists, lawyers,
12 judges, businessmen, linguists, audiologists,
13 communicators, geographers, actors, musicians
14 religious ministers, researchers, writers and
15 well-informed political leaders.

16 This future education must be
17 different. It needs to include and build upon
18 Aboriginal knowledge, languages and social
19 practices. It will be an education based on
20 research collaboration between Aboriginals and
21 non-Aboriginals. It will be an education that
22 reaches out to Aboriginal communities as well as
23 to other universities for information on what is
24 most needed and what can be incorporated within
25 the university framework to accomplish those

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feedback for our final report.

As you know, we hope to be able to finish with our deliberations at the end of 1994, a year from now, so that gives us the possibility to do that. Obviously, time is running short, and we have to honour the priorities.

We share the concern that is in your first recommendation. Whether we could go all the way, as you suggest, is interesting. It is an idea that we are certainly going to look at.

We could go at it for quite a long time. You have some very interesting recommendations on the implementation side. We are going to look at them.

For the time being, I would like to thank you for coming and sharing with us these thoughts and recommendations. We hope to keep in touch in the coming weeks and months. I think your brief will be influential in the work of this Commission.

Thank you.

The Royal Commission will recess its hearing for two or three minutes. We are going to resume with the presentation of the Native Alliance of Quebec Inc.

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1 needs. It will be an education to which the
2 university must make a substantial commitment and
3 for which it must evolve particular policies. It
4 will be an education that can build new programs
5 while capitalizing on and continuing to reshape
6 old programs. It will be an education that is
7 both campus- and community-based, an education
8 that may cross disciplinary and faculty
9 boundaries. It will be an education designed to
10 help accomplish the self-determination and self-
11 sufficiency of Aboriginal people. It will be an
12 equal and, at the same time, different education,
13 a more meaningful education.

14 So, too, the research personnel
15 and the physical holdings of the university need
16 to become resources for more meaningful
17 collaboration. The university's resources should
18 be become available to communities so they can
19 meet their needs rather than the communities
20 meeting the researchers' needs.

21 We have other difficult questions
22 that have to be asked, such as: Should the
23 holdings of our museums being repatriated to
24 Aboriginal communities, with the university
25 museums available for display and storage if the

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--- Hearing recessed at 3:22 p.m.

--- Upon resuming at 3:37 p.m.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on the Aboriginal Peoples of Canada resumes its public hearing with the presentation of a brief by the Native Alliance of Quebec Inc. I would like without further delay to ask Ms. Racette, the president, to proceed with the presentation of the brief and the presentation of her group.

Ms. Racette.

GINETTE RACETTE, présidente et grand chef, Alliance autochtone du Québec: Je pense que je vais procéder en français. Malheureusement, M^{me} Sillett doesn't speak French, but I will do my best to give a little bit of my presentation in English.

Before starting my presentation, I want to introduce the members who are with me today. To my left is Mrs. Catherine Cheezo; she is a member of the Native Alliance of Quebec and she is status from the Cree Nation. Beside her is Mrs. Nancy Doucet; she is the Director of the Habitat Métis du Nord Program. At the end of the table is Mr. Gilles Bérubé, who is the President

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1 communities should so choose to utilize them?

2 Unfortunately, such changes and
3 developments will have to come about at a time of
4 very limited financial resources for universities.
5 This means that funds will have to be raised from
6 both the public and the private sectors. This
7 will necessitate a commitment of time and energy
8 from the university and the need for help from
9 Aboriginal communities.

10 As we leave our closets, we would
11 like to greet the things that can and should be.
12 It is our decided belief that McGill must, can,
13 and will open its doors to innovative ways of
14 exploring in partnerships with Aboriginal
15 communities so that it, as an institution of
16 higher education, can learn, can give and can help
17 make those things happen that will lead to a truly
18 higher degree of learning and education.

19 CO-CHAIR RENÉ DUSSAULT: Thank you
20 very much for presenting us with this very
21 informative brief on the situation at McGill.

22 As an introduction, I am tempted
23 to say that, for people coming out of closets, you
24 did pretty well today. It is a certainly a good
25 start to put together the various efforts that

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1 and General Manager of Waskahegen Housing
2 Corporation in Quebec. Behind me is Mr. André
3 Ladouceur, who is a volunteer worker with Native
4 Alliance of Quebec and who is a Métis. Then is
5 Mrs. Lilas Durocher; she is working with CUIIC in
6 Campbells Bay for native people. Mr. Pierre
7 Veilleux is Community President in Saint-Jean-sur-
8 Richelieu and he is also a Métis.

9 Dear Members of the Commission, it
10 is a real pleasure for me to be here to present to
11 you the memorandum of the Native Alliance of
12 Quebec on the role that it is going to play within
13 the Canadian Confederation. As President and
14 Grand Chief, I am really happy about the Royal
15 Commission's interest in all organizations, off
16 reserve particularly. I would like to thank all
17 the people who joined me today to help me present
18 the memorandum of the Native Alliance of Quebec.

19 I will not go through the whole
20 memorandum; you have it. I don't know if you have
21 had a chance to translate it, because, with the
22 small amount that we received and the short
23 time -- it was translated? All right. We didn't
24 have the time or the budget to do the translation.

25 CO-CHAIR RENÉ DUSSAULT: In fact,

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1 were made in their own little corners.

2 I don't know to what extent the
3 invitation that was sent by the Commission to
4 McGill University to present a brief was part of
5 that process but, if it was, we are always happy
6 to see that there are some by-products to the
7 public participation process. We welcome it.

8 I think it tells a lot. We have
9 tried to have public hearings with many
10 universities across the country, and we have not
11 been very successful in doing so with the
12 institutions themselves or as a group in an
13 integrated fashion. Of course, we have had many
14 professors in their own fields who have made
15 presentations to the Commission. Most of them
16 discovered, even in the western part of the
17 country where they have had Native Studies
18 Departments for a long time, training lawyers and
19 so on, that there was nothing in their mission
20 statement about Aboriginal people.

21 We certainly welcome the
22 information that you are providing us with.

23 One of the first questions that
24 comes to my mind is that many of the
25 recommendations are addressed to McGill itself. I

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1 summaries were done in English but not the whole
2 thing.

3 GINETTE RACETTE: Not the whole
4 thing. I will do my best to have it translated
5 and send it to the Commission later.

6 About self-government, we didn't
7 make recommendations because, for the moment, our
8 association didn't have the time and the budget to
9 work on it, and for many reasons.

10 First, the large majority of our
11 members declare themselves as Métis and most of
12 them are living in rural communities. Many of
13 them are living in urban areas, but it is not
14 clear whether we are going to proceed with self-
15 government in rural communities.

16 Second, there is a very important
17 point: We are going to start negotiations with
18 the Quebec government for the enumeration and the
19 registration of natives not recognized by the
20 Indian Act.

21 Finally, our people off reserve
22 have to live with discrimination in different
23 programs, like CUIIC, where we don't receive
24 services for people off reserve if they are
25 farther than the third generation. So we have to

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1 know you have asked for some support from the
2 Commission to give a context and to be in a better
3 position to push them within the institution.

4 My first question is: What kind
5 of process do you have in mind? What is the next
6 step internally within McGill with this brief that
7 you have presented to us today? Is there a
8 process whereby you plan to go through the various
9 structures, up to the Senate? Could you tell us a
10 bit more about that.

11 MARTHA CRAGO: I will tell you
12 what have envisioned, but it is simply a vision.

13 This all began, really, with a
14 meeting that Gretta Chambers called together. I
15 think, as you said, the process of writing this
16 brief did an enormous service to all of us at
17 McGill. I think now we have a document that we
18 can take back, and we might start by taking it
19 back to Gretta Chambers, since she got everything
20 going, to say to them: These are the kinds of
21 things we put together. As we thought about the
22 total situation at McGill, these are some of the
23 resources and the strengths and these are some of
24 the problems that we need to address, to see if we
25 cannot, with some help and structuring by the

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1 fight against that.

2 We are not really safe in Quebec,
3 if I can use that word, because we don't know in
4 the nearest future what kind of government we are
5 going to have in Quebec. We don't know if we will
6 be part of Canada in a year or two, because some
7 people want to separate Quebec from our country.
8 So when we talk about self-government and land
9 claims, it is really hard to deal with, because we
10 don't know where we are going in the nearest
11 future.

12 On the economic development, there
13 is a new program with ISTC that really works for
14 native people off reserve. Many people from my
15 association and other associations can receive
16 benefits from this program. So we are really
17 happy about that.

18 On the Indian Act, we made
19 recommendations because it is the strong idea of
20 most of the people off reserve that the Indian Act
21 separated many families and brothers and sisters,
22 because some are living on reserve, which is their
23 choice, and some other people are living off
24 reserve in urban centres; it is their choice too,
25 but they still are Indians.

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1 upper administration, figure out some ways to put
2 together sufficient money to start off the process
3 by having a small office with a small resource
4 facility to create the blueprints for the future
5 stages.

6 That will require some additional
7 financing by the university, and we need to figure
8 out ways to do that with them, so that we can
9 create a blueprint for where things can go.

10 CO-CHAIR RENÉ DUSSAULT: Reading
11 from Part 5 on the Problematics, one of the
12 questions I would like to ask is: What do you
13 feel is the number of Aboriginal students in the
14 various components of McGill, centrally? I
15 understand that there are programs delivered in
16 the north, and we also realize that often people
17 do not identify as Aboriginal people, so it is a
18 bit tricky. Do you have some kind of idea about
19 that?

20 Viola Robinson and Bertha Wilson
21 and I had a meeting in mid-March last year at
22 McGill under the auspices of the Law Faculty and
23 the teaching staff, and there were many people
24 from other departments at McGill. In the process
25 of participating in this event, we realized, for

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On education, we still have to face some discrimination with regard to CUIC. Mrs. Durocher has been working with CUIC in Campbells Bay for 13 years, and she could elaborate a little later on the programs that she is working on for native people off reserve.

On education and culture, last spring and during a bit of the summer there were hearings about a child care program. I am going to give you later the recommendations of the Native Alliance of Quebec that we presented to the Native Council of Canada earlier. Mrs. Cheezo is a living proof of why we strongly believe that we should have our own education program and our own daycare program -- native programs; she can talk about why it is really important with regard to the tradition, the culture and language.

So, if I may, I would like to let Mrs. Cheezo talk about that.

CATHERINE CHEEZO, Native Alliance of

Quebec: I am going to talk about my culture. I was brought up in foster homes; I lost my own language. This program that we want to present to you today would be a program that could help us find our cultures again, find our traditions

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1 example, that in the Faculty of Law there were a
2 couple of Aboriginal students.

3 Again, I don't want you to commit
4 a number that is not reliable, but as a matter of
5 range do you have an idea?

6 **MARIANNE STENBAEK:** We don't
7 really have an idea. That is one of the problems,
8 that there is no way at the moment on application
9 forms or registration forms to ask that question
10 without it being discriminatory. We do have some
11 of the students here today, and I think John has a
12 good idea of how many there are in Education.

13 **JOHN WOLFORTH:** Again, if you
14 exclude the students that we serve in community-
15 based programs, we are dealing really with a
16 handful of students. In the Faculty of Education,
17 seven or eight students at the undergraduate level
18 and three or four at the graduate level would be
19 my guess. Of course, if you include the
20 community-based programs, then that figure becomes
21 very, very much larger. We serve maybe 400
22 Aboriginal students in the field.

23 So it is indeed very difficult to
24 identify the numbers.

25 There is one point I would like to

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1 want to work in native daycare, but we don't have
2 that many. I know that there are some in
3 Montreal, maybe there are some in Quebec City, but
4 there are some other places where it is a real
5 need, like the North Coast and up to Val-d'Or, the
6 Algonquin area; there is a real need.

7 So this is the recommendation that
8 we give to the Commission. We strongly believe
9 that it is a real need. It is the start, you
10 know. We have to teach again -- we should not
11 have to, but we have to teach the young people
12 again, to start at the beginning, their language,
13 tradition and culture. Now they believe that they
14 are whites because they don't speak their language
15 and so they are part of the white people.

16 We don't have anything against the
17 white people because they bring us lots of things,
18 lots of education. But I think that if we say
19 that we are Métis or that we are Indian, status or
20 non-status people -- we have to get back our
21 culture, traditions and language.

22 Another program the Native
23 Alliance of Quebec wants to make strong
24 recommendations on is the Housing Program. There
25 is a document I am going to give to the Commission

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1 make. I think in some ways the perception in the
2 Montreal area is that the other anglophone
3 university in Montreal, Concordia, is often seen
4 as a more welcoming institution, not just for
5 Aboriginal students but for other students in what
6 are sometimes called non-traditional groups --
7 visible minorities, for example, or students with
8 disabilities. This is partly a result of history,
9 I think.

10 It is particularly disturbing for
11 us at McGill because in many areas we are the only
12 game in town; we are the only opportunity that
13 people have to gain expertise and certification in
14 particular areas. For example, in Education we
15 offer programs that lead to provincial
16 certification, and our sister university does not.

17 For Aboriginal students that
18 presents a quandary. They either go to the
19 university where they feel they have support
20 services -- and I must say that Concordia has
21 created over the last year, I believe, excellent
22 support services for Aboriginal students and has
23 an Advocacy Office for Aboriginal students and has
24 really led the way in this respect. But it
25 presents a quandary for Aboriginal students in

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today which was presented to Mr. Claude Ryan, who is the Housing Minister in Quebec, and also Mr. Elmer McKay, the federal Minister. I would like to let Mr. Gilles Bérubé, the President and General Manager of Waskahegen Corporation, talk about this.

GILLES BÉRUBÉ, President and general manager, Waskahegen Corporation, Native Alliance of Quebec:

In the brief we presented to the federal and provincial governments relating to housing at the beginning of the year, we clearly stated in it that we want to become an autonomous institution in terms of housing. I think that our brief is clear on its own, in saying that we want to have our own housing programs.

I think that today the Waskahegen Corporation, which was founded by the Native Alliance in 1972 and has now been in existence for 21 years, is capable of conducting its own programs with the expertise it has and its knowledge of the clientele itself, in the sense of the Aboriginal people living off reserves.

We also submit in our brief that

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1 making that choice. Do they go to Concordia where
2 they feel they may receive a greater welcome and
3 forgo the opportunity of following certain career
4 paths which really only McGill can offer?

5 I think we have to do more. I
6 think the support of this Commission will be very
7 important to those of us who are committed to
8 improving McGill's work in this area and in
9 opening up those opportunities to Aboriginal
10 people.

11 CO-CHAIR RENÉ DUSSAULT: Two weeks
12 ago here in Montreal Ms Robinson and I met with
13 teachers from John Abbott CEGEP. They were
14 telling us that this year they have 50 young Crees
15 and about as many Inuit. That's a big change.
16 Five years ago these numbers were not there by any
17 means.

18 That means that it is coming. As
19 you say, there is really a good opportunity to
20 make inroads. As was said, in the health
21 professions for example, we are quite concerned,
22 and many people in this country are, by the fact
23 that there are so few young Aboriginal people
24 going into the science streams and the health
25 professions as such. There are no nurses in the

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we want autonomy, we want to conduct our own programs, but we still want responsibility for housing to remain with the federal government. We do not want to have differences among programs, depending on whether you live in Ottawa or in Hull; the Aboriginal people want to have the same housing programs because they have the same problems, whether they are in Ontario or in Quebec. So we consider it extremely important for responsibility for housing to lie with the federal government.

We also have a national housing committee which was established last year, in which we have worked together on this, and we are all of the same opinion -- a consensus -- that it is the responsibility of the federal government. We want the federal government to be a financial partner and also a partner in terms of expertise, but we know that the specialists in terms of housing among Aboriginal people are the Aboriginal people themselves. We know what programs we need, we know what we need.

But we do not reject the possibility of having performance criteria. We are not telling the

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1 whole Baffin area. There is really a lot of work
2 to be done not only centrally but in the
3 communities.

4 I wanted to echo what you said
5 earlier. We are certainly going to stress that
6 quite a bit in our report because the need is so
7 great and because of the importance of getting
8 culturally sensitive services in the health area.

9 We have turned out quite a few
10 social workers among Aboriginal peoples, but in
11 the health sciences that has not been the case
12 yet.

13 Do you have some additional ideas
14 as to what should be done to convince more young
15 Aboriginal people to move? We were told, of
16 course, that if you bring the training home, it is
17 much easier. Also, there is the difficulty of
18 moving south because of the lack of support
19 services to accommodate the transition, and so on.

20 Are there some thoughts within the
21 institution on that very crucial question? We
22 feel we will have to act on many aspects to
23 succeed in making a breakthrough.

24 JOYCE PICKERING: I think some of
25 the people enrolled at John Abbott are nurses from

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government here to hand over money and hand over money and we are going to build what we want. We want to perform. We are also aware that federal and provincial budgets are fairly limited, and we want to perform more with the same money that is available.

This is something of what we are proposing at the national level.

We are also saying in our document that we also want to benefit from the economic fallout from our own activities, which is very, very difficult at present. One thing we know is that if the government says, "You need 100 housing units in Quebec", for example, if we build the 100 units ourselves, if we create jobs for thirty people, that makes 30 people who are going to be able to pay for a housing unit, and so who not need this kind of program. We want to attack housing on two fronts, in other words. I think that we have the expertise to do it, and the

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1 the Cree communities. We have had, I think, two
2 recent graduates from John Abbott in nursing.
3 Some of that training has actually been done in
4 the communities before they come down.

5 Medicine is more difficult. We
6 are not likely to teach anatomy in Chisasibi, for
7 example. They are going to have to come down
8 here. I think that is where John's suggestion
9 about active recruitment, not just a quota system,
10 is important.

11 Don't forget that McGill and the
12 Faculty of Medicine actually does have quotas for
13 Americans and for people who come from outside
14 Ontario, so we apparently think it is appropriate
15 to put in quotas for certain systems, but we have
16 probably just never gotten around to thinking
17 about it for Aboriginal people. It is true that
18 you have to get a good standard. You can't just
19 let anybody in, but I think there is a lot we
20 could do to support them before they even apply,
21 as well as after, that we haven't even looked at
22 or haven't even tried.

23 CO-CHAIR RENÉ DUSSAULT: Two weeks
24 ago we had a presentation by the self-governing
25 body of physicians within the province. They came

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government must recognize this expertise throughout Canada.

We are certainly going to make mistakes but we are going to learn from our own mistakes; a little like the way the governments themselves learned.

We want to use the housing program to reduce the number of unemployed by enjoying the benefit of the economic fallout of our own activities, we want to reduce social assistance. As I told you, fewer families will need housing because there would be families working. The economic benefits are very, very important for us.

The work experience that Aboriginal people would gain in the construction industry as well would be useful to them in economic development, for going to work somewhere other than just on our housing. So they would have some work experience.

At the end we are going to give you, if we have not already done so, a copy of a document which is really quite clear, and which says it all. I can tell you that we have presented it to a number of Aboriginal politicians at the national level, and they are in complete

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1 up with the proposal of an affirmative action
2 program as far as medical doctors are concerned
3 with Quebec University. There has been a couple
4 of those programs that were started three years
5 ago in law, with the University of Ottawa on the
6 civil side and Laval University.

7 As you said, it is always a bit
8 contentious within universities, but the data is
9 staggering. There are 56 Aboriginal medical
10 doctors in the country and only four in the
11 province of Quebec.

12 I just wanted to share this with
13 you. They made the proposal that they would be
14 happy if somebody were to take the lead with that
15 kind of affirmative action program for training of
16 medical doctors. I don't know if that brings some
17 reaction.

18 JOYCE PICKERING: The only comment
19 I have is that I did read the corporation's brief
20 on that. One of the interesting things they said
21 was -- and they weren't talking only about
22 physicians, but about other types of health
23 professionals. They mentioned that, when you
24 don't have access to sophisticated equipment, as
25 you might not have in the north, you don't need as

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agreement with this document. And the document is the "statement" [?] of all the members of the Native Alliance of Quebec.

Thank you very much.

GINETTE RACETTE: I didn't elaborate on the justice program because I think that there was a presentation to the Royal Commission.

I didn't talk too much about the Métis Nation because I know that last spring, in April or May, there was a strong presentation from a certain group from the islands; they made a presentation about the Métis Nation.

Everything is turning around the Métis fact in Quebec, because we don't have the official recognition of the Quebec government. But, in my mind, it is clear that there is Métis in Quebec, a strong Métis Nation in Quebec -- maybe not a nation, but a Métis population. So all the programs that close the door on most of the people in my association, it is always, always because we are Métis. I don't think it is the government who is going to tell me who I am, and I don't think it is the nations that are going to tell me who I am, because I am not questioning who

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1 much knowledge. You don't have to be able to do
2 radiotherapy because you have no machines in the
3 north.

4 In some ways, I feel that for a
5 physician it is almost the opposite. If you have
6 limited access to referral facilities, you have to
7 be better.

8 CO-CHAIR RENÉ DUSSAULT: Or
9 certainly have good connections with the people in
10 the south.

11 JOYCE PICKERING: The airlines,
12 yes.

13 CO-CHAIR RENÉ DUSSAULT: At this
14 point I would like to ask Viola Robinson to
15 continue.

16 COMMISSIONER VIOLA ROBINSON: I
17 want to commend you on your thoughts. I think you
18 have made a very good presentation. You have
19 certainly highlighted a lot of the problems that
20 universities have in accommodating Aboriginal
21 people.

22 Some of the things that you are
23 talking about we have heard in other areas, and
24 some of them are being addressed in some
25 universities. It is a difficult situation. To

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all the people around me are. I believe what they say they are.

So the recommendation that I would strongly make to the Royal Commission is that it makes a recommendation to the government that the people are the proof; they know what they are, who they are and what they have to do.

That's it for me.

CO-CHAIR RENÉ DUSSAULT: And does that complete the presentation of your brief?

GINETTE RACETTE: Yes.

CO-CHAIR RENÉ DUSSAULT: I would first like to thank you for accepting our invitation to come and meet with us to share the results of your brief with the Royal Commission. As well, I know that you have been working in this area since we were created and well before that, and that you are going to continue when we are gone.

I would simply like to take the opportunity to say that since the beginning of the week, we have had two weeks in Montreal but certainly since the beginning of the week, we have had the opportunity to remind several groups that there is a Métis fact in Quebec -- this

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1 get the commitment of the university itself is one
2 thing, but in a time of restraint it is really
3 difficult. I know that in a lot of instances
4 where things are happening it is as a result of
5 external funding and external support. Somebody
6 somewhere has some sympathy toward the kinds of
7 thing that a university wants to do and maybe, out
8 of benevolence, will donate sums of money just for
9 that cause. It is too bad that it is that way,
10 but unfortunately that is the way some of them
11 have evolved.

12 I don't have any major questions
13 for you. I think your document is very thorough.
14 You have given us a lot of good information. You
15 have made some very good recommendations. I think
16 the one about the support system is the one that
17 is being echoed in every university where there
18 are concentrations of Aboriginal people. A lot of
19 them have failed and dropped out for that very
20 simple reason -- lack of support system. Some
21 universities have it, as you say. They have it at
22 Concordia, and it does make a difference. It is
23 how to get something like that in place and have
24 it resourced.

25 I think you are on the right

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morning with the Centrale de l'enseignement du Québec which presented its brief, and in terms of other organizations too, such as the Forum paritaire Autochtones/Québécois on Monday morning.

We want in any event to say that we are aware that it is not so spontaneous, that any one of the 11 traditional nations for the groups, and we will not miss an opportunity to point out that there is a Métis fact in Quebec. This being said, I know that there are two organizations -- the Association des Métis du Québec, whom we met with and who gave us a very eloquent presentation in May, and also, of course, your association, the Native Alliance of Quebec -- and, of course, more broadly, the Native Council of Canada, working in this area.

And so my first question would be: You mentioned that you have started discussions with the government of Quebec on enumerating the Métis in Quebec. Could you elaborate on that, with whom and in what context?

GINETTE RACETTE: When I was first

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1 track. Education is a priority with Aboriginal
2 people in communities, and there is this whole
3 recognition of the lack of sciences. I think it
4 stems from the elementary and secondary
5 institutions where they are lacking the support to
6 get into sciences. Once they discover that they
7 want to get into something in that line, they
8 don't have the qualifications to get entrance into
9 the universities. I think that is important, that
10 we have to go lower than the universities.

11 That is something the Commission
12 is very aware of. It has been brought to our
13 attention.

14 I don't have any questions. I
15 can't think of anything else, even if I wanted to
16 make another recommendation, that I could put in
17 there. You have covered just about everything.
18 You must have really looked at universities and
19 all the problems they have had. There has been
20 some research done somewhere, and it is very well
21 done. The recommendations are all good.

22 I am sure the educational
23 component of our work will certainly be interested
24 in your brief. I thank you for this. It is going
25 to be very helpful.

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elected last year, I had the opportunity to meet in a tripartite format with Richard Garand and André Maltais, that is ... he had made us a proposal to start the negotiations with a view to the enumeration and registration of the Métis in Quebec. Starting with our association, another group was formed that is working on defining the Métis nation.

We got back to work, and the government got back to work, that is, Mr. Maltais and Mr. Meunier called us back to Quebec City at the beginning of this year to discuss it further. We have not yet reached an agreement as to what procedure we are going to use and how we are going to prepare for the enumeration. However, at a recent conference in Quebec City, three weeks ago, I had the opportunity to speak with André Maltais, and there should be a forum in the spring of 1994 on the Métis question in Quebec. I think that after that we should be well on the way to enumerating and registering the Métis.

CO-CHAIR RENÉ DUSSAULT: Thank you.

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1 CO-CHAIR RENÉ DUSSAULT: In
2 closing, I would like to share with you also that
3 many groups have raised a concern about the
4 importance of raising data from the Aboriginal
5 communities in the health field. We had a
6 presentation in Ottawa a month ago by the Canadian
7 Security Council, and the level of accidents is
8 tremendously high. This brings us to the
9 relationship with the communities.

10 The Commission has had an
11 opportunity to put up 130 case studies in the
12 communities, where we really had to secure the
13 consent and the participation and the willingness
14 of the communities to address, in part, that very
15 difficult issue. I know you allude to it in your
16 brief. You are certainly aware that we have
17 published a Code of Ethics on the conduct of
18 research with and on Aboriginal peoples. Although
19 it addresses the human sciences more than the
20 sharp medical or other scientific research, the
21 principle is roughly the same.

22 It is a big debate. It is
23 difficult, and it is challenging. Yesterday we
24 had a presentation by the Association of Canadian
25 Universities for Northern Studies, and they were

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In your brief, of course, you point out the difficulty with recognition from the Métis in the West. Of course, the Commission must live with that fact; it is true for the Métis of Quebec and Labrador. This makes the issue more complex, in some ways.

You say in your brief that essentially some of the ancestors of the Métis of the Red River had come from Quebec to go there, and of course lived with the Métis nation for some decades.

So for you, there is no progress, there is no contact with the National Métis Council.

GINETTE RACETTE: There is no contact with the National Métis Council at present. Something fairly funny happened. Last winter I had the opportunity to listen to a recording of a telephone call in which a minister of a province was saying that there were no Métis in Quebec or east of Quebec and he was talking with the president of the Labrador Métis Association. This is quite wrong.

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1 raising the issue that less and less money,
2 because of the financial constraints, was going to
3 the main program of funding research in the north
4 and also the requirement that research on the
5 north be done with Aboriginal peoples. We had a
6 good discussion on the whole issue of researchers
7 going to the communities, getting back to their
8 university and making a career of publishing among
9 mainstream society.

10 It can't be done that way any
11 more. We have to share.

12 I just wanted to share that with
13 you in closing and maybe ask a last question as to
14 whether this issue has been addressed or whether
15 you plan to address it. I don't think I saw a
16 recommendation that would address that. It is a
17 subject matter as such as to the way to conduct
18 research with Aboriginal peoples.

19 MARTHA CRAGO: I think it is a
20 very crucial issue to address. I am glad that you
21 have pointed out that it is not addressed in a
22 recommendation, per se.

23 For instance, the Centre at
24 Macdonald campus has done an excellent job in
25 helping to define what kinds of standards could be

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So there is a Métis fact which, yes, I must admit, for perhaps a couple of decades was not very active; it was dormant. Except that now there is a very strong movement among the Métis, Métis who are convinced and who have the proof that they are Aboriginal and who are working diligently for the recognition and welfare of the Aboriginal community in Quebec.

CO-CHAIR RENÉ DUSSAULT: Listen, I think that what we have to do is get going and get to work, on both sides, with the reality of the situation.

On another level, in your brief, under the title of self-government, the brief is not page numbered but you say in the third paragraph that the right to self-government requires a land base for the Aboriginal people, that there can be no self-government without a defined land area. I would like to have a bit of clarification, because we have had a lot of discussion for a year and a half on the concept of Aboriginal government in urban centres; this morning we met with the Federation of Canadian

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1 used for research. I think a number of
2 individuals try to involve themselves in making
3 changes in this direction.

4 Sometimes this process isn't
5 always easy. One would like to involve a lot of
6 Aboriginal students in research. If there is not
7 a lot of Aboriginal students on campus, that is
8 hard, and if there is not a lot that are at a
9 degree level.

10 There is another problem in that a
11 number of our very gifted Aboriginal students have
12 so many demands made on them to do so many things
13 which are so important to their people and to this
14 country that it becomes hard for them to use their
15 time to be involved in research projects that are
16 perhaps a less dynamic use of their talents.

17 It is a complex issue, but it is
18 certainly one that the groups need to address and
19 to address the kinds of ownership issues that
20 research brings along with it.

21 JOHN WOLFORTH: There is another
22 point that I would like to make.

23 Although the model is always one
24 of partnership and, if possible, of doing research
25 that is initiated by community needs, I guess we

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Municipalities.

What is your point of view on that?

Certainly it is more spontaneous, but in your mind, does the concept of self-government necessarily imply a land area within the city, an urban reserve? I would like to hear your explanation.

GINETTE RACETTE: Of course, this is a very direct question. As we see, in the Native Alliance of Quebec, as I noted in my presentation, many of our members, many Aboriginal people living off the reserves live in rural communities.

As I also explained earlier, we have not yet really examined this, in view of the concerns, that is, in terms of the government of Quebec, what is going to happen in Quebec. Should we move toward institutions within the cities? Should we move toward autonomy for the communities? Should we form communities in the cities? There are all sorts of questions that were even raised at the recent conference in Quebec. It was a very interesting conference.

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1 shouldn't lose sight of the other possibility as
2 well. Applied research is, of course, very
3 important. Pure research can often produce some
4 benefits and, by its very nature, it is very
5 difficult to predict what the benefits of that
6 pure research can be.

7 As an example of this, I often use
8 the kind of research that was done in the late
9 1960s on the occupants of land by Aboriginal
10 peoples -- I am a geographer by training, so this
11 is my field of interest -- which at the time would
12 have been seen as perhaps esoteric and rather
13 useless research. But, of course, as soon as land
14 claims came into the arena, then suddenly this
15 body of research which had been seen as being not
16 very useful was suddenly seen as being absolutely
17 crucial to the kinds of legal arguments that
18 Aboriginal people should make.

19 I think, as a kind of caveat, I
20 would say that, although applied research should
21 be given high priority and certainly Aboriginal
22 communities should be encouraged to tell
23 universities what kinds of questions they would
24 like answered and involve universities in
25 answering those questions, universities should

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We have not yet really found our legs, in any event, we in the Native Alliance, in terms of the sort of self-government we should be moving toward. This is going to be very difficult. When we talk about land claims, the Métis who live more or less everywhere in Quebec really have no defined land area. So it is going to be very difficult to negotiate, I agree.

CO-CHAIR RENÉ DUSSAULT: (Microphone off) For example, you say that you have 14,000 or 15,000 members. I understand that the enumeration in general has not been done, but you have some idea of the origins of your members. In May we had something of a demonstration of the spectrum.

Do your members overlap somewhat with the Association's members, or are you separate? Do most of your members live in urban settings, be it small towns or large towns, or in rural areas?

GINETTE RACETTE: Of course, I think you will have noticed that at the end of our brief we sent an organigram of the Association. I am going to give you just

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1 involve Aboriginal communities in partnership in
2 working on research problems. We shouldn't always
3 think of those as being research problems that
4 have an immediate, foreseeable end in sight.
5 There are many other issues that can be developed
6 in partnership which can be enriching and
7 fulfilling, but may be, at least in the first
8 instance, seen as being issues of pure scholarship
9 which, in the long run, may in fact turn out to
10 provide useful information.

11 The nature of knowledge, of
12 course, is that we simply cannot predict that that
13 is going to happen.

14 CO-CHAIR RENÉ DUSSAULT: You are
15 certainly quite right in pointing out that there
16 is not only applied research. Of course, it is
17 more spontaneous when it is applied research, but
18 the debate goes farther than that. Even in more
19 theoretical research, when, at one point, it is to
20 have a bearing on Aboriginal peoples, the debate
21 is still there about the world view and the
22 approach even in quite theoretical research.

23 It is a difficult debate to live
24 through in a way because it could be exhausting,
25 but it is necessary to a large extent.

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one example. In the community of Sault-aux-Moutons on the north shore, those people, I can say that it is half and half, half Métis and half status Montagnais. So how will they achieve self-government in that community? Will they have to move toward situations where several communities on the lower north shore group together?

Of course, in the Association, we have very close to 14,000 registered members. Some have died, some had joined in recent weeks, but it is very close to 14,000 members, and these people come from the 11 nations now found in Quebec.

CO-CHAIR RENÉ DUSSAULT: Here in Montreal, do you have quite a few members or are they rather spread throughout the province ...

GINETTE RACETTE: The Hochelaga 12 community in Montreal has more than 400 registered members on its roll at present.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I would like to move on to the housing corporation. You say that you have submitted a plan to the Minister of Municipal Affairs, Claude Ryan. You say that

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1 I just wanted to share this
2 concern. The Commission, of course, had to go
3 through this, and we are doing it on a daily basis
4 We know that there isn't much written on it as a
5 field of study. The trend will make it more and
6 more important in the future.

7 I wanted to share that concern
8 with you in terms of the need to reflect on the
9 way to conduct research on Aboriginal peoples. I
10 agree that, obviously, there is some research
11 where we don't know what the impact will be in
12 many years. On the other hand, I think we have to
13 maybe not bend over backward, but certainly we
14 have been so far trying to get Aboriginal people
15 on board and to do both.

16 This debate on decolonizing
17 research, when it goes to the other extreme, says
18 that only Aboriginal people can do research on
19 Aboriginal people. Of course, that leads us to
20 another kind of situation.

21 I would like to thank you very
22 much for coming and sharing with us. We hope you
23 will be successful in getting some of your
24 recommendations implemented during the life of the
25 Commission. We hope to be able to give you some

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the Alliance has been working with other Aboriginal groups since March 1992 on establishing and operating the Société de crédit commercial autochtone, on the one hand; this is the financing aspect.

Could you give us a little more explanation on this point, and after that also in respect of housing.

GILLES BÉRUBÉ: I am going to talk about housing itself, and I will let Ginette talk about ...

In terms of housing, I should perhaps give you a bit of history which is very, very important.

We were incorporated in 1972 and started to deliver federal programs; we agreed with the federal government to deliver certain programs. In 1985 there was a federal-provincial agreement; housing units were administered by the Société d'habitation du Québec, and the federal government continued to contribute 75 per cent of the budget.

You know, over time, the negotiations

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1 hand in our final report to push for some of the
2 others that may be left over.

3 Thank you very much again.

4 MARIANNE STENBAEK: We say thank
5 you to you also. In fact, it was the Commission
6 that made us get all of this together. We had
7 been talking about it for a while, and we
8 obviously have had the building blocks of it for a
9 while. We are hoping there will be a good follow-
10 up now.

11 Thank you very much.

12 CO-CHAIR RENÉ DUSSAULT: Thank
13 you.

14 La Commission suspend ses travaux
15 jusqu'à demain matin. Nous allons reprendre
16 l'audience demain matin avec la présentation du
17 docteur Hugues Cormier et également du docteur
18 Emmanuel Stip, du Centre de recherche Fernand-
19 Séguin de l'Hôpital Louis-Hyppolyte Lafontaine de
20 l'Université de Montréal. Également nous aurons
21 des présentations de professeurs de l'Université
22 de Sherbrooke, de la Fédération québécoise des
23 ZECs, c'est-à-dire des zones d'exploitation
24 contrôlées, et enfin une présentation du
25 professeur François Larose, également de

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that took place between Quebec and the federal government, even though we had a tripartite committee, there was no room left ... we were the third wheel. It was tripartite but we were in fact the third wheel. When it came time to say what we thought and state our needs, as Aboriginal people, there was no room left for us. There was only room for the federal-provincial thing.

Since that time, we have been applying social programs that apply to everyone in terms of housing off the reserves. And we want to get away from that somewhat, the social program. We want a truly Aboriginal program, and this is very, very important. It is quite a different thing. Aboriginal people are different from the rest of the population. There are specific needs, and there are different ways of life.

I think that in Quebec it is very, very hard to have this part recognized. It creates conflicts. Fitting Aboriginal people into programs that were not designed for them, bending the programs, creates conflicts with Quebec, and that is not what we want. That is why

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1 l'Université de Sherbrooke.

2 Alors nous suspendons l'audience
3 publique jusqu'à demain matin, 9 h 00. Merci.

4 --- L'audience est ajournée à 17 h 11,
5 pour reprendre à 9 h 00 le vendredi

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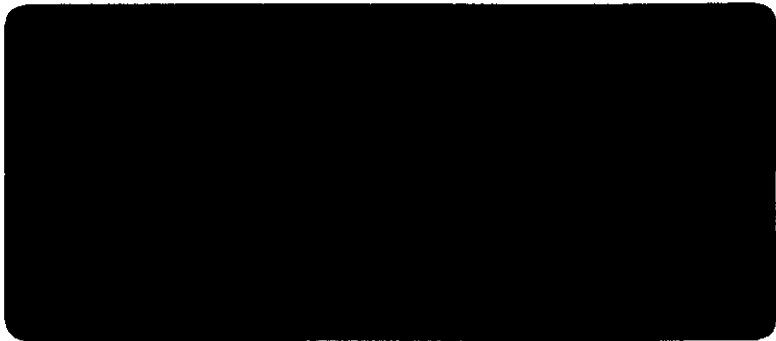
we told you just now that what we want is federal responsibility for housing.

We get are some people who apply from Ottawa, or family members from Ontario, who come to Quebec, and we cannot house them because the programs are not the same in Ontario and Quebec because Quebec has different status.

CO-CHAIR RENÉ DUSSAULT: But at present the status of this housing corporation, it is tripartite, in a way, under the agreement?

GILLES BÉRUBÉ: It is tripartite at present. We still think that we cannot meet the housing needs of the Aboriginal people of Quebec in a tripartite committee like that. Why? Because when everyone has put their oar in there is no room left to say what we really want, what we really need.

We think that in those programs, in those budgets, we are convinced that we can do more for



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ourselves with the same budget. We are not asking for additional funding, we are asking to do more with the same funding. This is somewhat what we are asking for. And we think that it is the responsibility of the federal government, that will work better.

There is still nothing to prevent the Waskahegen Corporation or Aboriginal groups from changing tack and negotiating with the province of Quebec for it to make a contribution to housing within Quebec, but on the basis of an agreement, in which the Aboriginal people will have decided their own programs, what they need for their people who are poorly housed, their people who are poor.

CO-CHAIR RENÉ DUSSAULT: At present, how many units are you capable of building?

GILLES BÉRUBÉ: Each year, at present we have 2,000 units on reserves, that we now have, that we have delivered since 1985; we build 266 units per year, 133 urban and 133 rural. At present the budget has been cut; this year we are going to build only 42 units. For the last

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LE NOUVEL HÔTEL
1740 RENÉ-LÉVESQUE BLVD. W.
MONTREAL, QUEBEC

FRIDAY, DECEMBER 3, 1993

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brief about the conflicts that exist. How are the Aboriginal people supposed to develop themselves if the general population is saying, "We shouldn't encourage the Aboriginal peoples too much"? If we can't buy from ourselves for our own programs, how are the Aboriginal peoples supposed to develop themselves? That is partially it. We wonder.

I think that the Aboriginal peoples in Quebec intend to take charge. And in that respect, if we have the tools to do it, we will definitely succeed.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Mary.

COMMISSIONER MARY SILLETT: I would like to thank you very much for your presentation. I would like also to thank you very for trying to be nice to me and speaking in English, although obviously your first language is Aboriginal; I think that's a sign of respect and I thank you very much for that.

I have just one question. I was interested in the recommendation that funds be found for Aboriginal daycare situations. I think

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three years there have been budget cuts, and we think that 42 units for the Aboriginal population off the reserves ... we have a waiting list that is as high as a couple of thousand names and we are not out looking for more, because we can't meet existing expectations.

CO-CHAIR RENÉ DUSSAULT: You were talking about economic fallout. At present, for example, in building these new units, do provincial regulations apply? How does it work?

GILLES BÉRUBÉ: Yes, we have the provincial regulations, which were recently deregulated, of course, and there have been a number of consequences. On the other hand, we are still managing to operate within that in some cases, but someone always seem to be saying, each time the Aboriginal people get the economic fallout, we are in a conflict of interest. That seems to be said in several quarters. I do not think that the federal government says it, but it seems to be said in some quarters.

This is partially why we talk in our

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1 one thing that we have heard is that there are
2 many Aboriginal children who were placed in foster
3 care or placed in institutional care. We have
4 heard from Aboriginal youth who have been adopted
5 into non-Aboriginal families. Sometimes the
6 situation is not too bad, but, no matter what the
7 situation is like, there is always a desire, we
8 have often heard the desire for Aboriginal people
9 to know where they came from, to know who they
10 are, to know their language. There is always an
11 interest in that.

12 I was wondering, even before you
13 get to daycare, what kinds of things should be
14 done so that Aboriginal children are not in a
15 situation where their choices are to leave their
16 families, whether that be on reserve or in the
17 cities, but to leave their families, to leave
18 their culture. There are situations which I know
19 are necessary, sometimes children have to be
20 moved, but I always think that that's sad; it is a
21 sad thing for many children.

22 I was wondering if you had any
23 idea as to how that can be addressed.

24 GINETTE RACETTE: Last spring I
25 had a chance to visit some communities on the

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Montreal, Quebec

--- The hearing continues at 9:05 a.m., Friday,
December 3, 1993

COCHAIR RENÉ DUSSAULT: I would like
to welcome you on behalf of the Royal Commission on
Aboriginal Peoples in Canada.

To begin, I would like to request
that you identify yourself and identify your context of
interest in aboriginal matters, and you can proceed
with the presentation as you wish, once you are ready.

Dr. HUGUES CORMIER, Centre de
recherche Fernand-Seguin, Hôpital Louis-H. Lafontaine,
University of Montreal: Good morning, Mr. Dussault and
Ms. Robinson.

I am Hugues Cormier. I am a
researcher at the Centre de recherche Fernand-Seguin of
the University of Montreal. I am accompanied by Dr.
Emmanuel Stip, also of the Centre de recherche.

We have, I believe, about one hour,
until 10 o'clock?

COCHAIR RENÉ DUSSAULT: Yes.

Dr. HUGUES CORMIER: We prepared a
more formal part but we hope to use the opportunity to
discuss with you.

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1 North Coast, from Tadoussac to Seven Island, and I
2 had a very interesting meeting with Mrs. Marceline
3 Kanabe (PH), who is the Grand Chief of the
4 Betsiamites Nation. We had a good conversation
5 about the fact that we have to face many families
6 that are getting out of reserves and want to live
7 in urban centres.

8 She said that she was really
9 concerned by the fact of education. On reserve
10 specifically, they are able to pursue their
11 studies until Secondaire V but after that, if they
12 want to go to college or university they have to
13 go to a big city. So they are completely lost.
14 They are starting their studies in August, and
15 when there is a week off in October or November,
16 they are getting back on the reserve. But the
17 time they are living in the city, it is too
18 expensive for them -- the rent, the food,
19 everything. They don't know how to spend money
20 because they have been living on reserve from the
21 time they were born until they are 17 years old.
22 So when they have a week off, they are getting
23 back on the reserve and they don't finish their
24 studies. So she said that there should be a place
25 specifically for native students.

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We have, as the title of our presentation indicates, worked on a presentation to you of some thoughts and proposals within a perspective in which the aboriginal issue is discussed in a context of the importance of autonomy for the mental health, certainly, of aboriginal individuals and their communities, but also of all the citizens of Quebec and of Canada.

In a few minutes I will give a short, more general introduction to our presentation. Then Dr. Stip will speak about the mental health aspect in relation to aboriginal people in its biological, psycho-developmental and contextual aspects.

He will then expand somewhat on his personal and professional experiences with the ~~aboriginal peoples and what may have assisted him in~~ formulating the observations we are making here today.

I will then continue in the same vein.

Then Dr. Stip will come back to speak about the importance of the aspect that has already been considerably discussed, of the healing process, and make some proposals in the sense of development of autonomy and a positive evolution of the

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1 What Catherine says -- she has
2 been raised in white families, she lost her
3 language, she lost her traditions, her culture.

4 So we are looking, at the Native
5 Alliance of Quebec, to ask for a budget -- I don't
6 know the term for "les gardiennes", "educators";
7 there should be a course starting in Quebec to
8 teach how to have our education -- women's.

9 I know it is a big deal, but I
10 think the first step is to have the enumeration
11 and the registration. We clearly know that there
12 are many, many young kids, when the women are
13 getting out -- and we know that because, for
14 alcohol and drugs, we have go backward, so long
15 ago. The troubles caused by alcohol and drugs --
16 many women have to divorce on reserve, they are
17 going to town and they have to work to raise their
18 kids. So the kids are going to daycare, but there
19 are just white daycare. They don't have a chance
20 to speak their language, to practise their culture
21 and traditions. So they are becoming white really
22 fast.

23 If we could have a chance to do
24 the enumeration, to know how many native kids are
25 educated in white daycare, we could have the

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life and health of the aboriginal and Canadian peoples.

After the proposals that Dr. Stip presents, I will again return to speak perhaps more particularly of political autonomy in relation to the aboriginal question.

I would like to begin by noting that among the indicators that point to the urgency of acting and the scope of the suffering and problems experienced by the aboriginal peoples there are, as you know very well, the health and mental health, or social health indicators, which show some often quite substantial discrepancies, whether we speak of suicide rates, discrepancies in terms of frequency of problems such as alcoholism, violence, incarceration, and in some more social indicators, income, average income, and other indicators of that type.

So we, as citizens, physicians, psychiatrists and researchers in the field of mental health, we feel we are involved in these problems, and we would like to contribute to the thinking about them.

We find your terms of reference very interesting and it is in our view extremely urgent to move in the direction of a new contract and, in the definition of the parameters with which you are

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1 statistics to send to the Quebec government first
2 and then to the federal government to show that we
3 need -- just like I said to Mr. Dussault, it is a
4 real need.

5 COMMISSIONER MARY SILLETT: The
6 other part of my question was: How do we make
7 sure, how can you make sure that Aboriginal
8 children are not taken away from Aboriginal
9 communities? How can we keep them -- if they
10 can't stay with their own parents, how can we find
11 other ways of maybe keeping them with Aboriginal
12 people so that they don't lose their culture,
13 their language, their identity or their values?

14 GINETTE RACETTE: Just as an
15 example, with Waskahegen, there is a building in
16 Châteauguay, close to Kahnawake, and many Mohawk
17 women who have to get off the reserve are going to
18 our apartments there. I was working for
19 Waskahegen before I was elected as Grand Chief and
20 I know that they are so busy finding some money to
21 work, finding some money to raise their kids that
22 the culture is not really important at this time.
23 They need money to feed their kids. I worked
24 there for a short time, about a year, but the
25 problem is still there.

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working, we want to emphasize the importance of the health and mental health perspective.

It seems to us that we are living in a society in which the type of government, the constitution, is a confederal or federal one. The sufferings and problems we observe are in our view closely associated, unfortunately, it must be said, to a type of federalism that is too often dominating in the concrete form it takes in relation to certain groups and communities, certainly in so far as the aboriginal peoples are concerned, but also in terms of the Quebecers and other Canadian groups.

We are going to discuss this issue here today, conscious that the indicated solutions that might be developed may also be very relevant, in our opinion, to other communities.

I yield the floor to Dr. Stip.

Dr. EMMANUEL STIP, Centre de recherche Fernand-Seguin, Hôpital Louis-H. Lafontaine, University of Montreal: We thought it was important to resituate mental health at the heart of the aboriginal problematic as one of the conditions for success in improving relations between the peoples as well as a necessary condition for any process of self-

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So I am really convinced that, in a few years, if they are not getting back on the reserve or if nothing is done for them, they will lose everything, and I am really sad about that.

COMMISSIONER MARY SILLETT: Thank you.

CO-CHAIR RENÉ DUSSAULT: I have one last question on the Société de crédit commercial autochtone, which you were saying is a complete success. This is very interesting. Could you talk a little about it?

GINETTE RACETTE: About a year ago, or a little more than a year, the Société de crédit commercial autochtone, commonly known as SOCCA, was established, based in the Huron-Wendat nation in Quebec City. The Huron nation was joined by the Algonquin nation, I believe, the Micmacs, Abénaquis and Algonquins. As well, the Native Alliance had made representations to be actively involved in this program.

Starting from there, it was decided within SOCCA that a sub-corporation known as SECPAQ, the Société d'experts conseils en programmes autochtones au

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determination, that you can't have one without the other.

The thing that leads us to introduce this issue is that for decades now there have been important changes in the definition of mental health. The World Health Organization has set the example by defining mental health as an internal experience and an interpersonal group experience. These are assumptions that have also been shared by the Canadian definition, which defines mental health as the capacity of the individual, the group and the community to interact in a way that contributes to the subjective well-being and development of individuals.

There is a Quebec definition, too, which since 1985, with the biology and culture report, has been used to define mental health along three axes. It is a multi-axial definition, and there is a definition, a biological axis, a psycho-developmental axis and a contextual axis.

The biological axis has to do with the genetic, psychological components of an individual with his hereditary makeup, and it means that any disturbance of those components can result in an indisposition along that axis. So there is an influence

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Québec, would be established, and it is operating very well. I am very pleased, very proud, because many members of the Alliance, many members of other nations, are actively involved in SOCCA and SECPAQ and have access to commercial loans either to start up a new business or to expand an existing business. I could not say how many, but within eight or nine months, it had succeeded beyond our hopes and the hopes of the representatives of SOCCA.

The president of SOCCA is Gilles Bérubé and the general manager is Jean Vincent.

CO-CHAIR RENÉ DUSSAULT: Where does the funding come from?

GINETTE RACETTE: ISTC. It is 100 per cent funded by ISTC programs, and the Native Alliance has its own economic development agent. So we can say that it has been a total success to date.

CO-CHAIR RENÉ DUSSAULT: How many businesses have you been able to finance?

GILLES BÉRUBÉ: In one year we have received 137 applications, loan applications. I think that

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on his mental health.

It is in this sense that an individual can be disturbed, for example, if the level of mercury in the lakes increases unduly. So the issue of the dams is in itself a relevant issue, with biological repercussions that can influence the whole of one's organism.

It is conceivable, as well, that the resulting fragility will have an impact, through one's genetic makeup, for example, on one's vulnerability to the consumption of alcohol or dependency, which may also be a factor to consider in an individual's total health picture.

The psycho-developmental axis is the second axis. It has to do with the emotional, cognitive and relational aspects and, of course, any traumatizing event in an individual's childhood, adolescence or even adulthood may result in a deviation of this psycho-developmental axis, no matter what the event, whether it be the intensity of an incestuous relationship or an act of violence or a context of family alcoholism or just a failure in school, it can have this influence on the development of individuals.

Finally, the contextual axis, and

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as we speak there are about fifty applications that have actually been approved. It is moving ahead, and a number of small and medium-sized businesses are starting up using those funds, because they do not have access to the banks. To go to the banks, for them, access is more difficult. So they come to us. Of course they have to repay, because it has to be profitable ...

CO-CHAIR RENÉ DUSSAULT: That is the question I was asking. There haven't been any defaults? Of course, there is not a lot of experience yet, but ...

GILLES BÉRUBÉ: No. Up to now, no one has defaulted. It is going very well. We have had great success. This is precisely to demonstrate that Aboriginal people are capable of running things if they are given the chance.

GINETTE RACETTE: What makes me even happier about this program, which serves Aboriginal people, is that there is no discrimination in terms of the number of generations. A person from the Alliance who is Métis and who has his or her card has access to the program. Most of

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this may also be something that we want to bring out in this Commission. This is the axis that refers to the individual in an environment and his relations with the community.

We find along this axis the entire economic, social and political dimension of a community. We could even add the ecological context. Many researchers and studies have shown that there is always the possibility of a relationship between cultural disintegration and psychiatric symptomatology since 1963, when Leyton (PH) conducted a study on the specific population in New England. Many researchers have reproduced this type of approach, which clearly shows the relevance of establishing relationships between the psychiatric problematic and cultural disintegration.

So whether in its Canadian definition or its Quebec definition, the vision of mental health leads us to think that the social, political and cultural aspects of mental health problems will be an integral part of the social agenda that a community decides to adopt. Many factors will determine whether this health flourishes or deteriorates.

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the Alliance people who have had access to loans with SOCCA or SECPAQ are Métis.

CO-CHAIR RENÉ DUSSAULT: Very well.

Of course, we could go on for a long time, but there are other presentations coming up. It has been a great pleasure for us to have the opportunity to hear you, to hear your brief and to discuss some of the points in it. We hope to have the opportunity to do so informally -- this is the end of the public hearings this week -- and to stay in touch over the next year, when we will be trying to put together an analysis based on all the information we have received.

Thank you.

GINETTE RACETTE: I would also say thank you to the Royal Commission for listening to us, especially with the lack of language.

CO-CHAIR RENÉ DUSSAULT: It was going very well.

GINETTE RACETTE: I was really happy to make the presentation to you.

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Nor will we overlook the legislative context and its constitutional dimension, with the statements on human rights and the limitation of collective rights, social responsibility, the wealth of the community fabric, community organizing, the quality and fragility of the environment and, finally, the place of a society's spiritual and scientific values.

This is the context in which we should be speaking, I think.

So a complete definition of mental health should express a much more interactive vision among the different systems of health in the wider sense, and the interactions with other human subjects are influenced by a society's whole value system. One of our objectives in coming here is to draw attention to the need to build some bridges between the immigrant and aboriginal communities to allow the processes following self-determination to unfold. If no bridges are built, there will be some difficulties, which we can spell out later.

Dr. HUGUES CORMIER: In the next section we will be presenting to some degree the professional and other experiences we have had with the

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CO-CHAIR RENÉ DUSSAULT: Thank you.

We are going to recess the hearing for a few minutes and we shall resume with a presentation by the Manitoba Keewatinowi Okimakanak Inc. Thank you.

--- Brief recess at 4:21 p.m.

--- Upon resuming at 4:39 p.m.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on Aboriginal Peoples resumes its hearing with the presentation of the brief of the Manitoba Keewatinowi Okimakanak Inc.

CHIEF SYDNEY GARRIOCH, Chairman,
Manitoba Keewatinowi Okimakanak Inc.: Thank you.
Good afternoon.

First of all, I would like to bring greetings on behalf of my people and the First Nations population and constituents whom we represent in northern Manitoba.

I want to further thank the Commissioners for hearing the presentation this afternoon and your staff for arranging it.

My name is Sydney Garrioch. I am

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aboriginal communities, or the aboriginal issue.

Dr. EMMANUEL STIP: We have had occasion several times to be confronted with this issue in our activities. I practiced for seven years in Abitibi-Témiscamingue in various mental health structures and in hospitals that were very close to the Algonquin community and the Cree and in some cases Inuit communities.

This opportunity helped to highlight some particular features. We tried to find differences that would sometimes show failures in our health care system and sometimes as well cultural particularities that, if ignored, would lead to therapeutic setbacks or difficulties.

So we found a number of elements.
First, that there are differences in terms of what is referred to as phenomenology, that is, the way in which an individual enters into relationship with... his relationship with space, time, and other people. We can't get into all the details here, but there are many points that should be pointed out and conveyed to all those professional communities in the health care field.

We found that the spatial

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1 Chief of Cross Lake First Nation. I am Chairman
2 of the Manitoba Keewatinowi Okimakanak. With me
3 is Michael Anderson, who is the Research Director
4 of the Natural Resources Secretariat.

5 I realize that there has been a
6 number of hearings in Manitoba, in Thompson and in
7 Winnipeg in the First, Second, Third and final
8 rounds. The most recent was two weeks ago, but
9 time did not allow us to make a proper
10 presentation, and there were no arrangements with
11 the Commission.

12 Also, due to the extensive
13 research and reading and compiling information,
14 the report has been presented to the Commission,
15 and we didn't want to miss this final round of
16 presentations.

17 The MKO presentation is being
18 broken into three parts: the historic overview;
19 the Keewatinowi Okimowin; and mechanisms and
20 solutions.

21 The Cree and Ojibway-Cree and Dene
22 people of northern Manitoba are sovereign and
23 self-governing nations which have occupied the
24 lands in what is known as northern Manitoba for at
25 least 7,500 years.

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relationship among the aboriginal people who were our patients was quite different from that of the non-aboriginals. The relationship to time, as well, that is, that we had to look at the duration of hospitalization, the duration of treatment, in a different way from what is taught in the faculties of medicine or in the faculties where nursing or social work are taught, in which we find that unfortunately there is still some deficiency in terms of medical education in Canada.

In Quebec alone there is not one course being offered to doctors or psychiatrists on the aboriginal specificity in terms of health care. All these aspects of time and space are factors in the healing process and in the way in which health care is delivered.

We also found some defence mechanisms that are special, and that should be conveyed and taught in a more significant way. So there is a deficiency in terms of medical education.

We also found that it was necessary to rethink the way in which we organize health care. It often happened that someone was hospitalized in Abitibi for depression or psychosis, and our role, little by

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1 We have realized that our people
2 in the north have been very independent and
3 pursued their lifestyles in the way they enjoyed.
4 We have expressed time and time again to various
5 people and governments that our people are unique
6 and distinct in this society.

7 The area we cover is a very large
8 area. There are four treaties signed with the
9 people we represent, Treaty 4, Treaty 5, Treaty 6
10 and Treaty 10.

11 Following the signing of the
12 initial numbered treaties and the creation of the
13 reserve system in 1875, prairie First Nations and
14 their Métis neighbours quickly became frustrated
15 with persistent inaction by government and a
16 failure to implement treaty promises.

17 As you all realize, by the spring
18 of 1885, this frustration was expressed in an
19 armed rebellion against the Dominion government,
20 in which the Plains Cree and Métis joined forces
21 in an attempt to create a separate government
22 similar to that formed earlier in Manitoba.

23 We are trying to continue to
24 provide and also honour and respect the treaties
25 that were signed by Nations. We, as First

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little, was not so much to spend some time organizing health care to heal the patient, but rather to prepare for a transfer to a structure in which the aboriginal culture was more established and in which the institution was managed by aboriginal people themselves.

We might have thought of Oka when dealing with a problem of drug abuse, but we worked above all with Poundmaker Lodge in Alberta, which has a philosophy of health care that integrates the traditional aboriginal medicine in the cultural and care aspects. It is integrated with contemporary medicine.

So our role was just a preparatory job, like a delivery, and this delivery was done in another structure, in closer relationship with the culture.

If I mention this, it is because it could result in some problems of organization. Sending someone from Abitibi to Alberta poses the problem of sectorization of administrative obstacles, of costs, and we tended to have some confrontations with the health care system when we should, in our opinion, have been giving priority to the anthropological aspect of

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1 Nations, are trying to fulfill the treaties and
2 the treaty rights that have been made available to
3 Canadians and non-Aboriginal people.

4 In northern Manitoba there are
5 various things that have been an economic base
6 that our people have enjoyed. There are so many
7 natural resources available for our people to
8 enjoy their lifestyles and they are very
9 interested in continuing those. The land was very
10 resourceful -- water, wildlife, vegetation, and so
11 on. These natural resources were very useful for
12 our people to continue and survive in this
13 society.

14 Throughout the days we have seen
15 much happening in the north. We are trying to
16 pursue and maintain the proper lifestyles for our
17 people, but it is very difficult.

18 I want to continue by stressing
19 why MKO has been established. In 1981 the 25
20 northern-most Manitoba First Nations formed the
21 Manitoba Keewatinowi Okimakanak to serve as a
22 stronger voice for the aspirations of Manitoba
23 First Nations. The Manitoba Keewatinowi
24 Okimakanak was incorporated on October 9, 1981 as
25 a Council of the 25 First Nations of northern

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health care rather than the administrative or bureaucratic aspect.

Perhaps more than the other societies in Canada, the aboriginal peoples should be given special treatment in this regard, to respect this rhythm, culture, in some cases the language, the rituals, and not to impose, because the bureaucracy is established like that, care that is not always best adapted to their needs.

Poundmaker Lodge, then, was a good resource in this regard and we are now erecting in Quebec, as well, some structures that are interesting.

Concerning alcoholism, it is true that it appears to be a major problem from everything we could see, but we also found some experiments that were very promising. We had the opportunity to have some contacts with the Alkali Lake experiment, also in Western Canada, which showed the new awareness and the development of collective responsibility for this scourge.

Through films we managed to show in Abitibi, we also came to have some interesting discussions with both our community and the aboriginal community, and this kind of experience should be

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1 Manitoba, represented in Council by their Chiefs,
2 Elders and Councillors. Today MKO represents
3 approximately 34,000 on-reserve treaty First
4 Nations people.

5 MKO strives to promote, advance
6 and protect the interests of the membership and to
7 do all things that are lawful, incidental and
8 conducive to the attainment of the undertakings of
9 the corporation; and in particular:

10 - to preserve and advance the
11 culture and society of First Nations' peoples;

12 - to protect and expand First
13 Nation treaty and Aboriginal rights;

14 - to protect and advance the
15 powers, authority and autonomy of member First
16 Nations' councils; and

17 - to promote and advance the
18 economic, educational, social and cultural goals
19 of First Nations people.

20 We are attempting to continue on
21 that basis. We have seen a lot of things
22 happening in mining, hydro projects, forestry,
23 roads, railroad. Our lives continue to be
24 disrupted. There is continuous destruction in
25 northern Manitoba of the things that we have

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contagious.

The final experience we have had since coming to Montreal, in the context of the psychiatric care provided to the homeless in Montreal. I volunteered for a resource called Chédoris (PH), which is a structure for homeless women, women without resources, which is in downtown Montreal.

To our great surprise, I found that in one year 17 per cent of the clientele was of Inuit origin. Very often it is in the immediate neighbourhood of the Forum. These people come to the city and very soon find themselves without resources, without housing.

This structure dispenses activities, money, food, clothing to help them. But the distress is clear, and in this case the lack of resources provided by the government agencies or in close coordination with the hospitals and social assistance centres. We are obliged to resort to alternative structures to help them.

We have also found a failure in the appropriate participation of the medical emergency services in Montreal in offering appropriate respect for the particular problems of Inuit women.

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1 enjoyed.

2 Throughout the mining process our
3 people were really up-front in providing direction
4 and assisting people in prospecting. When there
5 was an exploration of the geographic area,
6 throughout water and land, our people have to be
7 used as guides. Our people have continued to work
8 in harmony throughout the treaty process.

9 We, as people, are very honoured
10 to oblige with the things that we have made
11 available to Canadians and non-Aboriginal people
12 who have migrated to the area and the territory of
13 northern Manitoba. Once that happened, our people
14 were set aside and were not part of the employment
15 and economic process.

16 When we look at the history of our
17 people's involvement at the initial stages and
18 when we continue on in society today, we see
19 little useful for our people to be part of the
20 system. History has always proven, and always too
21 often, that what is decided to be in the public
22 interest is rarely in the interests of the Indian
23 people.

24 We want to express that we have
25 been very dissatisfied with the things that have

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So that is our experience, to some degree, which you will find is described in greater detail in our written brief.

Dr. HUGUES CORMIER: I am going to continue in the same vein.

In my case my experience is much more disembodied, if I may say so, but nevertheless...I will add a small personal note, if I may.

First of all, in the 1960s I studied history in the schools in Quebec, simply to indicate to you my contacts with the aboriginal issue.

Then I would say that I was interested by, among other things, the positions taken by Mr. René Lévesque and his government in relation to a certain opening that I felt and that has often been referred to by aboriginal groups.

I subsequently became involved in thinking about the Canadian constitutional question, in a health care perspective, as I was saying at the beginning, such as looking, for example, at the possible links between the socio-economic and constitutional situation of a society or human group and its health at the macroscopic level, for example, observing, in relation to Quebec society, the extremely

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1 developed with regard to the things I have
2 mentioned. Further, I want to turn this over to
3 Michael Anderson who will give you the overview of
4 the things that are happening in northern
5 Manitoba.

6 Thank you.

7 MICHAEL ANDERSON, Research
8 Director, Natural Resources Secretariat, Manitoba
9 Keewatinowi Okimakanak Inc: Thank you,
10 Commissioners.

11 We thought it would be helpful to
12 share with you today some of the imagery and some
13 pictures of our region as well as some concepts of
14 what our communities are like, to assist in
15 placing the submission that we have presented to
16 the Commission in context.

17 The MKO region is in the northern
18 part of what is today Manitoba and is really in
19 the heart of what was once Rupertsland which was,
20 of course, the Hudson Bay watershed.

21 As Chief Garrioch has pointed out,
22 people from the MKO region first met the original
23 travellers and tradespeople that eventually became
24 the Hudsons Bay Company at the mouth of the Nelson
25 River. They continued trade with the Hudsons Bay

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large upward fluctuations in the suicide rate from the 1960s on, that is, from the turbulence in values and social changes that were occurring.

To continue, I presented some suggestions to various commissions, such as those held in Quebec, Bélanger-Campeau, as well as Beaudoin-Edwards. In addressing those issues, in fact, the aboriginal issue and its analogies with the problem experienced by Quebec society from certain standpoints interested me.

I was also able to participate in the constitutional conference held in Toronto, which was on the topic "Identity, values and rights", where I was able to discuss with some aboriginal representatives some common problems between the aboriginal peoples and Quebec.

This has been very pragmatic. These are not scientific things. In my participation in these groups and conferences, and I might mention the evening when the group Kashtin performed in Toronto and in which I must say that the kind of disintegration and the Canadian problem where we don't often manage to acknowledge each other, that night, with some aboriginal and English Canadian fellow citizens, I had

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1 and their successors for some 320 years in this
2 region.

3 One of the aspects that
4 characterized this long period of trade and
5 association was mutual associations that were
6 beneficial both to the Hudsons Bay Company, to
7 their partners the North West Company, and to the
8 First Nations of northern Manitoba. In the period
9 between contact in the early 1600s, the creation
10 of The Bay in 1670 and the eventual transfer of
11 Rupertsland to Canada, that entire period was
12 characterized by mutually-beneficial relations, by
13 business development and by very close contact
14 between non-Aboriginal peoples and the First
15 Nations people within northern Manitoba.

16 There are very few other regions
17 in all of Canada that have this record of long
18 contact.

19 Today the MKO First Nations cover
20 some two-thirds of Manitoba, and it requires us to
21 carry out a large number of activities as MKO and
22 is the basis of much of the presentation that I am
23 giving you today.

24 You can see that our First Nations
25 go below the 53rd parallel -- the Indian Birch and

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a very very positive experience in which I would say the unifying link and the contribution to the process of reidentification in Canada through the aboriginal contribution was experienced, and I think this could be verified with other people who had that experience.

I would like to add that in that process I discovered, and again this is very, very personal, that my wife has some Abenaki ancestors, and thus my daughter. These are things that, I would say, make your perception of identity and of what you are and what you are experiencing evolve.

Well, I will stop there.

Dr. EMMANUEL STIP: To come to some proposals, when we think of mental health as the contextual axis in particular presented it, we think ~~there should be some reappropriation of the tools of~~ there should be some reappropriation of the tools of the aboriginal peoples, the much sharper cultural tools, and that this reappropriation should also be contemporaneous with a sharing of the aboriginal culture for the non-aboriginals.

In terms of medical practice, in terms of psychiatric practice, we find that the major obstacle is the difficulty in understanding other cultures. In the psychiatric field, the primary thing

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1 Shoal River First Nations, which are signatories
2 to Treaty 4. Most of the region is signatory to
3 Treaty 5 and its adhesions. The Northlands First
4 Nation and the Barren Lands First Nation are
5 signatories to Treaty 10, and the Mathias Colomb
6 First Nation is a signatory to Treaty 6.

7 So, in addition to this long
8 record of experience with non-Aboriginal traders
9 and others within this region, we also have a
10 considerable amount of experience with respect to
11 treaty interpretation and constitutional matters,
12 in that four treaties fall within our region.

13 An easy description of these
14 communities, which you can see are quite scattered
15 and distant within our area, is that we have
16 Ojibway-Cree communities here in the Island Lake
17 area; we have two Denesoline communities in
18 northern Manitoba; and we also have Cree
19 throughout much of the rest of the region within
20 MKO.

21 Also, our experience has led us to
22 communicating in four languages, five including
23 French: Ojibway-Cree, Denesoline, Cree and, of
24 course, English. There are many people within our
25 own organization that do interpretation for us,

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is always to be able to encounter the other through a culture. We could propose, in the same way we can propose it for a society, it could also be a proposal for each individual.

Before getting into the proposals as such, we have this impression that the decisions must be taken now, of course, and that the healing process may not occur at the level of this generation. I have often had occasion to talk about this with Richard Kistabish (PH), who is an Algonquin who has helped us to share a lot in terms of experiences.

He often says it poetically, that they will someday emerge from winter. One gets the impression that this winter may still exist for that generation, but that this is no reason not to begin the care now and that even if we may be thinking of a cultural revolution in terms of Canada on the aboriginal issue, the efforts must be maintained for many years, but begin them now so that the results can emerge in the next generation, and we should not slacken. On the contrary, it is necessary, in the same way that often in medicine the results are not immediately felt, it must be hoped that these results will be significant in one or two generations. This is

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1 who can speak all four languages fluently. We
2 have needed to do that to bring all of our people
3 together in assembly and to carry out the work we
4 have as regional government.

5 To describe a bit about our First
6 Nations, this table which we have prepared, which
7 is also in our report, can help as a bit of a
8 snapshot. You can see that our communities range
9 from Chief Garrioch's community at Cross Lake,
10 which is our largest with over 4,000 people, to
11 the tiny community at War Lake of 163 First
12 Nations members.

13 Only 10 of all the communities
14 within the MKO region are accessible by all-
15 weather road, and more than half of them are
16 accessible only by winter road or by air, which
17 means that within the region reliance on
18 traditional pursuits is considerably greater than
19 it may be in other regions in Canada. The effects
20 of large-scale development and other activities
21 within our region have a considerable effect
22 because of the reliance of our communities
23 directly on the land base due to isolation.

24 Split Lake First Nation has
25 allowed us to share these maps to try to describe

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what we call transgenerational healing, but it is not something that should prevent us from making some efforts.

What we might propose is that in fact there be the creation of aboriginal cultural spaces for the non-aboriginals. Why do I say that? If we want there to be a more productive cultural encounter, it will be necessary for the non-aboriginal people to have some access to this culture, in a more significant way than at present.

For example, we would propose that in each major Canadian city there should be an aboriginal cultural centre to promote the development of the Amerindian communicable culture. It would not be a museum, not at all, but rather a space in which transcultural communication is possible and facilitated.

The Goethe Institutes that the Germans have developed in different countries are examples of these structures in relation to German culture throughout the world. Everywhere in the world, in the major cities, you may have a Goethe Institute, that is, a place in which you can learn the language, meet people, contact the media and encounter artistic

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1 to you how the land within or region is used.

2 As we have indicated, the MKO
3 region spans the northern two-thirds of Manitoba.
4 To most, it appears to be a wilderness, empty and
5 unused land. But to the MKO First Nations
6 members, it is homeland and it is a critical
7 resource area.

8 This is a piece of 1:250,000
9 National Topographic Survey of Canada map sheet
10 that we have scanned and brought for this
11 presentation. The Split Lake Cree First Nation is
12 here on Split Lake, Waskawaka (ph) Lake is here.
13 This area is approximately 60 miles in length and
14 some 38 miles across.

15 You will note from looking at this
16 map, which is typical of those that all government
17 officials use, that there is virtually no
18 indication of First Nations' presence on this map
19 whatsoever. The only indication of any First
20 Nations' presence here is this one winter trail
21 between Waskawaka Lake and Split Lake.

22 The Natural Resources Secretariat
23 of MKO, at the direction of our Council, has
24 developed the ability to collect land use,
25 occupancy and habitation information for its work

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creations.

These places would allow some rapprochement between aboriginal and non-aboriginal peoples, they would facilitate cultural recovery and mutual familiarization. This approach should also involve televised audiovisual space. It is necessary to create some bridges between the two worlds, and these places would have this function for the entire urban population in Canada and Quebec.

Certainly, when you live in Montreal you are less in contact with the Amerindian culture, but that is precisely why some efforts should be made. There are very few places in Montreal, for example, where one has access, or one can meet in a human, not hysterical way, that is, without talking about conflicts, without talking about tobacco, talking about other things and getting into a real encounter.

That is why we propose that there actually be the creation of cultural spaces in all the major Canadian cities.

Second point, which is also along the same vein, the second proposal, is a policy of defence and promotion of the Amerindian languages.

It is catastrophic, in our view,

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1 with government in terms of claims negotiations,
2 settlements, environmental assessment and a
3 variety of other matters which we can explore
4 later.

5 The maps I am sharing with you now
6 are three maps from three individual harvesters
7 using this region. The first map depicts several
8 different types of land use. The blue lines are
9 hunting, the yellow lines are trapping, the purple
10 areas are where timber is harvested for cabin
11 construction and firewood, the green areas are
12 primary fishing sites, and we have also collected
13 information on old community sites, campsites,
14 burial locations -- virtually everything this
15 individual knows about their area of the land. We
16 call these map biographies. They are literal
17 stories of a person's presence and record on the
18 land.

19 When I add the second map, we can
20 see that these two harvesters use a considerable
21 amount of this land together. These are just two
22 people using this entire region. This is not
23 including the maps of their families, of their
24 children, their wives and relatives.

25 When I add the third image to this

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that greater efforts are not being made to preserve the aboriginal languages. It is incredible that I, for example, who have been working and in contact with these people, when I wanted to participate in their care I had some problems in getting instruction in these languages. There is no school, there is no university, the opportunity seldom arises, where one can get access to education in the Algonquin or Iroquois languages.

It is extremely difficult for a non-aboriginal person to find a place in which these languages are taught. Yet an apprenticeship in these languages would enable health care professionals to more authentically encounter the others' culture and communicate more effectively with a part of the population. It would also secure greater trust, since it would be evidence of an approach to the other culture, a transcultural approach.

On a more comprehensive plane, a language that is no longer spoken is a dying language, and we should be devoting as much effort to the survival of these treasures as we do to the preservation of animals that also sometimes in the process of disappearing. The whole of humanity would

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1 map, we can see that what could be viewed as an
2 empty region is actually intensively used and
3 occupied by these three harvesters.

4 In effect, the entire region is
5 utilized for harvesting purposes. This is
6 typical, in the mapping work that we have done
7 within MKO, of our entire region. Virtually every
8 square inch of the Manitoba Keewatinowi Okimakanak
9 region is intensively used, occupied and inhabited
10 by our First Nations membership.

11 We have now mapped something in
12 excess of 250,000 square kilometres of the
13 Northwest Territories, Manitoba, Ontario and
14 Quebec in projects we have been doing in
15 affiliation with other First Nations. This is a
16 very typical map.

17 We find that our First Nations
18 typically use territories that are no less than
19 some 16,000 square kilometres each for one First
20 Nation's total land use area. A map that we
21 prepared recently for the Manitoba Denesoline
22 First Nations' traditional territory, to help
23 explain their associations with the Inuit of the
24 Northwest Territories is this map. What this
25 shows is the traditional territory based on our

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thereby benefit.

This promotion should also involve the aboriginal peoples themselves. There must, of course, be a language policy so the aboriginal peoples can have the means to continue to speak and think in their language, but it is impossible to learn an Algonquin or Iroquoian language in Montreal, although you can learn dozens of foreign languages. If I want to learn Ukrainian tomorrow morning, I register somewhere. If I want to learn Vietnamese, I register somewhere.

Here in Canada, where there are still people who are founders of the country, we aren't even able in a month of Sundays to find out where we can learn those languages.

These are some concrete proposals, that we have tried to make extremely concrete, to show that the aboriginal peoples, in their reappropriation of their culture, their economic and political tools, are going to head toward self-determination, autonomy.

It is indispensable that in a parallel way there be some bridges built, so the non-aboriginal population clearly understands what is happening, that they have access to this culture, that there be some exchanges, and that in this framework we

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1 map biographies of two First Nations: the
2 Northlands First Nation at Lac Brochet and the
3 Sayisi Dene at Tadoule Lake, who I understand have
4 made presentations to this Commission before.

5 What we see is that these two
6 First Nations in their current use of the land
7 utilize some 175,000 square kilometres of Manitoba
8 and the Northwest Territories. Some of the
9 individual travel maps, which help to develop this
10 composite, indicated repeated multi-seasonal
11 travel in excess of 350 kilometres.

12 So, when the Government of
13 Manitoba and developers see Manitoba as an empty
14 land, when they see the Manitoba Keewatinowi
15 Okimakanak region as a wilderness, as a resource
16 area, we know that it is not the truth; it is not
17 the picture.

18 The government has attempted to
19 recognize some First Nations land use within our
20 region through the imposition of the registered
21 trap line system in the 1940s and 1950s. These
22 large registered trap line districts represent
23 roughly the areas traditionally used and occupied
24 by the First Nations after which they are named.
25 For example, the Split Lake Creek First Nation

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can speak of a cultural revolution, and that it will be much less conflictual and will be a success and also an advantage for the non-aboriginal peoples to discover this resource, which is a founding element in Canada and is present in manifestations that all too often are manifestations of conflicts although they could be approached otherwise.

It is to some degree our role as psychiatrists to think that we can also have a concern for health within an approach such as this.

Dr. HUGUES CORMIER: I am going to continue with some proposals that are perhaps more for discussion and less concrete than those that have just been made.

In terms of language, among other things, we have had Law 101 and I think that in what you were saying this is a sort of Law 2002 which might be proposed.

A proposal that I would like to discuss is the issue of raising awareness...I find that the aspect of aboriginal cultural space for the non-aboriginal people is certainly a part of the answer to the problem of the gulf of ignorance or misunderstanding that exists among non-aboriginals in

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1 utilizes some 7 per cent of Manitoba in its trap
2 line block; the Cross Lake First Nation's
3 territory is roughly within the same region. But
4 we have learned that it is an imperfect vision of
5 the manner in which land is used.

6 The fact that during the era of
7 development, beginning in the 1920s and only
8 recently ending with the construction of the
9 limestone generating station on the Nelson River,
10 none of this intensive and extensive land use was
11 incorporated. In fact, several researchers have
12 indicated that they believe that the use of lands
13 and territories within northern Manitoba are
14 perhaps the most intensive and extensive of any
15 First Nations group in North America because of
16 the large population we have and the intensity
17 with which the land traditionally continues to be
18 used, primarily due to the fact that more than
19 half of our communities are isolated.

20 As a result of the government not
21 being aware or understanding it, during the era of
22 the beginning of development and the ending, a
23 large number of extremely mining projects were
24 constructed in the north: the mines at Lynn Lake;
25 the Inco smelter at Thompson; the mines at Snow

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relation to the aboriginal peoples.

The idea here is less to recommend or propose concrete things than to say, in addition to what Dr. Stip has just raised, to emphasize our desire to encourage you to advance mechanisms that we have some difficulty in seeing concretely, to raise the awareness of people, and inform them more effectively.

Among other things, on a particular point, which is the following, that is, from our standpoint we have been talking here primarily of course about the problem experienced by the aboriginal peoples. I referred earlier to the suicide rate in Quebec which, as you know, is another extremely important social problem. This is true in Quebec but it is also very true in the Northwest Territories, in Alberta, in Saskatchewan and in other western societies.

Globally, the western world is experiencing a crisis in mental health and in its life. Somewhat paradoxically, at first sight, I think the aboriginal phenomenon, in which the aboriginal people can make an indispensable contribution to something that is very important in the area of mental health, that is, a healthy mental life is precisely one in

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1 Lake, Flin Flon. You can see that all of these
2 major mining operations are entirely within the
3 MKO region.

4 In terms of the construction of
5 the vast water resources of northern Manitoba,
6 Manitoba Hydro, of course, has constructed a
7 tremendous generating system within the north. As
8 you can see, all of the major generating stations
9 constructed in Manitoba fall within the MKO
10 region, as do all the transmission lines,
11 connectors, road, substations, converter stations
12 and all the other associated facilities.

13 The dams that began with the
14 construction of the Grand Rapids generating
15 station, blocking the flow of the Saskatchewan
16 River at Lake Winnipeg in 1961, were followed by
17 the construction of Kelsey to power the Inco
18 smelter in 1967, and then dams were built earlier
19 by mining companies at Lorry River to power the
20 mines that were developed in the Lynn Lake and
21 Rutan area.

22 In addition to the mines and the
23 considerable development of hydro power which has
24 affected every major river in northern Manitoba.

25 There also are forestry

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which the rational, cognitive aspects are in proper relationship to the emotional aspects.

As we also say, we do not forget that we live in human societies. We don't just live in economies. I believe that the aboriginal peoples, while experiencing some very serious problems, have something to teach us, an indispensable contribution to share with us, and that it is necessary, I think, to send that message to the non-aboriginal peoples, how this watertight barrier exists in our contemporary societies between the emotional and the cognitive.

I was struck, when I came two weeks ago, by the testimony of young Attikameks-Montagnais who were speaking, without the — I would say — the discomfort I felt, about their culture, the importance of the songs, of their language and all that, and who did so with a spontaneity that some non-aboriginal people, we feel virtually unauthorized to refer to these emotional aspects.

I think it is very important to communicate the contribution that the aboriginal peoples are going to make to our society in general.

From the more specific standpoint of the development of self-government and self-

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1 allocations within our region. This is the Forest
2 Management Licence of Repap Manitoba. It covers
3 108,000 square kilometres of Manitoba. It
4 represents something like 74 per cent of all the
5 marketable timber in the province. As you can
6 see, virtually all of it falls within the MKO
7 region.

8 So we see that we have immediate
9 difficulties with a First Nations population which
10 extensively relies on and uses the land and
11 natural resources for their own economic support,
12 for cultural, linguistic and institutional
13 continuity. At the same time, since 1925, a
14 tremendous overlay of mining, hydro power and
15 forestry developments have occurred within the
16 region without any meaningful involvement or
17 consideration of these First Nations communities
18 having taken place whatsoever.

19 The result, if we turn to some
20 imagery that we have begun to utilize within MKO
21 -- this is a Lansat image which I am sure many of
22 you have seen. It is taken by the Lansat
23 satellite by the Government of Canada. It is
24 taken from some 400 kilometres in space. This is
25 the very north end of Lake Winnipeg; this is the

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determination, we think the proposals that were made by the Forum paritaire québécois are very, very positive, as is the importance of finding equal space, in fact, mechanisms to work together to negotiate and find concrete solutions to the development of this self-government.

In particular, the development of self-government over mainly aboriginal territories in which the participation would be that of all citizens who inhabit the territory, thus governments that are not purely ethnic but rather territorial is, in our view, very positive. I would like to discuss it with you but I think it is a fact that the Quebec government, for example, is a government that must work for the needs of all of its people.

That should be the case as well with those governments that develop in territories with a largely aboriginal population.

I think we will stop at this point for the more formal section and continue with the discussion.

COCHAIR RENÉ DUSSAULT: I would first like to thank you for this presentation on a subject that is extremely important, the subject, among

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1 community of Cross Lake right here; this is the
2 Nelson River.

3 MKO has had to develop this sort
4 of expertise because of the vast regions of land
5 that are affected within our territories and to
6 understand the changes that have taken place. The
7 Natural Resources Secretariat processes and
8 routinely utilizes satellite information for the
9 benefit of our First Nations communities.

10 What you can see in this is the
11 integration of all of the imposition of land use
12 activity within the region. This is a 500-
13 kilovolt transmission line coming through the
14 Cross Lake area. This is Highway 6 and the road
15 to Thompson. These small squares are not farms;
16 they are 15-square-kilometre clearcuts around
17 Moose Lake and Repap Manitoba has constructed, and
18 its predecessor Manfor.

19 These light blue areas along the
20 banks of the Nelson River are actually mud flats
21 created by the impoundment of water upstream at
22 the Genpeg generating station. You can find
23 Genpeg very quickly on this image. Above Genpeg
24 the water is high, creating a clear shoreline;
25 below it, it creates extensive mud flats many of

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others, of mental health.

As you said, the issue of mental health, which comprises several facets, some more immediate and others somewhat more remote, you spoke of three axes, is an extremely important one. It is one of the major problems we find in the aboriginal communities.

Of course there are some extreme cases or situations in which, in fact, we have pulled through. You referred to Alkali Lake in British Columbia. We held hearings in that region and met with people who told us in detail about the experience they had in getting control of their community.

We were also, a year ago, in Val d'Or, and we went to Grand Lac Victoria.

There is of course a multidisciplinary team that has been working for a dozen or more years. The entire healing process is something that is absolutely essential. Often the people are not too sure how to tackle it because the problems are interrelated — alcohol, unemployment, substance abuse of all kinds — which lead to suicide, and violence.

Often, therefore, they prefer to

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1 which you have seen in photographs and
2 documentaries regarding Cross Lake, where walkways
3 extend into the water for hundreds of feet to try
4 to maintain the fishing, hunting and other
5 resources that are used in this area.

6 The large emerald green areas, by
7 the way, are remnants of the 1989 fires that
8 ravaged northern Manitoba.

9 In addition to this kind of
10 imagery which shows a lot of modification of the
11 landscape, we can also use from French satellite
12 information to show what has happened along the
13 Nelson River as a result of several decades of
14 hydro power development. This is the Kelsey
15 generating station, creating its forebay at
16 Stevens Lake, and the silt and other mud that is
17 lifted by the water fluctuations is clearly
18 visible here.

19 This is the Long Spruce generating
20 station just downstream of Gillam, and the brand
21 new dam at Limestone.

22 We can see that the northern
23 landscape has been extensively modified by these
24 developments, which can be highlighted by some
25 processed imagery that we have created doing

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cover things up and deny rather than start to look at the problem within. Furthermore, when outside teams go into the communities it is usually on a very selective basis, and doesn't result in long-term solutions because those, obviously, have to come from within the community itself.

But when the problem lasts for several generations it raises the whole question of how to get out of it. I confess that this is one of the areas in which the Commission feels the most pressure because the methods and solutions that have been presented to us are not obvious. We talk about a lot of things but you get the impression that despite what you say, for example, in terms of generations, that it may not be for this one but for another, that the problems are so immediate and urgent with the aboriginal youth, who are numerous as you know.

I put the question again in somewhat more global terms, and these are known phenomena, but little known basically by the general public as opposed to problems that are in the headlines virtually every day. We see it when there are some extreme cases like Davis Inlet or certain reserves in Ontario with waves of suicides, etc.

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1 close-ups of those very same forestry cuts I was
2 showing you.

3 When we combine the two impacts
4 together, again using the example of Cross Lake,
5 we can see just how extensive this change is. The
6 areas that have been highlighted by our computers
7 is yellow, to show the low-water damage caused by
8 the Genpeg generating station. It has disturbed
9 soil. The purple areas are areas that have been
10 harvested of timber.

11 If we took an overlay of the Cross
12 Lake resource area and placed it here, we would
13 very quickly see that the Cross Lake resource area
14 is like this.

15 So most of the usable and critical
16 natural resources that sustain and provide a
17 future for the Cross Lake First Nation have been
18 affected by development within our region. The
19 pattern is similar for many of our First Nations.

20 In trying to accommodate the
21 issues and concerns of our First Nations, the MKO
22 Assembly has placed a high priority on developing
23 a fair bit of capacity and developing high-quality
24 research, information, analysis and skills to be
25 able to deal with the impacts, the implications,

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We have held special consultations on the suicide phenomenon among aboriginal people in general, among the young people in particular. We hope to be able to produce fairly rapidly an interim report on this issue. It is not an easy issue, it is an issue that is not peculiar to the aboriginal peoples, but one with a particular context.

Viola Robinson and I were in Big Cove (PH) just before the onset of the last wave of suicides, in May 1992. No one, during the public hearings, really reported any major concern to us in relation to suicide. It happened on the 7th, 8th and 9th.

I am throwing the ball back to you, somewhat. There is, of course, no single solution. We can come back to the proposals on the aboriginal/non-aboriginal interface culturally. It is clear that language and culture are fundamental. We have been told that everywhere, there is no solution without working on the strengthening of identity.

In terms, strictly speaking, of the way in which a community that has relatively endemic problems, which is often isolated off by itself, how do we ensure that the thing that sparks the process of

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1 the negotiations that are related to this type of
2 intense activity within our region. All of these
3 circumstances have yielded enormously high
4 unemployment, exacerbated social conditions due to
5 the loss of resources, have created health and
6 social and family concerns that are significant
7 due to the disruption of the land base and the
8 loss of linkage between our communities and the
9 land.

10 Every time we undertake an issue
11 within our region, whether it is health care,
12 education, natural resources negotiations or other
13 work, we follow this same pattern.

14 The first is that we work on
15 policies, legislation and regulations. We
16 recognize that we have to modify, reform and
17 create the necessary legal structure to achieve
18 the objectives of MKO First Nations.

19 Once we get that ball rolling and
20 that process under way, then we concentrate on
21 developing mechanisms, like working groups and
22 framework agreements. For example, I am involved
23 in several working groups at the Department of
24 Natural Resources that we call "shirtsleeves and
25 coffee pot environments," where their technicians

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taking charge can occur?

In Montreal we had the Manwan women's task force among the Attikamek. We held some hearings a year earlier and they had really made a very, very important attempt to get on top of the violence issue. So it is possible, and there are some beginnings, and it is fragile.

Do we take it case by case? One often gets the impression in extreme cases that you almost have to open up the community for a short while. We know that on the Canadian level we can't do that. The communities themselves have to react.

I am expressing to some degree what we feel and the scope of the situations we have seen and that you are no doubt aware of, in Northwestern Quebec in particular.

You have seen, for example, the situation in Alkali Lake. How do we affect...obviously, if there had been economic development...

We know that the problems are the essential, education, managing to convince the young people to persevere, etc. You often hear the expression that we're stirring the soup. I guess I am sending the ball back to your court. Generally speaking, you have

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1 can sit with our technicians and we can move
2 ourselves along instead of endlessly bouncing
3 proposals back and forth. We can work together as
4 parallel government.

5 We have an information base
6 through our land use research that the government
7 does not possess. Many times in negotiations we
8 have an equal or better information base than they
9 do. There is only one other place within Manitoba
10 that satellite imagery can be analyzed, and that
11 is the government itself.

12 So we work at creating mechanisms
13 where we can be parallel, where we can work
14 together with governments.

15 Then we work on creating
16 facilities, once we have a working environment and
17 the type of trust and familiarity and information
18 base and the education that is necessary to
19 understand our concerns. Facilities to us would
20 include things like the Medicine Lodge at Nelson
21 House; it would include Solvent Abuse Centres that
22 we are working on for Cross Lake; it would include
23 the Youth Centres that we are building close to
24 Hudson Bay for youths to return and recognize the
25 importance of the teachings of Elders and their

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certainly felt this and perhaps thought about it as well.

You have told us a fair number of things that make sense and that we have heard — perhaps not all — presented like that. Do you have some additional thoughts to give us, on the issue of suicide in particular, how the communities might intervene.

Dr. EMMANUEL STIP: On the question of suicide, it is true that at the moment there are not a lot of research teams that have very concrete answers to propose.

Except that in Abitibi in the non-aboriginal population it is one of the highest rates. I was working in Malartic (PH) for seven years. The rate there is twice that of the province, which is already high. And that is a population that is white, that is, I should say, multi-ethnic as well, the population in Abitibi.

Of course there are no doubt some factors that are contributory, in the way in which Abitibi was colonized, things like that, but there is not at the moment any concrete answer, unfortunately. I could not tell you that.

At the Centre de recherche Fernand-

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1 parents and families. Facilities, to us, prepare,
2 present and continue the objectives of First
3 Nations government within northern Manitoba in a
4 way that is controlled at the community level and
5 culturally appropriate.

6 While we are moving through all of
7 these, we are also at the same time working on
8 developing long-term funding arrangements so that
9 the facilities that are created can survive. One
10 of the things the Natural Resources Secretariat,
11 for example, which is a facility itself, has been
12 instructed to do is not to operate with core
13 government funding, which is an assignment that
14 the Chiefs have instructed us. It makes us do a
15 lot of work, but we are independent then, so that
16 we cannot be cut off when we are supplying
17 satellite imagery on forest harvesting and cannot
18 be cut off when we are showing damages as a result
19 of hydro projects, when we are calculating the
20 area by satellite image analysis in detailed form.

21 However, for those things that are
22 not as sensitive as that and where there is mutual
23 agreement, such as health care centres and other
24 issues, we work on long-term funding arrangements.
25 Year-to-year funding, as I am sure many

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Seguin we have a team that is working very seriously on suicide, and we are more in the period when we are trying to understand than to propose solutions. Although there are some telephone hot lines, S.O.S. Suicide, there is no impact yet, you get the impression, on the rate of suicides.

My reply may be discouraging, but it is within today's reality.

The second aspect, I was led to think of in transgenerational terms because it is true that it is discouraging for a professional who wants to have immediate results on a problem of alcoholism, on a problem of injury in a family, you want things to happen quickly.

And it's true, they must happen quickly. What is necessary and is happening quickly is attending to the urgent, the serious things.

I have had a fair number of periods of depression when I saw the scope of the scourge and that it would be bad if professionals like me or others were to fold our arms and do something else in face of this powerlessness. What restores my hope is that it is true that it is in terms of education that the decisions can be made, and in this I am speaking of the

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1 organizations have presented to you, simply
2 doesn't work. The continuity of personnel, the
3 value of training, everything is lost when the
4 funding is destroyed.

5 One of the great benefits of a lot
6 of the programming that MKO has been able to
7 deliver is the continuity of the people. The
8 people who are trained within our region that work
9 with us as well as within our own organization are
10 the most important assets of all. The knowledge
11 they carry will not go away when the funding is
12 taken away, but the activity levels and the
13 working facilities may be hampered and, therefore,
14 reduce the availability to our First Nations.

15 As I have already begun to
16 discuss, there is critical importance placed on
17 capacity development and training.

18 The entire objective of MKO is not
19 to create a centralized government authority.
20 Keewatinook Okimowin means a Council of First
21 Nations, which mutually are supported in the
22 achievement of their goals and objectives.

23 MKO, although it may begin and
24 pilot certain projects and develop certain
25 critical capacities such as ours in our health

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contextual level, that is, the entire context of this cultural reappropriation or cultural transformation.

The results will not come to that generation now. Maybe it's sad to say so, but it is also joyful to say it, to the degree that if we do it for a generation that will come after, we will get some results there, and that, I think, can be the case.

It releases me somewhat from depression to say that. There are many fields in the history of health care. When we look at what has been written about the history of health care or medicine throughout the world, where there have been results that were never appreciable within one generation or even two or three generations.

Generally speaking, everything that involves the major public health problems can be expressed like that. I think this is so with alcoholism, violence, even in relation to incest. Maybe things are too late for the coming generation. It can be done in another generation.

The entire educational process must be integrated with the health problem.

The third aspect is that the combined structures, that is, of western medicine,

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1 liaison program, intends and works always to bring
2 in, involve and train people within our First
3 Nations organizations to take up the reins of
4 government on all of the full spectrum of
5 government services and issues, such as education,
6 health care, natural resources concerns and
7 everything else that we have done.

8 Following this model, we have come
9 very close, for example, to establishing a First
10 Nations controlled health system, which is
11 something that we are extremely proud of. We have
12 developed the first Bachelor of Nursing program in
13 all of Canada, training nurses for our nursing
14 stations and for our health centres. We also have
15 a program where we are training our community
16 health representatives and our NAADAP workers. We
17 are also working on regionalizing -- that is,
18 upgrading -- the status of the federal hospital at
19 Norway House.

20 If we succeed in doing that, that
21 means that health care within the MKO region will
22 fall completely under our control, will be
23 administered and delivered primarily by our own
24 First Nations members in a fully-trained manner.

25 In addition to this, we have been

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Canadian medicine, is one of the best in the world and there is no reason why it should not provide better results than that.

What counts in the healing processes is the entire cultural context in which healing is done. And if there are no structures that are more combined, if there is no aboriginal coloration within the health care structures to dispense care to these people, we will be missing out as well on a healing process.

Even if we have the technical tools, the scanners, the great blood analyses, it will not be in terms of all those analyses that we will arrive at a healing process. There is something else. It must be integrated forthwith into our medical culture, and this must be done through education in the faculty of medicine, etc. Here too, it may not be in this generation but in the generation of the future professionals that we will get some results.

Dr. HUGUES CORMIER: Suicide among young people, there is the question of the individuals. Everyone has his or her personal history to which it is necessary to pay full attention.

If we speak in a more comprehensive

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1 working on additional control of our education
2 system within the MKO region. At the present
3 time, well more than half of our school boards are
4 administered locally. As Chief Garrioch is aware,
5 there has been a tremendous training initiative to
6 make sure that the administrators of schools,
7 school boards and teachers are trained so that the
8 teachers are from First Nations communities as
9 well.

10 So the capacity development and
11 following our model has led us, in both of those
12 areas, to considerable successes.

13 At the present time, two of our
14 staff in the Natural Resources Secretariat are
15 trained and are, themselves, training people. One
16 of our staff is the first person from Manitoba to
17 receive a Master's of Natural Resources Management
18 at the University of Manitoba. He is the Director
19 of our Mapping Program. Our Geographic
20 Information System operator is the only person
21 from our region to achieve a four-year certificate
22 program in forestry management. These individuals
23 continually go out to Career Days. They are
24 encouraged to travel throughout Manitoba to try to
25 encourage other people from the MKO region,

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spirit, it is as straightforward as saying it is necessary to provide some hope. It is necessary to open some hope. The individual, confronting his own life, must say to himself: My life has some meaning, or does not. It is as simple as that.

It seems to me that this is where we can make the link between the individual who comes to say "my life no longer has any meaning, I am going to end it", or "I'm going on" if there is some light at the end of the tunnel.

I think that in that sense the Commission and what comes after it are crucial, in the sense that there must be some light at the end of the tunnel, some real capacity to be able to get control over oneself, that it will not be simply some exhortations saying get hold of yourself, but that there are some concrete accomplishments and concrete mechanisms through which an individual can give some sense to his life because he sees that this can lead to something.

I think that, overall, this can be done, but we can also, since there are some experiences that have been referred to, like that in Alberta, etc.

Often, in psychotherapy, we talk

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1 particularly youth, to follow in their footsteps.

2 So we are eagerly working very
3 hard to develop within our region the tools that
4 we require to provide all the services that we
5 need. As Chief Garrioch began in his
6 presentation, the MKO First Nations members are
7 sovereign nations that have existed in this
8 territory for 7,500 years at least.

9 During the period of time of
10 interference by the federal government after 1870
11 to today, the First Nations in northern Manitoba
12 intend to restore their communities under First
13 Nations law, guidance, traditions and languages in
14 a First Nations hand and to transfer back to the
15 communities control over the services that they
16 require, control over the lives and futures of the
17 people within our communities.

18 That is a bit of an explanation of
19 what MKO is and why we have put the effort we have
20 into the submission we present to you.

21 Thank you very much.

22 CHIEF SYDNEY GARRIOCH: Thank you,
23 Mike.

24 I want to further stress that MKO
25 is the First Nations government of northern

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about the corrective emotional experience, that is, that after a traumatic experience and some problems, the positive thing is to have a corrective experience. We need some community corrective emotional experiences.

I make an association, no doubt there are many such things in Canada, but among other things the history of our neighbours in the United States...there is one instance that comes to mind. It is an aboriginal community on the Pacific Coast, close to the Pacific Ocean, where they had some terrifying health indicators at the time when the so-called Termination Bill was proclaimed with respect to the aboriginal people.

Faced with the catastrophic aspect of the developing disintegration of the aboriginal communities, there was for that community, and I would attach to our report a specific reference to that experience, the institution of some way to restore autonomy to this community, which is now flourishing very well, not only in health but economically.

I don't know if that helps to answer the question. There is also the relationship between an individual's suicide, the psychiatric aspect

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1 Manitoba. The MKO Assembly and Executive have
2 placed a priority on skills development and
3 training to support high-quality research policy,
4 communications and program administration
5 capabilities.

6 The overriding objective is to
7 ensure that most initiatives established at the
8 MKO regional level will be decentralized to the
9 community level.

10 When we are talking about
11 presenting these things that happened in northern
12 Manitoba, we had no means of consultation,
13 participation and so forth. Throughout the
14 process the government and many people have
15 manipulated our First Nations people to resist
16 them. They even intimidated them: "Either you do
17 it, or else." Somehow at the end the resources
18 are exploited from the First Nations people, the
19 very people who had traditionally practised and
20 established their livelihood in these territories.

21 I want to add further that there
22 is a principle of mutual recognition, respect and
23 understanding. I will highlight some of the main
24 points.

25 3.2.1 Recognition

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as well I would say, but it is its relationship with the political aspect too.

COCHAIR RENÉ DUSSAULT: We are aware that the political environment, the economic environment, and hence the medium and long term solutions, are fundamental. Of course there is always the hope as well of beginning immediately.

I would like to give the floor to my colleague, Viola Robinson.

COMMISSIONER VIOLA ROBINSON:

Thank you.

Your presentation has been very interesting, and the things that you have told us.

One of the things that we hears as we go to the communities, and I think it's important what you say about integrating the

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1 The recognition that First Nations
2 are distinct societies. With this recognition
3 must come the protection and maintenance of
4 Aboriginal languages, cultures, traditions,
5 institutions and communities.

6 The recognition that First Nations
7 are the original peoples of Canada.

8 The recognition that First Nations
9 have never surrendered or ceded the inherent right
10 of self-government over the affairs and lives of
11 First Nations' lands and peoples.

12 I want to continue on to honour.

13 Your role is to establish a new
14 relationship between First Nations and governments
15 and Canadians in general.

16 Our view is that there is an
17 existing constitutional relationship, to fulfill
18 the obligations on these matters, including the
19 terms of treaties, land claim settlements and
20 other agreement signed between First Nations, non-
21 Aboriginal governments and non-Aboriginal
22 Canadians.

23 I want to further state on the
24 record that we want to encourage governments to
25 refer these issues that require legal

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1 cultural ways and means of how Aboriginal people
2 are dealing, how they see themselves healing. I
3 think the style that's used has to be recognized
4 professionally in the medical world of society.

5 They talk about holistic values
6 and they talk about to heal means more, that you
7 have to heal from within. And also the support
8 system that they feel is so important and how in
9 the communities it means a lot more for one who is
10 struck with this kind of despair and illness to
11 have the support of you people, who will listen to
12 them and talk to them. It seems that's one way of
13 attacking this problem.

14 Going even to the point where we
15 went in to institutions, in penitentiary, penal
16 institutions. Aboriginal people in there, the
17 incarcerated people, were having lots of problems.
18 Using Elders I find that they've made a big
19 appeal. As well is the importance of using Elders
20 and their knowledge.

21 I think what has happened is that
22 a lot of the Aboriginal people in this generation
23 have lost a lot of their identity through, as you
24 said, authoritarian government, losing their
25 language and other styles and ways being imposed

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1 interpretation directly to the Supreme Court of
2 Canada, such as the issue of the constitutionality
3 of the Natural Resources Transfer Agreement and,
4 in light of Sparrow and Sioui, the "medicine
5 chest" and the treaty right to federal medical
6 services; the right to post-secondary education
7 and the right to freedom from taxation.

8 Ensure that First Nations enjoy
9 housing, community infrastructure, services and
10 economic opportunities that are at least
11 equivalent to the standards enjoyed by the
12 majority of Canadians.

13 With regard to acceptance and
14 understanding, I want to highlight:

15 Accept that a principal objective
16 of First Nations is to assert the intent, meaning,
17 enjoyment and benefit of Aboriginal and treaty
18 rights, and understand that these rights -- and
19 any priorities, exemptions and opportunities they
20 may represent relative to the rights of non-
21 Aboriginal Canadians -- form an inviolable sacred
22 trust between the crown and Aboriginal peoples.

23 The other component is
24 independence:

25 Implement self-government of First

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1 on them. That has been lost, and especially if
2 they leave their communities they get a cultural
3 shock and then they don't know who they are then.
4 They're not accepted anywhere.

5 It's only the Elders now who can
6 come and give them the true meaning of who they
7 are -- that's through the language, through the
8 beliefs, through the culture and this type of
9 thing. They seem to think that this is very, very
10 important. They have a lot to contribute, the
11 knowledge that a lot of the older people have.

12 As you say about language,
13 language is on the point of extinction in Canada.
14 That has been proven over and over through a
15 number of studies. That's another point that we
16 ~~hear. Language is an important part of being a~~
17 nation, an important part of culture. If you
18 don't have that, you don't have a lot, and that
19 really weakens your cultural identity.

20 When you think about that, we
21 heard it and we know that now. We also know the
22 importance of the work that you're doing as
23 professionals. How do you put these two together?
24 How do you integrate that?

25 It's important if medical

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1 Nations through a bilateral process between First
2 Nations and Canada.

3 Initiate the restructuring of the
4 Indian Act and repeal the most intrusive features
5 immediately.

6 Transfer all other federal
7 programs and services not presently provided by
8 the Department of Indian Affairs that affect First
9 Nation-to-First Nation control and administration,
10 such as health, education and economic development
11 programs.

12 With regard to consultation, as we
13 said earlier in our presentation, there is no
14 consultation.

15 Any policies, laws or regulations
16 established by Canada or the provinces affecting
17 First Nations or First Nations lands must not be
18 imposed and must incorporate, as opposed to
19 conflicting with, First Nations' laws, customs,
20 traditions institutions and decision-making
21 structures and treaty and Aboriginal rights. In
22 all cases such decisions must be arrived at in the
23 spirit of consultation.

24 The other area is participation:
25 The right of Aboriginal peoples to

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1 professions are going to work, as you said, with
2 some of these people, to have that understanding.
3 How you get them together and bring them together
4 is something that has to be designed, has to be
5 developed yet.

6 In order to do that I guess we
7 need the support of the public and the support of
8 the whole governing structures and systems to be
9 able to recognize that and to make some effort in
10 making that possible.

11 It's really a major, major issue,
12 the whole topic that you spoke about -- the
13 language, the value system, the culture, the
14 suicide, and violence. I don't think we've gone
15 to a hearing anywhere in Canada where that has not
16 been brought up and raised as a major concern.

17 I did have one question for you.
18 In your work here in Montreal as a psychiatrist
19 and working for the homeless of Montreal and you
20 said 17 per cent of the women coming around are
21 Inuit, 17 per cent of how many? Is that a large
22 number?

23 D^r EMMANUEL STIP: Every day
24 there are between 25 and 63 women who visit the
25 Centre. If we consider the number of different

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1 participate as equals in the process of
2 legislative and constitutional change must be
3 recognized and exercised.

4 First Nations must directly
5 participate in any process of policy, legislative
6 or financial reform, agreement or implementation,
7 whether initiated by the federal, provincial,
8 regional or local government, and whenever these
9 processes directly affect the interests of First
10 Nations.

11 I want to talk about sharing with
12 regard to the resources.

13 Treaties provided for the sharing
14 of the resources within First Nations' territories
15 among and between First Nations, the crown and
16 non-Aboriginal Canadians. Therefore, no First
17 Nation or individual First Nations member should
18 suffer additional losses to the integrity and
19 diversity of lands traditionally used and
20 occupied, existing commercial and domestic
21 resource uses or other economic activities,
22 culture, health or social and community stability
23 as a result of government policy or site-specific
24 development, whether existing or planned. Again,
25 every effort must be made to restore these rights

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1 persons during one year, we find that --

2 COMMISSIONER VIOLA ROBINSON:

3 Seventeen per cent of that. Around that.

4 D^r EMMANUEL STIP: Seventeen per
5 cent of this frequentation are of Inuit origin.

6 COMMISSIONER VIOLA ROBINSON: We
7 have heard from other groups in Montreal who are
8 working to alleviate some -- they know there are a
9 number of Aboriginal people in Montreal, Inuit and
10 Cree and from other Aboriginal extractions. They
11 are having problems, especially the women.

12 Yesterday when the women appeared
13 and said there are so many women in Montreal who
14 are having problems accessing service delivery
15 agencies and getting access to hospitals and
16 ~~whatever it might be.~~

17 This is something I think that we
18 would be interested in knowing how that could be
19 attacked now, what could be done now to sensitize
20 service delivery groups that need to be sensitized
21 to these issues and to be more open and more
22 understanding of the people who are coming in,
23 especially the people who are Aboriginal.

24 I think the lady yesterday said
25 something about they were used like a ping-pong

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1 wherever impacts have occurred.

2 For example, in the hydro project
3 there are dams that were built previously in the
4 1960s, 1970s and the early part of the 1980s.
5 There is an ongoing user fee made by Manitoba
6 Hydro crown corporation to the Province of
7 Manitoba. In this year's annual report, the
8 forty-second annual report, there was a user fee
9 payable from Manitoba Hydro to the Province of
10 Manitoba in an estimated amount of \$45 million.
11 In the forty-first annual report there was \$37
12 million paid. In the fortieth annual report there
13 was \$32 million paid to the Province of Manitoba.

14 This is what we are talking about
15 share.

16 With regard to timber, there are
17 no royalties paid to First Nations people or on
18 other resources that have been expropriated or
19 exploited by the government and non-government
20 people.

21 With regard to education:

22 Equal access to high-quality
23 education facilities by First Nations peoples is
24 essential for First Nations to realize the full
25 effect of the exercise of the right of self-

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COCHAIR RENÉ DUSSAULT: In

concluding, I would simply like to indicate...you mentioned that in teaching mental health in Quebec there is no aboriginal facet that is peculiar to the aboriginal reality. You are certainly well placed to push for this to be done in terms of the curricula. We can only encourage you to do so. There is indeed a lack that is significant, which should be overcome.

In closing, I would like to thank you once again for having made this presentation. If you have anything to say following this request, in some way, because it seems so obvious to me, I will give you the floor, and then we will conclude.

Dr. HUGUES CORMIER: In fact, Dr.

Stip published a few weeks ago a manual that is addressed to the college students. I will let Dr. Stip talk about it.

If you don't mind, I am going to reformulate something that I said earlier and Emmanuel will...we don't have the time....

COCHAIR RENÉ DUSSAULT: It will have to be done briefly, because we are already running behind schedule.

Dr. EMMANUEL STIP: In fact, that is

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1 government as well as to become active
2 participants in the institutions of contemporary
3 Canadian society.

4 These are some of the things that
5 I highlight. I know time is running out, and that
6 is why I only picked parts and pieces of the
7 recommendations that we made. I am sure that the
8 Commissioners will certainly take time to review
9 and document wherever necessary.

10 With that, I am sure you have done
11 a lot of travelling, have spent time in hearing,
12 reading and reviewing also documenting. You have
13 a very great task that you have done, and your
14 work has been very encouraging. The documents
15 that I read have very valuable information in
16 them, and I am sure that we are all optimistic
17 that things will turn out in the best interests of
18 all people to live in harmony in Canada.

19 Thank you.

20 CO-CHAIR RENÉ DUSSAULT: Thank
21 you.

22 I would like to thank you for
23 presenting us with a brief of great magnitude. It
24 is always a pleasure to see that some money that
25 went through the Intervenor Funding Program that

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what must be done, I think, in pressuring the educational bodies in medicine, nursing, etc. which have to be sensitized to that issue.

I wrote a school manual with a psychologist for all the CEGEPs in Quebec, with the psychology and mental health curriculum. Deliberately, in the history of madness, since the first chapter is "History of madness", there is a place, precisely, the way in which the Amerindians, before the arrival of the Europeans, represented disturbances of the mind to themselves, with their approach as well.

So that is in a school manual and I think it is important that, as early as the CEGEP, people can get access to such information.

In the working papers I asked Richard Kistabish to write about how mental health is represented, and he did a chapter in the book.

This, I think, is how we can develop a preventive approach. With this generation already, they will be getting access to the aboriginal culture through a book on mental health. I think these are small concrete steps that we should all generalize.

COCHAIR RENÉ DUSSAULT: Very well.

We had a presentation by Dr.

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1 the Commission has set up has been put to great
2 use. We realize that it did not cover all the
3 endeavours and effort that was put into the brief.
4 Nevertheless, you are presenting us with something
5 that is very valuable, and we thank you very much
6 for that.

7 As you know, we received your
8 brief a few days ago and we have had an
9 opportunity to look at it carefully. Our research
10 staff will also benefit greatly from not only
11 reading it but putting it together with many other
12 sources of information.

13 I think your presentation was very
14 effective on the use of the land by the First
15 Nations coming under the regional government. We
16 are quite aware that there are different ways to
17 see the lands through the mapping. I think it is
18 very useful and effective to have a presentation
19 made such as the one you just made.

20 Two weeks ago here in Montreal we
21 had a presentation along that line where the Innu
22 from the North Shore of Quebec took great effort
23 to show their presence on their ancestral
24 territory.

25 We thank you very much for this.

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Augustin Roy and the Corporation professionnelle des médecins, and once again, in terms of university instruction as such, you are encouraged, and I think you need not be encouraged, you yourself have expressed the deficiency that there was on that side.

Once again, we thank you for having come and met with us and discussed with us concerning these difficult questions. I think you mentioned that you would be sending us a written brief. We are extremely interested if you would do so within the next few weeks. It could influence the deliberations of the Commission. Thank you.

We are going to adjourn for about ten minutes, before resuming the session with a presentation by Mr. Louis-Marie Ouellette, a professor at the University of Sherbrooke.

-- Adjournment of the hearing at 10:11 a.m.

-- Resumption of the hearing at 10:39 a.m.

COCHAIR RENÉ DUSSAULT: The Commission will resume its public hearing with a presentation by Mr. Louis-Marie Ouellette, a professor at the Faculty of Education of the University of Sherbrooke.

LOUIS-MARIE OUELLETTE, Professor,

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1 We wish that many people could see a presentation
2 like that.

3 That being said -- and, as you
4 said, time is running, and we could spend a whole
5 day discussing a brief that has such a large reach
6 as yours. First of all, I would like to ask you
7 about the MKO financing. Is it financed through
8 the various communities, the various First
9 Nations? I understand you have been in operation
10 since 1981.

11 Could you give us a bit more
12 information on the regional government itself.
13 Also, you mentioned that you have an Assembly
14 where everybody meets in four languages. Do you
15 have that kind of meeting once a year? What is
16 the frequency of this? We just want to get an
17 understanding of the strength of the government
18 itself.

19 You spoke about the administrative
20 arm of the government. That would complete the
21 picture.

22 MICHAEL ANDERSON: The MKO
23 Assembly, as an assembly, meets at least twice a
24 year. We have one Annual Assembly and we have at
25 least one Special Assembly that is held six months

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University of Sherbrooke: Lady and Gentleman, I wish to begin by thanking the Royal Commission for its invitation to the University of Sherbrooke, as an educational institution in the Quebec community, to participate in the public discussion for the purpose of suggesting some possible solutions to facilitate the establishment of harmonious relations between our respective societies.

It was because of my personal experience in the late 1970s as principal of an elementary school in a Cree community north of Abitibi that an assistant to the rector of the University requested that I participate, in a personal capacity, in your proceedings.

Although this professional experience was extremely satisfying, this experience of one year, by itself, is insufficient for me to present myself as an expert in the field of educational institutions involving communities of differing cultures. However, for several years I have been in charge of developing educational curricula the general thrust of which is based on the responsibility of educators according to a partnership-based model of organization.

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1 later, which often will deal with special issues.

2 During the Annual Assemblies and
3 the Special Assemblies, there are opportunities
4 for First Nations to bring their own specific
5 concerns to the attention of the Council as a
6 whole, and there is discussion, support if
7 necessary, and direction provided.

8 The Assembly selects from the 25
9 First Nations representatives who serve as an
10 Executive. We have a seven-member Executive. The
11 seven members of the Executive each have a
12 portfolio or portfolios of responsibility -- for
13 example, justice, health care, education, natural
14 resources and other issues.

15 The Executive meets once a month
16 at least to deal with these issues and provides
17 direction to the Executive Director and to senior
18 staff, such as myself, to carry out the specific
19 direction of the Assembly, the administrative
20 direction of the Executive and the day-to-day
21 workings of the projects that MKO carries out.

22 One thing that is important is
23 that we routinely, regularly, and as much as we
24 can, co-ordinate with our Tribal Councils and with
25 our individual First Nations. We have people

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Now, since the Commission's mandate is to identify the major parameters of a new social contract between the aboriginal peoples and Canadian society that can lead to reconciliation, and more specifically to a partnership, it is on the basis of my relevant experience as an open curriculum education planner, in addition to my short but enriching experience in the Cree community, that I come today to submit my point of view on the concept of a partnership in education.

In our modern societies, education is provided by institutions the overriding function of which is to organize systematically the intellectual, spiritual and social development of individuals. One of the objectives of public education is to prepare each individual, while he is being integrated into the community, to participate actively in the consolidation and improvement of the community structures.

Now, when it is young people who are just beginning their schooling, the educational system must take into consideration that they will be "operational", so to speak, within 10 to 15 years, at least.

If we consider that we tend to

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1 within our various Tribal Councils who are very
2 good at certain things, so we form that linkage,
3 that network, that association of First Nations
4 through that.

5 Funding comes from the provincial
6 government, from the federal government, and from
7 our own First Nations.

8 The Natural Resources Secretariat
9 that gets most of its funding from either our own
10 First Nations or from First Nations in other parts
11 of Canada who are asking us to assist them with
12 the mapping research and our computer capabilities
13 that we have in our negotiations work.

14 The other facilities we have are
15 government-driven services in many ways. At the
16 present time they rely on a recognition of the
17 existing fiduciary responsibility and the rights
18 granted under treaty for the federal government
19 to provide the financial resources that are
20 necessary to sustain them.

21 For those things that Canada has
22 become accustomed to providing since 1870, the
23 object is certainly to transfer the delivery,
24 control, administration and design of all of that
25 programming into First Nations' control within our

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refer to the model of the education that we have already received, which expresses a regressive attitude, it becomes important to be able to identify how our current educational systems take into consideration the future realities that our young people will be experiencing. Within this perspective, such educational systems must become prospective.

Individuals can be participants in the community's structures insofar as they are able to assume specific responsibilities within the agencies to which they are connected. The public education system, as a social institution, can be defined as an organism that links individuals to each other or, to use the expression of Gregory Bateson, a "pattern which connects".

If a public education system is composed of individuals of different cultures, it is important to develop a model (or "pattern") that links the cultures to each other. Accordingly, all of the people involved in the implementation of an intercultural system of education — pupils, parents, administrators and planners — have a responsibility to identify an educational pattern that is consistent with their aspirations.

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1 region.

2 Canada has a long-term
3 relationship with the First Nations of the north.
4 The revenues and resources that form the wealth of
5 this country are very large in comparison to the
6 small amount of resources that Canada has to
7 maintain with First Nations as a result of its
8 fiduciary obligation.

9 So the sources of funding are
10 independent. We have bingos and bake sales and
11 all of the things that we need to do. In other
12 words, we turn over all available opportunities to
13 raise money both within the communities, as First
14 Nations in Assembly, and from government.

15 Our objectives are fairly clear,
16 and we need to make sure they take place.

17 CO-CHAIR RENÉ DUSSAULT: Just as a
18 matter of range, could you tell us what kind of
19 budget you have and the number of employees?

20 MICHAEL ANDERSON: We have an
21 annual budget of approximately \$1.6 to \$1.8
22 million. We have approximately 22 employees.

23 The key thing to remember is that
24 these individuals are facilitators, networkers, so
25 they are in the middle of hubs of other

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This responsibility or personal involvement concerning the identification of the characteristics or parameters of a model is essential since, if individuals are prevented from acting or unable to act positively and concretely on their action model, they will have to refer to models that already exist, and if these existing models are conflictual models, the relationships will be affected.

Within a prospective approach, when the task is to analyze the educational system as a model of relationships between individuals or between social groups, we find that there are no fixed, infallible rules that could be used to manage the difficulties inherent in changes in the educational structures that are required by the present or future transformations of social relationships.

Accordingly, the order of priorities necessitated by the adoption of a new educational model is the result of a public debate in which the partners are led to highlight the cultural characteristics relative to their identity. If such an objective is to be realizable, it is important that a general perspective be adopted that is based on flexibility and cultural diversity, since, as we can

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1 professional at Tribal Council levels. For
2 example, the Swampy Cree Tribal Council, although
3 MKO gave a great deal of assistance in terms of
4 the policy framework in the steps that I
5 described, is actually being administered by the
6 Swampy Cree Tribal Council. So we do it all
7 together.

8 A small number of highly-skilled,
9 dedicated individuals can effect a great deal of
10 change working in concert with others of like
11 mind.

12 CO-CHAIR RENÉ DUSSAULT: Thinking
13 about future self-government -- and I realize that
14 you said that you want to return as much power as
15 possible to the communities. Do you have a model
16 of self-government that would be include both the
17 communities and this regional government? If we
18 were to move from the Indian Act to a different
19 situation, what do you have in mind? Do you have
20 some clear views as to the form it could take in
21 northern Manitoba?

22 CHIEF SYDNEY GARRIOCH: Presently
23 there is no model, no structure in place. We are
24 continuing to initiate and develop this.

25 The communities are so scattered

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see in the current conflicts, hostilities break out when individuals are so totally confused with their culture that they become blinded to any other.

Thus, in the adoption of parameters for educational actions, individuals are urged to highlight the general principles, to the degree that they acknowledge that other principles are embodied in cultures other than their own. If there is a willingness to establish an order of priorities or parameters that reflect the association of cultures, then the dialogue, through the exchange of ideas that it arouses, contributes to the discussion prior to the establishment of an agreement among the partners concerning the characteristics of this new order, an agreement based on the relationship between the cultures and not on the predominance of one over the other, an agreement based on the measured balance between the general principles of the educational model and the cultural characteristics of the communities.

In the partnership context, the issue of individual and collective responsibility is the characteristic factor in establishing the order of priorities. Accordingly, responsibility is a principle in organizing relationships within a prospective system

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1 and isolated. They are unique in their own ways
2 and diverse as well. We are trying to continue to
3 build a common structure. Hopefully, by the turn
4 of the century we will finalize that. It has been
5 a very long process for us to amalgamate all the
6 government structures in existence now.

7 There is no one real model that
8 will work, but it is an ongoing practice and
9 process. Hopefully, we will structure one final
10 model in the end.

11 CO-CHAIR RENÉ DUSSAULT: Thank
12 you.

13 At this point I would like to ask
14 Mary Sillett to ask questions.

15 COMMISSIONER MARY SILLETT: Thank
16 you very much for an excellent presentation. It
17 is good to see you again. I remember seeing you
18 in Ottawa during the AFN suicide consultations.

19 My first question is related to
20 the issue of taxation. We have been having public
21 hearings now for three or four days, and I think
22 the whole issue of taxation has been raised at
23 least two times. During our consultations
24 throughout the years, we recognize that this is an
25 issue where there are different perceptions,

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of public education.

Now, the choices that the partners have to make when determining the parameters of the educational system can be a source of controversy, of dilemmas or of disagreements. These are unavoidable questions of ethics. That is why it is important, in my view, to orient and base the choice of the parameters in terms of an explicit ethical position.

We find that the concept of ethics is being applied with increasing frequency to such professions as medicine, law or even engineering. It can be noted that the concept is often used in a professional ethics sense, where the issue involves the applicable rules of conduct; that is a prescriptive aspect.

It is, however, possible to understand the ethics concept as a formal principle indicating the particular criteria to which educational actions must be subordinated. The practices still have to be conceived in terms of the responsibility of individuals according to the different contexts in which the educational model is being applied.

The concept of ethics in education, in the sense of all the criteria or recommendations

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1 particularly as between non-Aboriginal and
2 Aboriginal peoples.

3 I have before me a press release
4 which covered our meetings yesterday. There was a
5 speaker from the Quebec municipalities who said
6 that they cannot live harmoniously with Native
7 communities until the government stops giving
8 Natives special treatment. Then he goes on to say
9 that there is a thorny problem of taxation: "Do
10 we have to remind the members of this Commission
11 that the tolerance level among Quebecers is at its
12 limit?"

13 So we fully recognize that there
14 are problems in perceptions.

15 We are in the business of
16 reconciliation, so I was wondering if you could
17 offer any advice on public education or on what
18 can be done to address the different types of
19 understanding that exist, particularly with the
20 non-Aboriginal people, on these kinds of issues.

21 CHIEF SYDNEY GARRIOCH: That is
22 not a very easy question, but I will certainly
23 attempt to answer it.

24 In the press release you mentioned
25 the special treatment. It is not special

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informing educational practices, reflects this aspect of responsibility in human relationships. So it is desirable, in my view, to develop an ethical perspective as a frame of reference and analysis in the elaboration and evaluation of public intercultural education systems in terms of the challenges posed by the affirmation of autonomy of partners of differing cultures.

This ethical perspective involves the ability to direct educational practices toward the successful accomplishment of the actions that are to be undertaken. The ability to determine the criteria of success corresponds to the ability to recognize the limits of our possibilities, first, from the standpoint of personal identity, in terms of self-esteem; secondly, from the interpersonal standpoint, in terms of openness to others; thirdly, from the standpoint of the institutions, in terms of integration to the social structures and relationships between the communities. The philosopher Paul Ricoeur has analyzed these three standpoints in another context.

In the first place, in a public and intercultural educational system, if we want the ethical criterions of self-esteem to represent one of

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1 treatment; it's a treaty-making process. They
2 have to fulfill their obligations and try to get
3 the meaningful things that are already expressed
4 in the treaties, and also the promises made by the
5 people who first migrated to Canada.

6 We want to make sure that our
7 people were protected. We want to make sure that
8 our people have benefits out of the lands that
9 were set aside under the treaties. Canadians in
10 general have to fulfill the obligations on their
11 part. It is not special treatment.

12 Certainly, as First Nations
13 people, there are things that accrue to us through
14 the treaties, so it is not special treatment.

15 The wrong perception probably has
16 to be worked on more clearly in regard to treaty
17 rights and Aboriginal rights and under the Indian
18 Act, section 87. There has to be a way to
19 introduce it with the government to make changes
20 and also for us to participate and to collaborate
21 forces and for us to agree. The participation,
22 consultation and sharing I expressed. That is
23 part of the system that we want to see in regard
24 to taxation.

25 Our people were taxed previously,

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the parameters of educational actions, it is important that each individual, at any level whatsoever in the institution, be able to present his point of view concerning the conditions for successfully accomplishing the desired training or conduct.

To this effect, each individual must be in a situation in which he can intervene in the choice of orientations underlying the practices of the educational system. Self-esteem is linked to the capacity to behave intentionally.

This means, then, that one of the stages in curriculum planning is to ensure that all participants indeed have the responsibility to express the points that are significant in the particular educational process. These significant points affect the daily realities that must be taken into account, which implies, to take a simple example among many others, that when selecting educational materials, it is necessary to ensure that each person can recognize himself, with his cultural, linguistic, spiritual or economic differences.

Thus, in each particular educational context, the issues affecting the objectives and content of the activities, the

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1 and all of a sudden there were court cases. That
2 has turned around now. There is an ongoing fight
3 with the governments and other parties involved.

4 We want to be able to express that
5 we want to exercise the taxation that will be
6 acceptable to our people, but there is no
7 immediate solution or recommendation I can make.
8 It is just a matter for us to get together. There
9 has to be goodwill on both sides, by First Nations
10 people and the government. Throughout that
11 discussion we have to be able to come together for
12 a very meaningful discussion to get the proper
13 arrangements that could be acceptable to all.

14 We are trying to express that we
15 are willing to come to the table to discuss the
16 taxation provisions of the Indian Act.

17 MICHAEL ANDERSON: There are two
18 examples, I might suggest, to help. Particularly
19 in my work in Natural Resources, there is conflict
20 between treaty rights and the workers at these
21 dams and hydro stations and mines that are in the
22 middle of MKO traditional territory -- the
23 conflict they feel when the impacts of development
24 plus their own over-harvesting by having a large
25 number of people harvesting in one small area,

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educational materials, the teaching methods, the methods of training, of evaluation, must be determined by the individuals who are participating in the educational situation.

An individual can recognize himself in the situation that is proposed and find some connection with his deepest concerns to the degree that he discovers some way of his own to envisage his orientation. The consequence of this ability to conduct himself in accordance with his intentions gives the individual the possibility of altering the way in which situations unfold, the capacity, where necessary, to change the course of events, and thus the power of initiative. From this standpoint, self-esteem is a consequence of an individual's responsibility.

Secondly, the criteria for success in educational systems involve the adoption of and adherence to a mode of functioning in the relationships between individuals. Within this perspective, concern for others as an ethical characteristic in interpersonal relationships constitutes one of the parameters.

The relationship between individuals must be based on a basic relational

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1 whereas it was a sustained harvest for the nearby
2 community before.

3 They realize that under the
4 doctrine in Sparrow and under treaty rights the
5 non-Aboriginal harvesting is eliminated first,
6 leaving the treaty harvests intact. That is a
7 very explosive situation in much of the MKO
8 region. There are areas where it is something
9 that is just upsetting, and there are areas where
10 it results in really quite unbelievable acts of
11 racism such as the burning of trappers' cabins and
12 other issues.

13 One of the models and examples
14 that we have been studying because of its success
15 is the quiet way in which the Opasquiak Cree
16 Nation has joined with members of the Department
17 of Natural Resources and the local wildlife
18 organizations in The Pas and developed a co-
19 management framework for much of the region
20 without any paper work or agreement with the
21 Ministry of any kind. They are doing it because
22 they all know they need to do it.

23 There is an area called Game
24 Hunting Area No. 8 that was closed totally to
25 moose hunting for a period of time. When the

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symmetry, specifying thereby that the relationship is not based on the power of one over the other, which would mean that one can become a victim of the other.

Symmetry in relationships means openness toward others, an interest in others, empathy for what others may be feeling. In this sense, the mode of functioning must promote personal commitment and mutual trust, to establish common objectives that both respect differences and go beyond them.

Concretely, some activities must be devoted to this sharing between the partners of a specific agency, a place in which it is possible to communicate one's difficulties in the pursuit of the established objectives, in order to receive from one's peers the support one needs to continue the action, a place in which it is also possible to share discoveries and achievements, not in a spirit of competition but as a means of demonstrating that the things learned are positive indications of change and evolution. The major general objectives of the educational systems must promote sufficiently refined analytical practices to be able to assess the climate in interpersonal relations and, where necessary, suggest concrete steps to improve the situation.

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1 population recovered as a result of this co-
2 operative process and they determined that there
3 was a harvest of 100 moose, they realized that it
4 was all treaty harvest, that the Opasquiak Cree
5 members could harvest all 100 of those first moose
6 coming out. The Opasquiak Cree Nation offered 30
7 moose out of its allocation to the non-Aboriginal
8 hunters in their region. As a result, it has
9 assisted in providing the quiet glue to keep
10 everyone working together, by being considerate of
11 the feelings of others.

12 They haven't relinquished their
13 right to those 30 moose, but they are sharing
14 them.

15 Another example is at the
16 government level. Because government often has a
17 role in creating public perceptions on issues -- a
18 tremendous role; small comments made by senior
19 officials, actions taken by government,
20 enforcement actions taken as a result of
21 legislation -- all of that is in the public mind.
22 We noted, when the government intended to
23 implement environmental assessment on a broad
24 scale in 1984 that they passed the Environmental
25 Assessment Guidelines Order, which became defined

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Thirdly, the criteria for success concern the integration of individuals in terms of the educational system, where the issue is how to achieve a fair distribution of benefits and duties, as well as an initiation in social responsibilities as a means of ensuring that institutions adapt in accordance with the evolution of the changes to come.

It is important that each individual can feel he has an active role to play in the way in which the institution is organized. The manifestation of individual responsibilities in the management of the institutions, which is where the partnership is fully concretized, requires that the role assigned to the individual be defined within the perspective of a functional organization of the institution and not in the spirit of a hierarchy of values, with a distinction between the so-called superior and inferior functions.

The advantages that an individual can derive from institutions are based on the investments he makes in terms of his possibilities and not on the basis of the prerogatives of his position. If an individual can derive excessive benefits from a relatively small input, there will be a feeling of

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1 by the court as a regulation, a justiciable and
2 enforceable regulation binding all departments to
3 the process.

4 One of our recommendations was a
5 Treaties Implementation Act that would have the
6 same impact, that would dictate to government
7 departments their responsibilities under treaty.
8 Whether it is the Department of Transport, the
9 Department of Revenue or Department of Indian
10 Affairs, there is a justiciable and enforceable
11 framework requiring them to uphold the terms of
12 treaty.

13 Eliminating the actions of
14 government, eliminating the aggression of
15 government, eliminating the difficulties in the
16 imbalance between treaty interpretation, one being
17 to enforce their own view -- that is, government
18 -- and others desperately trying to find the
19 resources to combat and interpret treaties -- that
20 is, First Nations -- to level that out will do a
21 lot in the public's mind and take away a lot of
22 the conflict that helps to fan the flames of a
23 visualized special treatment.

24 It's a treaty obligation. The
25 crown, as a whole, has to abide by it.

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injustice.

Exercising responsibilities leads to defining the functioning of our institutions on the basis of a search for proportional equity, in which everyone is allocated his due through his action and not through his title. However, the administrative procedures must be flexible enough to reflect the possible qualitative differences in the actions undertaken in relation to cultural differences.

One last point, to highlight the importance of using the framework of educational institutions as a springboard for initiation in the functions that individuals will have to fulfil in society.

The individuals involved in educational agencies, no matter what their age or function, experience the social issues that concern them directly — whether it is dropping out, violence in the schools, inter-ethnic confrontations or the rapid transformations in the social fabric in general.

Because the educational institution can represent a place of initiation to individual responsibility, can represent the place in which the issues to which the individuals can identify are

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1 COMMISSIONER MARY SILLETT: Thank
2 you.

3 The other question I have has been
4 in the news prior to the announcement of Nunavut.
5 Essentially, Nunavut will become a reality
6 sometime in the near future. As you indicated,
7 there are areas where the Inuit use certain areas,
8 but also the Aboriginal populations that you
9 represent use that area, and there were tensions
10 with respect to that.

11 Could you tell me what the status
12 of that is now.

13 MICHAEL ANDERSON: Yes. There
14 actually is still an action before the Federal
15 Court on this issue. In the report that we have
16 submitted to you, Figure 11 is a summary of the
17 land use issues regarding that.

18 The reason we have chosen to
19 incorporate it into this report is because of the
20 manner in which the Department of Indian Affairs
21 interpreted and applied its comprehensive claims
22 policy. A simple reading of the comprehensive
23 claims policy states that where two claimant
24 groups are neighbours and they cannot agree on
25 land, then land shall not be provided. The

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debated, can represent the opportunity to discover one's interests and stimulate one's initiatives; because the educational institution, simultaneous with the pursuit of learning or behavioural objectives, can lead to developing friendships and promoting the sense of commitment; because the educational institution can teach us that, within a perspective of distributive equity, the benefits are proportional to the efforts made, for all these reasons the educational institution represents the best place in which all those involved can act, in accordance with their function, to bring about concrete solutions to the problems that are of concern to them at their level.

Accordingly, young people will have the experience that their actions, minimal as they may be, can have, this capacity to alter the course of events, this aptitude to become a partner in the essential exercise of validating one's community, in the establishment of an order of priorities in relations with others, relations based on the recognition of and respect for differences.

I hope that these few thoughts that I address to you will have served to show that the concept of ethics, while extremely difficult to

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1 Government of Canada interpreted as meaning two
2 claimants with comprehensive claims. Therefore,
3 the specific claims of Denesoline in northern
4 Manitoba were denied. As a result, it was on a
5 full collision course at one point, and it got
6 very tense, as you have pointed out.

7 The present situation is that
8 there is an agreement between Canada, the Inuit
9 and the Denesoline to bring this issue to court
10 and try it on its merits. Basically, all the land
11 south of that red line that is within the red line
12 is viewed by Denesoline as Denesoline homeland,
13 and they are adamant about it. The land that is
14 north of the line they recognize, particularly the
15 area from Hicks Lake to the coast, is viewed as
16 shared use area.

17 One of the difficulties is that
18 our role in this is that we wanted to bring our
19 land use data on a First Nation-to-First Nation
20 basis, present it to the harvesters and Elders and
21 the other Inuit communities on the coast and
22 decide where the boundary was. The report that we
23 produced, "Denesoline Nene and Nunavut: A
24 Boundary in Dispute" spoke to that. The people
25 know where the boundary is.

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identify, may be of some utility as a point of reference in the search for frameworks or models that connect our different societies, insofar as the educational institution can be one.

I am aware of the abstract character of my presentation, but I nevertheless hope that my remarks have helped to shed a different light on the discussion, and — who knows — to raise some new issues.

Thank you.

COCHAIR RENÉ DUSSAULT: I would like to thank you, Mr. Ouellette, for this presentation, which, while abstract, as you say, is certainly stimulating.

Education, as you know, is a central point in the Commission's terms of reference. Education among the aboriginal people, by the aboriginal people, but also education in the public school systems in which some aboriginal people come to get instruction. So it is necessary to operate on two planes, the plane of the aboriginal schools, which are essential, certainly kindergarten, more so the elementary, to clearly establish the identity, the languages, but also the plane of the interface with the

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1 The boundary is somewhere along
2 where that red line is, not where the green line
3 that Canada drew is. So having Canada impose the
4 boundary after centuries of shared mutual co-
5 operating has created this difficulty between
6 Denesoline and Inuit. It is a matter of great
7 concern.

8 Look at all the land claims in
9 British Columbia. We have neighbouring First
10 Nations. If the Minister of Indian Affairs or his
11 designate gets frustrated with the claims process,
12 will the department draw the boundaries? The
13 cultural diversity on the west coast is equally as
14 fully felt as this. There are many language
15 groups there, many traditions and many peoples who
16 will all resist having boundaries drawn for them
17 by the crown.

18 That is the issue here. The Inuit
19 Elders and the Denesoline Elders never met to talk
20 boundary. Where do they drink tea? Where do they
21 join each other on the ground run? Where do they
22 camp? They know. But the line that is designated
23 as the southern boundary of Nunavut is not that
24 line.

25 So it has gone to court to see if

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public education systems, often at the secondary level, certainly at the college and university level.

The aboriginal peoples are aware that they must participate in both types of systems. There is a debate over the balance between the two.

This will be, I guess, my first question. Is your brief situated both in a context of aboriginal schools in the aboriginal community, largely under aboriginal control, as for example in terms of the Cree school board in Northern Quebec, or is it also situated in the context of the CEGEP de Sept-Îles, which accepts a fair number of Montagnais, and I could list some, and similarly some secondary schools.

This is perhaps my first question, to clarify somewhat the scope of your remarks.

LOUIS-MARIE OUELLETTE: Since the point of view that I adopted in my presentation is a very general one, based on the concept of ethics, it seems to me that this concept is applicable in the two situations that you mention.

To this effect, I think that I am more familiar, however, in situations in which both cultures can intervene, but I think the concept of ethics, which brings us back to the identity of the

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1 the court will allow a re-examination of that
2 boundary line.

3 CO-CHAIR RENÉ DUSSAULT: I have a
4 last question because time is going fast.

5 When we were in Ottawa three weeks
6 ago, in November, we discussed the issue of
7 clarifying the very question as to whether section
8 35 encompasses the inherent right to self-
9 government. In "Partners in Confederation" we
10 came up with what we think are strong arguments to
11 say that there is good reason to think that it is
12 covered.

13 The whole discussion went around
14 the possibility of making a reference to the
15 Supreme Court of Canada. I must say that national
16 organizations did not have a single view on that.
17 There is always a risk of using the technique of a
18 reference case to the Supreme Court.

19 I realize that in Point 9 of your
20 brief you ask the Commission to encourage the
21 government to refer a host of issues that require
22 legal interpretation directly to the Supreme Court
23 of Canada through a reference case. You mentioned
24 the medicine chest, treaty rights, education
25 rights and the right to taxation. As you have

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individual, to interpersonal relations, and to the structures of our institutions is equally applicable in both societies.

COCHAIR RENÉ DUSSAULT: In the principal spirit with which you are familiar, that is, in which the two communities can intervene, if you refer to the public education system in general, which accepts aboriginal people, young people in particular, it is obvious that our public system is in the majority non-aboriginal.

Are you essentially saying, on this three-pronged ethics concept, to basically throw some light on the management of the schools, to throw some light on the content of the education, as happens in a context in which in theory the institutions are mainly non-aboriginal, the teachers are mainly non-aboriginal, so it is a concept that is essentially addressed to the institutions, to the teaching staff, to tell them you have to take into account this or that element.

There is an ethics that one must have in order to be effective, not only for the general clientele but for the particular clientele, which is the aboriginal clientele. Although your principles are valid also for the general clientele, no doubt.

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1 said, there are is a lot of interpretation
2 conflict as to what the treaties meant between
3 governments and First Nations and very often
4 between what is the spirit and what is written.

5 I just wanted to check with you.
6 Let's take freedom from taxation, for example. I
7 think it is only Treaty 8 that in black letter law
8 expressed that there is an exemption from
9 taxation. In the other numbered treaties it is
10 more vague.

11 Do you really suggest the route of
12 a reference to the Supreme Court to clarify those
13 issues, with the risk that it goes one way or the
14 other, as opposed to the negotiation route? I
15 wanted to have a good understanding of what the
16 position of the regional government is. I
17 understand that that seems to be the position.

18 CHIEF SYDNEY GARRIOCH: The main
19 purpose of highlighting it to bring it to your
20 attention is that it could be a reference that has
21 already made adjustments on it. That is one
22 route. There are different routes that could be
23 established.

24 Your work is to establish that new
25 relationship. That new relationship has to have

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Can you elaborate somewhat on this?

LOUIS-MARIE OUELLETTE: I think there is a conception of the educational structures. There is a rigid conception of our educational institutions in which we rely on experts to determine our orientations. For example, take the case of the development of the content, the development of curriculum, among others.

In my opinion, I think that it is important that the institutions, instead of relying exclusively on experts, leave room, leave some time, and in my opinion it is important to do this, to structure it formally, to leave room for some of those involved, who may be in a minority, to explain their points of view. The important thing is to ensure that the points of view that are expressed can be taken into account in the development, for example, of curriculum or a specific school program.

It might be an activity, for example, at the beginning of the year or, as I might experience it at the university, when we encounter groups that want to take advantage of a program, It is to meet with them, to have a specific period in which the people determine their needs, indicate their

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1 at the forefront goodwill and good faith to be
2 able to discuss and compromise and to be able to
3 negotiate. Hopefully, through compromise, both
4 sides win, even when they feel they are giving too
5 much or when one feels that are getting too much
6 on the other end.

7 That is why we are having problems
8 with treaty rights. When the British came to us,
9 they thought they gave too much. We feel the same
10 way, that we gave too much. At least I think
11 there is room to express and, hopefully, a
12 dialogue can start. Everybody is trying to defend
13 themselves, and there is no real discussion. The
14 only decisions that are being made are by Justice,
15 and that is not a very meaningful way for both
16 parties. We all end up losing through the court
17 system.

18 I think the proper way to be able
19 to touch base with each other is with the two
20 nations discussing it. I think that is the proper
21 way. There is no one option. We just wanted to
22 highlight it.

23 CO-CHAIR RENÉ DUSSAULT: Thank
24 you. That is a useful clarification.

25 We could go on and on. I would

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orientations, and expect that we can take these into account in establishing the program later.

It is a very simple point, I think, but I don't think it is a point that is implemented very often, to say the least.

It is as if you had some idea of the authority that must decide for everyone. I think it is important that each of us have his own share in the decisions, as I was saying earlier, minimal as they may be.

For example, when you speak of the educational institutions that generally address a certain type of community, for example, in terms of the adoption of academic materials, I think it is important to be able to ensure that each individual, even if part of a minority, has room to identify himself. Otherwise it is difficult to identify oneself in our culture, when you don't see it anywhere.

COCHAIR RENÉ DUSSAULT: Obviously, in terms of principles, to ensure that the content of the curriculum promotes self-esteem, to ensure that one has some input, that it is symmetrical and not asymmetrical, in the sense that the groups actually have some input, etc., that we develop a sense of

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like at this point to thank you very much again for coming from Manitoba to Montreal. It was a good opportunity for us to have your presentation. You can be sure that it is going to be considered very carefully by the Commission.

Thank you.

MICHAEL ANDERSON: [ENGLISH] Thank you very much for having us here.

CO-CHAIR RENÉ DUSSAULT: The Commission will recess its hearing for two or three minutes. We shall resume with the presentation of the Centre de ressources sur la non-violence.

--- Hearing recessed at 5:49 p.m.

--- Upon resumption at 6:03 p.m.

CO-CHAIR RENÉ DUSSAULT: The Royal Commission on the Aboriginal Peoples of Canada resumes its hearings with the presentation of the Centre de Ressources sur la non-violence, Comité de solidarité avec les autochtones.

Welcome for the second time to the Commission. We are pleased to have agreed to receive an additional brief. Without further delay, I will give you the floor, if you will proceed when you are ready, sir and

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responsibility through concrete participation and corresponding benefits, and that this reflect on the community.

It's all right to explain it like that, but I will tell you, for example, Ms. Robinson and I were at Concordia University two weeks ago, where they had initiated a symposium with some aboriginal and non-aboriginal youth. There were some professors from a number of CEGEPs in Montreal, including the CEGEP John Abbott.

Speaking with members of the teaching staff, we were told, listen, we are being besieged with intercultural issues through a situation in which, this year, in the first year of CEGEP, we have 50 young Crees and just about 50 young Inuit. Five years ago we had four or five. We were not prepared to receive them, etc.

Of course, you get down somewhat on the floor of the action as it is happening, but still it is striking because you see what is coming, and we have seen it coming for some years now, and it is just beginning in terms of the aboriginal youth.

I know that your thinking is intended to stimulate the design of the curriculum. You

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madam.

GERRY PASCAL, Coordinator of the Comité de solidarité avec les autochtones, Centre de ressources sur la non-violence [aboriginal solidarity committee, non-violence resource centre]: My name is Gerry Pascal. I am the coordinator of the Comité de solidarité avec les autochtones of the Centre de ressources sur la non-violence.

Today, Jacques Boucher, who is on my left, will present the brief, the general theme of which is the inherent right in the Canadian Constitution, and will deal specifically with the concept of terra nullius.

Jacques Boucher.

JACQUES BOUCHER, Centre de ressources sur la non-violence: As Gerry said, our brief is essentially intended to highlight a current event where Australia has set a precedent which could serve as an example for Canada. On October 19, 1993, the Australian Prime Minister obtained the approval of his government for a new system of administering lands which would take into account the Aboriginal people's land rights, which have now been recognized, as a result of the decision of the

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spent a year living among the Cree, how can we, in a context such as Montreal or Sherbrooke, or any city with an aboriginal clientele, how can the school boards get across the message, both to get prepared and, in active terms, that some action is being taken.

LOUIS-MARIE OUELLETTE: I have a very specific case or a concrete action that was undertaken in Montreal, in connection with the multi-ethnic problem.

At the University of Sherbrooke, we offer a professional development program for CEGEP teachers, and to that effect we have met with the people from Vanier College, although it is an anglophone college, who asked the University of Sherbrooke to come and provide its teachers' development program. It is a master's program.

As I was saying, one of the activities that is important, in my view, is that before setting up a program or specific activity, all the profs who are involved in the program should define the problems they are experiencing and the activities they would like to have to improve their practices.

One of the points that was raised by the professors themselves is the difficulty they

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Australian Supreme Court handed down last year. This was an historic decision which revoked the concept of terra nullius which was the basis on which possession was taken of all the lands discovered by the European colonial empires. This attitude has lasted until our time, with, for example, the Canadian government inviting foreign air forces to use Innu lands for their military training exercises, telling them the lands were uninhabited and under government jurisdiction because they belonged to no one other than the Crown.

The Australian government will therefore proclaim by statute that the Aboriginal people, who were there before the Europeans, have an inherent right to their lands. This is a first step toward fair negotiations, between equals, which will result in further action for social justice.

In view of the tremendous opposition prompted by the greed and fear of a population that is for the most part ignorant of the issue, and moreover of anything relating to the Aboriginal people, we must tip our hats to a politician capable of holding a firm position when he was convinced of the justice of recognizing the inherent

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have in managing multi-ethnic problems in their classrooms. So the solution was to consider their objectives and their needs and to find some resource that would give them some activity for 45 hours to enable them, first, to think about these problems and to find some solutions within their community, the CEGEPs community.

I think this is an example in which, because we thought about the need to involve people in determining their training need, I think it is an example that enables us to see that it is possible. But is it necessary in the first place to have the conviction that these things are possible?

COCHAIR RENÉ DUSSAULT: We had occasion earlier this week to have a presentation by people from your university, Fernand Ouellette and José Lopez Arellano, who are assistant professors, who described to us again the master's program in intercultural teacher training, with an aboriginal component. Is that what you are referring to?

LOUIS-MARIE OUELLETTE: No. It is actually a program for the professional development of CEGEP professors. Since this is a problem that CEGEP professors are facing, I think it was important to be

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rights of people who until now had been practically invisible.

The First Nations are societies with dignity and reason, with which our own has always refused to deal on a truly equal basis. We have tried to assimilate them. It was only for the worse: part of their society has already assimilated western concepts of profit and violence. They have been inculcated by our society, our schools and our media. These are the people who will soon be sitting down to talk with us, and essentially they still maintain their rights while at the same time they have learned how to misuse benefits. And yet we would have so much to learn from people who still have their traditions, instead of holding their calmness, their honesty and their spiritual strength in contempt.

It is time for the damage that has been done by this pillage to stop. It is time to stop destroying other peoples' lands after laying them bare. We are not responsible for what was done by the generations that came before us, but if we continue in their footsteps, we assume responsibility along with them for all their actions. We

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tuned into these issues and to try, within our means, to offer a solution.

It is, I think, improving their professional skills.

COCHAIR RENÉ DUSSAULT: Is there an aboriginal component in this professional development project, or is it simply intercultural?

LOUIS-MARIE OUELLETTE: No.

COCHAIR RENÉ DUSSAULT: There is no strictly aboriginal component?

LOUIS-MARIE OUELLETTE: No.

COCHAIR RENÉ DUSSAULT: It is obvious that the cultural communities, there are quite a large number of children in the Quebec schools, and that this constitutes an additional challenge, but when I referred to the situation at John Abbott, the CEGEP, and that there are 50 young Cree in first year CEGEP, and as many Inuit, and the professors are very interested but challenged, and basically, without preparation beforehand, there is a need, and a very special one, because there is an important distinction, as you know, between the aboriginal peoples, the first inhabitants, and the cultural minorities.

Is there any discussion in the

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must stop closing our eyes because reality is unpleasant. The time has come for us to protest and demand justice. We must look the truth in the face and see how our long line of governments have acted without respect, with the aim of dispossessing the first inhabitants of these lands.

For the love of justice and peace, we must recognize the inherent rights of the people who were the guardians of this earth where we live. If our government were to recognize these rights, it would be demonstrating maturity and wisdom. Are Canadians really not capable of choosing a new way of living? Of admitting that they were wrong and taking the first step on the path of friendship? This is the only route to take if no one is to win and no one lose, which is the situation that best reflects traditional Aboriginal thinking. Because recognizing rights and correcting wrongs is the first step toward friendship, and friendship guarantees peace and cooperation in the interest of everyone.

As a closing to this international year of Aboriginal people, we recommend that this Commission

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context of the University of Sherbrooke on adding a more particular component peculiar to the aboriginal people, to help prepare the CEGEP professors to apply in some way a number of the ethical principles you have just referred to?

LOUIS-MARIE OUELLETTE: The City of Sherbrooke is located in the periphery. We are not confronted very specifically with those problems. That is why the debate is not a structured one.

The concerns that are being expressed are actually personal concerns, and I would say in terms of quite particular cases.

COCHAIR RENÉ DUSSAULT: So it is less institutional, it depends on the interest of professors who at some point decide to...

LOUIS-MARIE OUELLETTE: Exactly.

COCHAIR RENÉ DUSSAULT: We heard the same story, to some degree, on another level from McGill University, yesterday, which, because of the Commission's invitation to come and present a brief as an institution, did something for the first time that it had never done before, looking at what everyone was doing in isolation, and to put it all together.

I am going to ask my colleague,

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strongly advise that the government to take the positive step of including the concept of the inherent right of the First Nations in the Constitution and then act accordingly.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Does that complete your presentation?

JACQUES BOUCHER: Yes.

CO-CHAIR RENÉ DUSSAULT: Well we are very happy that a group like yours is bringing the fact of this recent judgment of the High Court of Australia into the public eye, and publicizing the subsequent action on the part of the Australian government. The Commission is aware of this judgment and the action that has been taken, but this enables us this afternoon, through the public transcripts of the public hearings, to share it more widely, to point out what has happened in recent months in Australia. This is part of what the Commission will be looking at and the documentation that is currently before the Royal Commission.

Your recommendation with respect to recognition of the inherent right in the Constitution ...

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Viola Robinson, to continue at this point.

COMMISSIONER VIOLA ROBINSON:

Thank you.

I think your approach to dealing with these issues is quite refreshing. It's not one that we've heard before.

As my co-chair has said yesterday, McGill University does not have any policy to deal with -- I guess they're working on policies there.

I wonder, when you talk about ethical guidelines on developing teachers I guess to be prepared for an influx of Native students, which could happen probably more and more now as we move along because education is becoming more of a priority, in preparing teachers I heard it said once -- I'm from Nova Scotia and they had an education forum, which was national, from the

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of course, I think you are well aware of the present Canadian situation: the Charlottetown framers, the 17 representatives, essentially, around the Charlottetown Accord, had agreed to confirm the inherent right to self-government in the Constitution. Of course, the public referendum decided otherwise; there were a lot of things in all of the Charlottetown agreements.

So at present we are kind of back at the starting line, where we have the Constitution Act, 1982, which recognizes the ancestral rights arising out of existing treaties. The Commission has produced a document to support the idea, the opinion, that there are good reasons to believe that the inherent right to self-government is implied in the existing rights recognized in 1982.

And so this is the present state of the matter. Clearly we are working in the context of the present Constitution, but clearly, also, the constitutional question will undoubtedly have to be taken up again in Canada. At that point, the question will certainly be one of the first to be asked.

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1 Assembly of First Nations dealing with Indian
2 education.

3 One of the suggestions, and I'd
4 like to hear what your reaction might be, and
5 maybe it's one you've heard of or thought of, and
6 that is, the Faculty of Education in institutions
7 perhaps should have a compulsory course for
8 teachers who are learning to be teachers, I guess,
9 to sensitize them to, this was particularly to
10 Aboriginal issues and Aboriginal culture, history,
11 so that they would be prepared.

12 We would say maybe not compulsory
13 straight across the board, but certainly for those
14 who already have a sense of sensitivity towards
15 Aboriginal people and maybe have a desire
16 somewhere to teach Aboriginal people.

17 What would your comments be to
18 something like that? It's something that has been
19 thought about I know in the past.

20 LOUIS-MARIE OUELLETTE: If we're
21 thinking of principle I do agree with such an
22 issue, but as far as the university institution is
23 concerned, I think that there is specialties that
24 universities have as far as teaching issues are
25 concerned.

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We have already had the opportunity to say that this Commission is, of course, a Commission on Aboriginal issues in Canada, but it goes much further and touches on the very fabric of Canada, of the country, at the turn of this century and into the next century. So it is much more fundamental than just tinkering with social and economic problems; it calls into question the true nature of Canada itself.

So for this reason I want to thank you for your presentation. I am happy on the one hand that it could be done in public, but we were aware ... this takes nothing away, quite the contrary, from what you have done, the merits of your efforts in coming to tell our Commission about it.

These are the comments that come to mind in response to your presentation.

I would perhaps at this time ask my colleague Mary Sillett to say a few words.

COMMISSIONER MARY SILLETT: I would like to thank you very much. I have no comments, but I would like to thank you for the work that you are doing. Thank you very much. This is the second time that we have seen you, and

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1 I think that l'Université du
2 Québec has the mandate to deal with these issues.
3 At the University of Sherbrooke, like I said, so
4 far it doesn't seem to be the place where it is
5 being done.

6 I do agree with the fact that
7 there should a place, a forum in the university
8 where we can exchange our ideas and try to find
9 solutions. Since one of my work had to deal with
10 pedagogical -- du matériel didactique. Comment
11 est-ce qu'on peut dire ça en anglais? Didactic
12 material? I've been working on it.

13 I think it would be very important
14 in a university that we have specific courses to
15 work with that issue of how to construct
16 pedagogical material that is appropriate to
17 different cultures. And I think it is very
18 important.

19 I know that from the Ministère de
20 l'éducation in Quebec that when people want to
21 write pedagogical material they have certain
22 rules. I think it would be important that now we
23 can take this issue and have it in our matériel
24 pédagogique. It would be one solution, simple,
25 but it would be one solution.

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we have had much opportunity to talk. Thank you
very much.

CO-CHAIR RENÉ DUSSAULT: So, I don't
know whether you have additional comments to make. If not,
I think that this completes the hearing of your brief.

JACQUES BOUCHER: That's fine.

CO-CHAIR RENÉ DUSSAULT: That's fine?
So then thank you once again.

The Royal Commission on the Aboriginal
Peoples of Canada will recess its hearings until tomorrow
morning, when we shall hear a presentation by Roger Julien
and, at 10:00, a presentation by the Government of Quebec,
which will be represented by its Minister of Native Affairs,
Christos Sirros. In the afternoon we will have the
opportunity to hear the briefs of the Fédération des femmes
du Québec, of Lise Bourgault, the former M.P. for
Châteauguay riding, who was therefore very close the events
at Oka/Kanesatake, and also a brief from McGill University.

Thank you, and good evening.

--- The hearing is recessed at 6:14 p.m.
and will resume at 9:00 a.m. on
Thursday, December 2, 1993.

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COCHAIR RENÉ DUSSAULT: To conclude, are you aware of the material that is published on the theme of ethics in the intercultural educational project, which is particularly adapted...of course the aboriginal component is less spontaneous no doubt than the intercultural reality as a whole.

LOUIS-MARIE OUELLETTE: I was recently informed of that material, but I am not acquainted with it. I will make sure that I take good note of it.

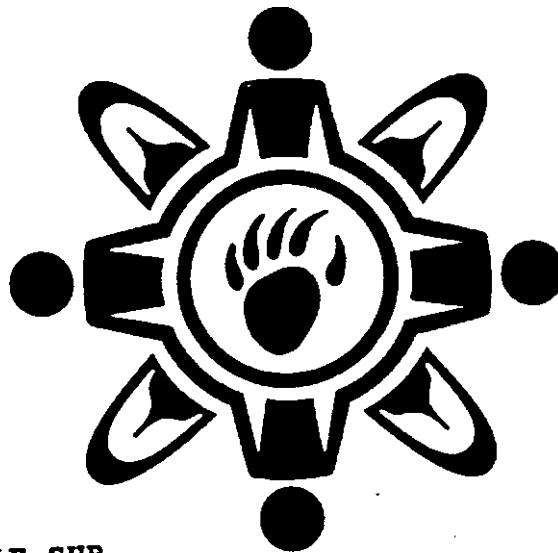
COCHAIR RENÉ DUSSAULT: In fact, the concern is somewhat egotistical on our part. If you had appended to your presentation this morning...if at some point you constitute a bibliography, even if it is short, on things that could be more central to the theme, we would be interested if you would send it to us to round out the information.

LOUIS-MARIE OUELLETTE: All right.

COCHAIR RENÉ DUSSAULT: Once again, as my colleague was saying, there are some interesting leads to shed light on the approach on the curriculum side.

Thank you, Mr. Ouellette.

LOUIS-MARIE OUELLETTE: Thank you



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very much.

COCHAIR RENÉ DUSSAULT: We are going to adjourn the hearing for a few minutes before resuming with the next group.

--- Adjournment of hearing at 11:22 a.m.

--- Resumption of hearing at 11:31 a.m.

COCHAIR RENÉ DUSSAULT: Please, we are going to resume the public hearing.

COMMISSIONER VIOLA ROBINSON:

That's interesting.

The other issue I guess would be to somehow incorporate cross-cultural -- I suppose you already do that.

LOUIS-MARIE OUELLETTE: Yes.

COMMISSIONER VIOLA ROBINSON: I

don't have any other questions. Just to say that it's a very interesting concept that you bring forward. I'm sure it will contribute to the work that we're trying to accomplish here, your ideas.

Thank you.



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Commission royale sur
les peuples autochtones

1 presenters to identify themselves and their
2 organization for the record. Please proceed when
3 you are ready.

4 STEVE MISSABIE, Ma-Komin-ising
5 Anishinawbeg: I am Steve Missabie from Ma-Komin-
6 ising, better known as Bear Island and Lake
7 Temagami in northeastern Ontario.

8 The reason we are down here today
9 is that there is a big land claim up in that area.
10 I don't like using the word "land claim" because
11 we already know whose land it is. The land is in
12 question because the Ontario government has lots
13 of interests in that area up there.

14 Just three weeks ago there was an
15 agreement-in-principle that was proposed to the
16 people of Bear Island and Temagami. This
17 agreement-in-principle ended a 20-year land battle
18 that went on in the courts over development. In
19 1989, I believe, the Supreme Court of Canada ruled
20 against us, that we had no Aboriginal title, but
21 we still carried on. One way or another the
22 Ontario government signed an MOU with the TAA, the
23 Teme-Augama Anishnabai.

24 That MOU is where it came to two
25 or three weeks ago, with the agreement-in-

I N D E X

LE 30 NOVEMBRE 1993 / NOVEMBER 30, 1993

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1 principle. The agreement-in-principle got voted
2 down by a narrow two votes, but besides all that
3 the agreement-in-principle should never have come
4 to be.

5 When our Chief, Gary Potts, first
6 started this in 1973, there were three main points
7 that we were going to answer once and for all in
8 Canada. Those were: Native sovereignty; how to
9 put in Native self-government; Aboriginal title;
10 and existing Aboriginal rights -- four points that
11 somehow or other over the last 20 years just got
12 whitewashed with everything else.

13 Last year, first there were three
14 families and then it went to six families that
15 broke away from the band. The things that they
16 were arguing for in 1973 totally left their
17 vocabulary. To this day, you will never hear
18 those words coming out of our Chief and Council
19 who are supposed to be protecting our land. Those
20 words come out of their mouths any more.

21 Our main point right now is that
22 the agreement got shot down. Now the families
23 want to have a greater say and greater control
24 over their traditional family grounds. That is
25 how we got started in 1973, with traditional

Montréal (Québec)

--- L'audience se poursuit à 9 h 07 le mercredi
1^{er} décembre 1993

COPRÉSIDENT RENÉ DUSSAULT:

Bonjour à tous. La Commission royale sur les
peuples autochtones au Canada reprend sa série
d'audiences publiques avec la présentation du
mémoire de la Centrale de l'enseignement du
Québec.

Je voudrais sans plus tarder
passer la parole à M^{me} Lorraine Pagé, Présidente.

M^{me} LORRAINE PAGÉ, Présidente,
Centrale de l'enseignement du Québec: Bonjour,
monsieur le Président, madame la Commissaire.

Je voudrais dans un premier temps
vous présenter les personnes qui m'accompagnent ce
matin.

À ma droite, M. Daniel Lachance,
Vice-Président, et à ma gauche M. Henri Laberge,
Conseiller à la Centrale et rédacteur du mémoire
que nous vous présentons aujourd'hui.

La principale ligne directrice de
notre mémoire est indiquée dans son titre. Nous y
affirmons notre conviction que la sauvegarde des
identités nationales et l'autonomie politique des

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1 family grounds. Before the Indian Act came upon
2 us, it was traditional family heads that governed
3 these lands. Now what a lot of people want to do
4 is to get back to that. Yet, the ones that are in
5 power, the TAA under the Indian Act, they want to
6 stay with the Indian Act so they can keep that
7 power and be like any other -- you might as well
8 say like a municipality, where you have a town and
9 councillors. That is why there is a lot of
10 fighting on every reserve, because they play off
11 the families against each other. Whichever family
12 gets in control, that family and the ones that get
13 along with that family mostly get all the good
14 benefits, and the smaller families are just left
15 right out. That is where you get all the major
16 squabbling.

17 If we go back to that traditional
18 style of governing, where we have family heads and
19 every family has the same equal voice, then you
20 would eliminate family squabbling. To do this we
21 would have to get rid of the Indian Act.

22 Our thing right now is getting rid
23 of the Indian Act, getting rid of the TAA because
24 that is just a corrupt form of government for us.
25 The Ontario government has pumped \$4.8 million

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1 nations font partie des conditions essentielles de
2 leur développement intégral. Ceci vaut aussi bien
3 pour la nation québécoise que pour les Premières
4 nations du Québec et du Canada.

5 DANIEL LACHANCE, Vice-Président,
6 Centrale de l'enseignement du Québec: La
7 situation des peuples autochtones et celle du
8 peuple québécois par rapport à la société
9 canadienne majoritaire comporte de nombreuses
10 analogies qui devraient justifier une démarche
11 solidaire pour la réalisation d'objectifs
12 similaires.

13 De part et d'autre ce que nous
14 revendiquons c'est un accroissement d'autonomie
15 politique pour apporter des solutions adaptées à
16 des problèmes qui nous sont propres et en tenant
17 compte de nos cultures respectives.

18 Nous ne partons pas du même point
19 et nos cheminements ne peuvent être identiques, ce
20 qui a pour effet de rendre moins claire la parenté
21 de nos aspirations. Comme cela se produit bien
22 souvent, les groupes défavorisés, qui le sont à
23 des degrés différents, se voient malheureusement
24 plus comme des rivaux et des concurrents que comme
25 des alliés potentiels. Une telle perception

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1 over a three-year period into TAA to negotiate
2 this Treaty of Co-existence; the Province pumped
3 in \$4.8 million. There are no people on Bear
4 Island that see it; it is just a few close-knit
5 group of this TAA Executive that sees all this
6 money.

7 The bottom line here is that what
8 Ontario was doing was shoving big bucks at our big
9 wheels in order to buy them out, and then what
10 they were going to do was more or less turn around
11 and try shoving it on the so-called third class
12 citizens of the island so they would be more or
13 less forced into this treaty. But that never
14 happened. It was out-voted.

15 Three years ago, we took a vote on
16 the island. I will just give you one little
17 example here before I go on to something else.

18 We took a vote three years ago on
19 the island regarding Chief Gary Potts' salary.
20 This is after the MOU came in. He put himself at
21 \$125,000 a year, and a lot of community people
22 felt that wasn't right. So we took a vote on it
23 in General Assembly, and he was voted down to
24 about \$75,000 to \$80,000. Even that was too high,
25 but the vote went through. It was decided that

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1 désavantage encore plus les uns et les autres.

2 LORRAINE PAGÉ: Nos peuples
3 respectifs méritent mieux que les multiples
4 préjugés qui ont cours à leur sujet et qui les
5 divisent.

6 Depuis la crise d'Oka en 1990 il
7 faut reconnaître que les relations entre Québécois
8 et Autochtones se sont gravement détériorées, que
9 certains préjugés se sont renforcés, que certains
10 malentendus sont devenus plus profonds.

11 La CEQ veut contribuer à relancer
12 un dialogue constructif. Nous croyons que celui-
13 ci doit se développer sur la base d'une meilleure
14 compréhension de nos besoins respectifs et de nos
15 aspirations respectives.

16 La CEQ y contribuera à partir de
17 ce qu'elle est et de ses options fondamentales.

18 Vous savez que la CEQ s'est
19 engagée en 1990 à militer pour l'indépendance
20 nationale du Québec. Cette option est intimement
21 liée à l'engagement de militer aussi pour la
22 reconnaissance effective du droit des peuples
23 autochtones à l'autodétermination.

24 C'est en fonction de ce double
25 engagement que nous développons dans le premier

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1 his salary would be cut away down to \$80,000.

2 The TAA Council were supposed to
3 do a grid scale of some kind to look at everyone's
4 salary. After that MOU was signed, everyone's
5 salary jumped unbelievably.

6 It was voted on and Gary's salary
7 was to come down. The next day Gary had a private
8 meeting with just his Executive Council, and he
9 ignored the people's vote and he put himself back
10 up automatically just like that to \$125,000 a
11 year. That day he called them a bunch of
12 radicals. He said, "Oh, you just killed us." We
13 have a big statement on what he said that day, and
14 I don't know if we have it here today. He said,
15 "You've killed us. You've just killed us." All
16 we did was just cut down the salary; I don't see
17 how we really affected him.

18 We later found out -- I am getting
19 off track here because I am getting into the money
20 scene, where I don't want to go. That is what led
21 us all into this big mess in the first place. If
22 Ontario hadn't pumped in millions of dollars, we
23 would be okay. We would start wanting to govern
24 our land ourselves. That is what the Ma-Komin-
25 ising Anishinawbeg, the families that broke away,

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1 chapitre de notre mémoire notre conception des
2 questions nationales, québécoises et autochtones.

3 Notre organisation oeuvre
4 principalement dans les institutions
5 d'enseignement et elle compte un certain nombre
6 d'adhérentes et d'adhérentes autochtones,
7 principalement au Nouveau Québec, ce qui explique
8 l'intérêt particulier que nous portons dans le
9 deuxième chapitre de notre mémoire à la place de
10 l'éducation en regard du développement et de
11 l'autodétermination et à son rôle dans la lutte
12 aux préjugés.

13 Nous sommes une organisation
14 syndicale et nous avons cru important de soumettre
15 dans le troisième chapitre quelques éléments de
16 réflexion sur le rôle du syndicalisme en milieu
17 autochtone.

18 Une des difficultés d'une approche
19 convergente des questions nationales, québécoises
20 et autochtones tient dans les malentendus que
21 comporte l'usage de certains concepts, notamment
22 celui de nation utilisé de part et d'autre pour
23 désigner nos identités collectives.

24 Il existe un préjugé selon lequel
25 la revendication d'autonomie gouvernementale des

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1 have stated over and over. We don't want any
2 handout from the Ontario government. Under this
3 treaty, that's all it is -- a \$2 million handout
4 every year for the next 10 years. If we were to
5 govern our own land and have a say in the
6 development of our lands, I am sure we would be
7 one of the better off reserves in the future.

8 Right now there are articles in
9 the North Bay Nugget and in Toronto that the
10 mineral potential up there is just enormous. We
11 found out on our own that there are big mining
12 corporations, big financial holders -- you
13 wouldn't believe the big wheels that are involved
14 in the land up there. If this AIP had gone
15 through, there would have been thousands of people
16 in the bush up there right now. They say, "Oh,
17 there's going to be economic growth and there's
18 going to be a boom in the area here." But
19 everyone on the island felt, "It won't be a boom
20 for us. We're just going to be shoved on the side
21 and given \$2 million that the TAA is going to
22 administer."

23 When it comes right down to it, I
24 and my friends or anyone else that is not tied in
25 with that TAA body will never get ahead. But if

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1 peuples autochtones vise nécessairement la
2 constitution de gouvernements ethniques, voire à
3 base raciale. Le même préjugé est entretenu par
4 certains tenants du nationalisme canadien à
5 l'encontre du nationalisme québécois.

6 Il y a par ailleurs une volonté
7 politique de détourner le sentiment d'appartenance
8 au Québec en tant que territoire national vers une
9 identification prioritaire à une catégorie
10 ethnicolinguistique présente dans l'ensemble du
11 Canada. À cet égard nous croyons important de
12 rejeter clairement le recours au concept de race
13 pour identifier nos collectivités.

14 Il n'y a pas de race RIM (PH). Il
15 n'y a pas non plus de race amérindienne ou de race
16 esquimaude. Aucune société humaine ne correspond
17 de façon intégrale à quelque profil racial que ce
18 soit. Le concept de race ne peut fonder aucune
19 revendication nationale.

20 D'ailleurs, l'héritage provenant
21 de la famille et des ancêtres est surtout un
22 héritage culturel, fondement premier de ce qu'on
23 désigne comme étant l'ethnie. Les identités
24 ethniques, les cultures ethniques, méritent d'être
25 conservées et cultivées. Cependant, elles ne

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1 we start governing ourselves and every family
2 starts governing their land the way it was before,
3 then, one, it would eliminate the fighting; two,
4 it would give everybody work; three, it would make
5 everybody want to work toward self-government.
6 The way we go right now, it's just one big sell-
7 out.

8 The land claim consisted of 4,700
9 square miles. Under the treaty we would only have
10 110 square miles. What we say now is that we
11 don't need to sign a treaty with the Ontario
12 government. If we are going to lose 90 per cent
13 of our land and just have one-third say in the
14 land development, that will never work for us.

15 The NDP just signed a document two
16 years ago in Thunder Bay saying that they are
17 going to leave it more or less up to the Natives
18 to have self-government. Some day I would like to
19 ask Bob Rae if we can go ahead and just implement
20 self-government ourselves, because right now we
21 can do it. As soon as we voted down that AIP, all
22 the power shifted back to us. If that AIP had
23 gone through, Ontario would have 90 per cent of
24 our lands, and the caution would have been lifted.

25 As the AIP didn't go through, all

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1 correspondent pas de façon intégrale aux identités
2 et aux cultures nationales.

3 La nation n'est pas une catégorie
4 ethnique, encore moins, bien sûr, une catégorie
5 raciale. Elle n'est pas une catégorie de
6 personnes. Elle est une collectivité qui se
7 caractérise principalement par le fait de
8 constituer une société cohérente, d'être rattaché
9 à un territoire, et d'avoir son propre mode de
10 fonctionnement en société, ce qui implique
11 généralement le recours à une langue nationale, à
12 des lois, à des coutumes, ainsi qu'à des
13 institutions qui lui soient propres.

14 Il n'est pas nécessaire que toutes
15 les personnes appartenant à une nation soient
16 culturellement semblables au point de départ,
17 qu'elles aient toutes hérité d'une même culture
18 ethnique. C'est le fait de participer à une même
19 société, d'être partie prenante à une oeuvre
20 commune ou un projet de société qui détermine
21 l'appartenance à une nation et non la conformité à
22 un profil culturel hérité des ancêtres.

23 Il y a donc une distinction
24 nécessaire à établir entre d'une part l'ethnie
25 canadienne-française représentée au Québec, au

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1 the ground, 4,700 square miles, is still under the
2 caution, so it's all still under the families.

3 Now our intentions are: one,
4 getting all the families together and having
5 family heads instead of councillors. Under the
6 Indian Act, it depends on the population. You are
7 only allowed so many councillors depending on the
8 population. The way we want to govern ourselves
9 is that, if there are 14 families, then we have 14
10 family heads. It's just that simple.

11 DUANE PAUL, Ma-Komin-ising
12 Anishinawbeg: Just for the record, I am Duane
13 Paul, also with the Ma-Komin-ising Anishinawbeg.

14 I think what we are saying here is
15 that we would like the traditional families to
16 govern themselves. The bottom line is that,
17 instead of handouts from the government, as Steve
18 was mentioning, we would intend to get some
19 royalties from these developments, whether it be
20 mining or logging.

21 I just wanted to add that.

22 STEVE MISSABIE: I was just going
23 to go on to that.

24 I will give you an example. On
25 the Missabie tribal lands, we have been nosing

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1 Canada et aux États-Unis, et d'autre part la
2 nation québécoise qui comprend des personnes de
3 diverses origines, langues maternelles et
4 croyances, liées au destin du Québec et
5 participant de plein droit au début sur son
6 avenir.

7 De même, une nation autochtone
8 devrait pouvoir intégrer à son projet de société
9 des personnes d'origine autre, lesquelles y
10 auraient les mêmes droits fondamentaux, les mêmes
11 obligations fondamentales que les Autochtones
12 d'origine y compris, s'il y a lieu, les droits et
13 obligations relatifs à l'apprentissage et à
14 l'usage de la langue nationale du peuple
15 autochtone concerné, ou relatifs aux droits
16 autochtones coutumiers ou codifiés.

17 La question nationale autochtone
18 présente cependant des caractères particuliers qui
19 font qu'on ne peut pas la traiter totalement de la
20 même manière que celle du Québec. En effet, les
21 peuples autochtones constituaient, avant la
22 colonisation européenne, des sociétés organisées
23 sur des territoires dont ils ont été
24 progressivement dépossédés sans qu'ils aient
25 jamais choisi ou accepté de les céder.

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1 around at the Land Registry Office and places like
2 that, and we found out that there -- my
3 grandfather knew there was gold up there, but he
4 never really pointed out to us where. We decided
5 to go and nose ourselves, and it just so happens
6 that these other companies got in there somehow in
7 1989. They heard about us up in the bush up there
8 in June when we did a little bit of logging -- or
9 we tried to do some. That's another big story
10 itself.

11 We got hold of this mining company
12 that we found out had already staked it or bought
13 it out from somebody else in 1989. Then they
14 found out about us, and they went and put a 50-
15 year lease on it just this summer, right in the
16 heart of this area. I phoned them up and told
17 them what our intentions are, that, to us anyway,
18 the TAA is no longer our negotiating unit.

19 To this day Gary is telling
20 different newspapers and different articles up
21 there and at the same time the Ontario government,
22 Howard Hampton and Bud Wildman and all these guys
23 are telling the media, "Yeah, we're going to leave
24 the doors open to this AIP, agreement-in-
25 principle." At the same time, Gary's on the other

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1 De plus, ils sont devenus
2 minoritaires sur les territoires qu'ils occupaient
3 traditionnellement. Ils ont été refoulés dans des
4 réserves. On leur a défini un statut juridique
5 particulier en vertu duquel ils sont soumis à une
6 loi faite par d'autres, qui ne s'applique qu'à
7 eux.

8 Certains auteurs désignent comme
9 constituant un carmonde (PH) les peuples qui
10 répondent aux caractéristiques dont nous venons de
11 parler. Ce qui les distingue des peuples du
12 Tiers-Monde c'est que ces derniers, bien que
13 conquis, dominés, exploités par le colonisateur,
14 sont demeurés majoritaires sur le territoire
15 conquis, de sorte que par l'accession à
16 l'indépendance nationale ils peuvent reprendre le
17 contrôle politique de ce territoire et de leur vie
18 collective.

19 Dans les colonies où les
20 descendants des colonisateurs ont nettement
21 dépassé en nombre la population autochtone, celle-
22 ci ne recouvre aucun pouvoir politique avec
23 l'indépendance de l'État maintenant constitué sur
24 le territoire ancestral, d'où la nécessité pour
25 les peuples autochtones de poser leurs questions

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1 end saying, "We're going to have another vote."
2 So he is trying for another vote, and Ontario is
3 keeping the door open. So you can see that these
4 two guys are just working hand in hand. They want
5 to get this AIP through.

6 In that AIP it says that all
7 liabilities, all obligations -- and the bottom
8 line is that it says you can never bring this back
9 to court, even if you find evidence that can turn
10 the decision around. The Supreme Court of Canada
11 decision says that, even if you can find evidence
12 to turn that around, you are not allowed to bring
13 that back. Once this AIP is signed, that's it.

14 It was already voted down once;
15 yet, Ontario is keeping the door open. Gary says
16 he's going to have another vote on it. To me,
17 they both just want to cover their behinds. They
18 just want to cover each other up.

19 The only way they can lift that
20 caution right now is if Ontario comes back to the
21 Land Registry Office and the District Court, and
22 that means back into the courts. The Ontario
23 government doesn't want to do that. The only way
24 they can lift that caution is if this AIP goes
25 through. If they go back to the courts, they know

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1 nationales dans des termes originaux et notamment
2 de revendiquer l'attribution de territoires qui
3 leur soient propres.

4 Les notions d'autonomie
5 gouvernementale autochtone, de souveraineté
6 autochtone, et d'autodétermination autochtone
7 supposent l'existence d'une base territoriale
8 définie.

9 Nous croyons d'autre part que le
10 statut d'appartenance à un peuple ne peut
11 légitimement être défini que par ce peuple lui-
12 même. C'est pourquoi notamment il faut en arriver
13 à remplacer au Canada la Loi sur les Indiens par
14 des lois que les peuples autochtones édicteront
15 eux-mêmes à leur égard.

16 Les Autochtones du Québec sont
17 soumis à la même Loi sur les Indiens que ceux du
18 reste du Canada. Ils sont aussi des pupilles de
19 l'État, traités un peu comme des mineurs
20 perpétuels. Ce qu'il y a de particulier pour eux
21 c'est particulièrement sans doute l'éventualité de
22 l'accession du Québec au statut d'état souverain.

23 Plusieurs d'entre eux se demandent
24 ce que la réalisation de cette éventualité va
25 modifier dans leur situation actuelle et dans leur

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1 we are waiting there. The only way we are going
2 to lift it is if we have some kind of say in the
3 development of the area, not just whitewashed
4 right off the face of the earth and have no say in
5 the area whatsoever. Do you see what I mean?

6 The AIP would only leave us with
7 about 7 or 8 per cent say, and then 93 per cent
8 would have been all Ontario's say. But the AIP
9 didn't go through, so right now we have 100 per
10 cent say. That is where I say we are holding all
11 the cards. Ontario knows this, and the TAA knows
12 this.

13 Right now that is why we want to
14 do two things: put in a traditional style of
15 government. That is what everyone on the island
16 is looking toward now. Right now we have two
17 identities up there, and we have two chiefs. We
18 have the Teme-Augama Anishnabai Chief which is
19 Gary Potts, and then we have the Temagami Indian
20 Band Chief. We are not that big. Wikwemikong is
21 a bigger First Nation than us, and they only have
22 one Chief. For some reason we have two.

23 I can tell you why we have two,
24 but I don't want to get into that. Ontario told
25 Gary a long time ago that he didn't have the high

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1 cheminent vers l'autonomie gouvernementale.

2 Nous sommes d'avis que le simple
3 fait de l'accession du Québec à l'indépendance ne
4 modifie en rien la situation des peuples
5 autochtones par rapport à la société dominante.
6 Il demeure des peuples injustement dominés, cette
7 situation ayant a priori ni améliorée ni aggravée.

8 La compétence à l'égard des
9 Indiens est transférée de l'état canadien à l'état
10 québécois. Ce dernier hérite de la Loi sur les
11 Indiens et de l'obligation de la mettre en oeuvre.

12 Nous croyons par ailleurs que
13 l'état québécois devrait alors logiquement offrir
14 aux peuples autochtones une redéfinition de leur
15 statut politique sur la base des principes adoptés
16 en 1983 par le gouvernement de René Lévesque et de
17 ceux qu'a entérinés l'Assemblée nationale en 1985.

18 Ces principes reconnaissent
19 explicitement comme des nations distinctes 11
20 peuples autochtones du Québec. Ils leur
21 reconnaissent le droit à leur culture, à leur
22 langue, à leurs coutumes et traditions, le droit
23 d'orienter eux mêmes leur propre développement, de
24 posséder et de contrôler leurs terres, de se
25 gouverner, de contrôler les institutions publiques

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1 numbers for such a big land area. The Indian Act
2 defines status, non-status, Métis and all this and
3 that. But if we go the traditional way, I would
4 say that eventually status, non-status and Métis
5 -- there will be no more of those words. If a
6 person is living on the outside, say in Sudbury or
7 Toronto, and they come up to Bear Island, they
8 would go to their family head and say, "What's
9 happening in this area?"

10 Right now, the way it goes is that
11 they come up to a General Assembly and they are
12 given a bunch of pamphlets like this, and it looks
13 like it's all juicy -- "Yeah, TAA is doing real
14 good." But they are just given pamphlets almost
15 on the same day as the Assembly sometimes, and
16 they don't really know what is going on.

17 If we had a traditional style of
18 governing there where family heads are right on
19 top of everything all the time, especially
20 regarding their family lands, then whichever
21 family is on the outside and comes back to visit
22 just goes and visits the head of that family and
23 says, "What is happening here?" and they would
24 know everything in the matter of one or two days.

25 This AIP, the weekend we were

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1 qui correspondent à leurs besoins, et de
2 bénéficier de fonds publics provenant du Québec et
3 qu'ils administreront en fonction des objectifs
4 qu'ils jugeront fondamentaux.

5 Nous sommes d'avis que les
6 principes alors retenus par le gouvernement de
7 l'Assemblée nationale ne devraient être considérés
8 que comme le point de départ d'une reconnaissance
9 plus complète du droit à l'autodétermination des
10 peuples autochtones.

11 Par exemple, les droits aux
12 peuples autochtones devraient être garantis non
13 pas par des lois ordinaires mais bien par un
14 traité d'association qui aurait la valeur et la
15 portée d'un principe supra législatif.

16 Dans l'éventualité de
17 l'indépendance du Québec nous croyons que les 12
18 peuples qui y habitent devraient se considérer
19 comme des nations associées, chacune ayant une
20 base de souveraineté avec toutes les compétences
21 et tous les pouvoirs qu'elles décideraient
22 d'assumer elles mêmes. C'est là le sens que nous
23 donnons aux droits à l'autodétermination que nous
24 affirmons appartenir aussi bien au peuple
25 québécois qu'aux peuples autochtones.

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1 voting on it, didn't look too good. There were
2 some misconceptions out there, that I guess Gary
3 and Doug put out, that the people didn't have time
4 to look at this agreement-in-principle. That's
5 not true. Ontario sent this package to the TAA in
6 late August; yet, a lot of us didn't get this
7 package until the end of October. That's two and
8 a half months. Some of us didn't get it until
9 November. The Assembly was cancelled twice. I
10 don't know what the real plan was there.

11 When the Assembly took place, it
12 was bad weather, really cold in November. You
13 have to cross the lake to get to Bear Island.

14 What I am getting at is that on
15 Saturday morning there was a vote taken in our
16 General Assembly, and the vote was this: Do we
17 want to vote on this agreement-in-principle this
18 weekend or do we want to vote on it in two months'
19 time so the people can look at it some more and
20 ask questions and study it some more? That was
21 what my friend, who was supposed to be coming down
22 here, proposed on Saturday morning.

23 That was shot down by a vote of 49
24 to 21. They wanted to vote on it this weekend. I
25 can still hear some of those comments: "I came up

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1 Je passe maintenant à la partie
2 traitant plus spécifiquement de l'éducation.

3 Dans toute société organisée
4 l'école est le moyen par excellence de transmettre
5 la culture nationale et de faire en sorte que tous
6 les enfants soient en mesure de la partager. Mais
7 le système d'éducation, les contenus
8 d'enseignement, les approches pédagogiques,
9 doivent être adaptés aux besoins particuliers de
10 chaque peuple et à sa culture nationale.

11 Nous savons que le niveau de
12 scolarité des Autochtones au Québec comme dans
13 l'ensemble du Canada est nettement inférieur à
14 celui du reste de la population. Et nous savons
15 aussi que l'implication des communautés
16 autochtones dans l'orientation et la gestion de
17 leur système scolaire, quoique relativement
18 récente, a déjà donné des résultats heureux pour
19 ce qui est de la fréquentation de l'école primaire
20 et des premières années du cours secondaire.

21 Le taux de décrochage au
22 secondaire demeure encore trop élevé. Celui-ci,
23 de même que l'absentéisme, serait causé en partie
24 par les problèmes vécus au sein de la famille et
25 en partie aussi par la mésadaptation de l'école à

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1 here this weekend to vote on it this weekend, and
2 I'm going to vote on it this weekend." And they
3 had the manpower. You could just see it in that
4 hall there. People who you don't even see on Bear
5 Island are up on Lake Temagami, and all of a
6 sudden they are in one of our General Assemblies,
7 and they are voting on our future and our kids'
8 future. Yet, they're just totally blinded because
9 they are just given a few statements and a few
10 pieces of paper: "This is what we're doing; we're
11 doing real good at it," and they go, "Oh, yeah, it
12 looks really good," and they vote "yes" for it.
13 Deep down they don't even know what is going on.
14 It was just unbelievable.

15 Anyway, the vote went 49 to 21 in
16 favour of voting on it that weekend, two weeks ago
17 when the Assembly took place. When I was sitting
18 in there, I didn't feel good at all. I felt
19 really awful, because it looked like they were
20 just going to ram this down our throats.

21 I don't know what happened, but I
22 am really glad it happened. Some of us got
23 together and said, "Do we really want this to go
24 through?" We called up some other ones who felt
25 the same way, and one way or another we all made

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1 la réalité autochtone.

2 La situation particulière des
3 populations du Nouveau Québec en regard de
4 l'enseignement est plus facile à circonscrire que
5 celle des autres Autochtones en raison de
6 l'existence des commissions scolaires crie et
7 Kativik, qui dispensent l'enseignement primaire et
8 secondaire à leur population respective.

9 Jusque vers les années 1980 les
10 taux de scolarisation des populations autochtones
11 du Nouveau Québec étaient non seulement nettement
12 inférieurs à ceux du Québec dans son ensemble mais
13 inférieurs à ceux de l'ensemble des Autochtones du
14 Québec. Plus de la moitié de la population
15 nordique était alors analphabète fonctionnel.

16 Cela s'explique facilement par
17 l'état d'isolement relatif dans lequel les
18 communautés du Nord ont été tenues jusque vers le
19 milieu du siècle qui s'achève. Depuis la prise en
20 charge autochtone du système scolaire la situation
21 s'est transformée.

22 On observe notamment une
23 amélioration visible en ce qui a trait à la
24 fréquentation scolaire. Dans la Commission
25 scolaire Kativik l'augmentation est constante

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1 it over there for Sunday. The vote came out 60 to
2 58. But I can tell you, when that vote was read,
3 it was just pure silence. On Saturday they were
4 all gung-ho that this vote was going to go
5 through.

6 Even the NDP government -- that's
7 a real strange one. Bob Rae was up in Red
8 Squirrel at our blockade back in 1989, and I found
9 out that he never got charged that day, but that's
10 beside the point. He got pictured and he was in
11 the newspapers and everything, trying to preserve
12 our treaties and forests. Yet, this is the
13 government now that is negotiating with the TAA
14 that more or less wants to strip us of 90 per cent
15 of our land and have a voice over the land. I
16 don't know how Bob Rae can be on both sides of the
17 fence. At the same time, this is the government
18 that signed a thing that Natives can have self-
19 government.

20 That is all we are saying at Ma-
21 komin-ising. We feel we have the capability and
22 the people to do this, if Ontario would just give
23 us a chance. We don't want any \$2 million a year
24 from the, because I know for a fact that we can do
25 a hell of a lot better than that ourselves. Once

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1 depuis 1978-1979. Dans la Commission scolaire
2 Crie l'augmentation est moins est moins régulière
3 mais elle atteint un sommet, avec 3 023 élèves
4 inscrits en 1989-1990.

5 Pour illustrer les progrès
6 réalisés sur une période relativement courte
7 rappelons que le taux de fréquentation scolaire
8 chez les jeunes Inuits de 5 à 15 ans, qui était de
9 8 pour cent en 1950-1951, se situait à 95 pour
10 cent en 1984-1985, et se situe probablement
11 aujourd'hui à tout près de 98 pour cent.

12 Malgré ces progrès incontestables,
13 de sérieux problèmes subsistent. Là comme dans
14 d'autres communautés autochtones se pose avec une
15 acuité particulière les problèmes du décrochage et
16 de l'absentéisme.

17 Il y a sans doute des causes
18 d'ordre individuel ou d'ordre familial qui
19 explique le taux élevé de décrochage et
20 d'absentéisme chez les Autochtones du nord
21 québécois, causes qui peuvent ressembler à celles
22 qui expliquent le même phénomène chez les jeunes
23 des régions rurales isolées ou chez ceux des
24 quartiers défavorisés des centres urbains du sud,
25 mais il y a aussi un problématique proprement

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1 we start negotiating with different companies and
2 everyone like that, we will be away past \$2
3 million a year.

4 Right now, if this AIP had gone
5 through, that is where we would be at -- \$2
6 million a year. We who don't see things Gary's
7 way -- none of us would see any of that.

8 There is another thing. There are
9 such big companies and big wheels in this, and
10 lawyer firms. Borden and Elliott took over for
11 our case in 1985, and that's when everything
12 really changed, you might as well say. Bruce
13 Clark was the lawyer for the TAA before that; from
14 1973 to 1985 he was the lawyer. Then he got
15 fired, and Gary brought in Borden and Elliott,
16 Ross Murray. That's when everything changed.
17 That's when Native sovereignty was dropped; that
18 is when Aboriginal rights issues were all dropped
19 from their vocabulary, and that is when they
20 started leaning toward some kind of Treaty of
21 Co-existence.

22 Ross Murray says he is fighting
23 for Aboriginal rights in Ontario, but at the same
24 time the same firm is out in British Columbia
25 arguing against Aboriginal rights. That's a big

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1 autochtone et nordique du décrochage scolaire qui
2 doit tenir compte des contenus culturels de
3 l'enseignement, des activités traditionnelles à
4 caractère saisonnier et impliquant toute la
5 famille, ou d'autres aspects du mode de vie.

6 Pour répondre à cette
7 problématique nous croyons qu'il faut s'orienter
8 vers un plus grand contrôle du régime scolaire par
9 les nations concernées pour qu'elles apportent aux
10 problèmes de leurs élèves des solutions vraiment
11 adaptées.

12 Mieux adapter l'école aux besoins
13 et aux intérêts des élèves cris et inuits cela
14 suppose certainement une présence plus importante
15 d'enseignantes et d'enseignants autochtones de
16 même que d'un personnel professionnel autochtone.
17 Il faut donc encourager les jeunes autochtones qui
18 en manifestent l'intérêt à s'orienter vers la
19 profession enseignante.

20 Il faut accorder aussi une plus
21 grande attention à la formation du personnel non-
22 autochtone oeuvrant en milieu autochtone pour que
23 ses interventions soient de mieux en mieux adaptés
24 à la culture autochtone et au contexte autochtone,

25 Mieux adapter l'école à la culture

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1 conflict of interest there. If we had the money
2 ourselves, we would be doing a hell of a lot more
3 than what we are doing right now.

4 We are really pleased that we got
5 accepted to speak here and have an opportunity to
6 voice our concern. If we had more money and more
7 places that we could go and more people that we
8 could see, I know we would be more organized. We
9 just started off. We are pretty organized as we
10 are, but I know, if we had the bucks pumped into
11 us like the TAA -- Ontario keeps pumping them with
12 millions. If we had that kind of money on our
13 side, it would really be clear sailing. Our self-
14 government would be in place in no time.

15 The way we are going right now is
16 that we are knocking Ontario right out of the
17 discussions. We know you can't make a treaty in
18 Canada with a province. The province doesn't have
19 the capability to make a treaty; the federal
20 government has to come in to make a treaty. So,
21 for one, we are not going to negotiate with the
22 province.

23 Number two, I imagine somewhere
24 down the line we will have to negotiate with the
25 federal government. Right now we have taken steps

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1 autochtone cela suppose aussi qu'on accorde une
2 plus grande place à l'école à la langue propre de
3 chaque communauté.

4 Dans tout le Canada c'est au
5 Québec que les langues autochtones sont le plus
6 utilisées et enseignées à l'école, mais il y a
7 encore des progrès à réaliser.

8 Sans négliger l'apprentissage
9 nécessaire d'une langue seconde pour permettre la
10 poursuite d'études supérieures dans les
11 institutions québécoises du sud, il faut mettre
12 plus d'efforts pour faire de la langue autochtone,
13 là où elle est encore la langue d'usage de la
14 majorité, la langue normale et habituelle du
15 travail, de l'enseignement, des communications, du
16 commerce et des affaires.

17 Pour cela l'école a un rôle
18 irremplaçable, mais elle ne peut pas réaliser
19 seule cet objectif. C'est l'ensemble des
20 institutions de la communauté qui doivent y
21 contribuer.

22 Le dernier chapitre de notre
23 mémoire abordait la question du rôle du
24 syndicalisme. Un des changements importants qui
25 affecte le mode de vie des Autochtones du Nouveau

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1 to by-pass them and go right to the companies that
2 are involved in the land. Once we start doing
3 that, I imagine other First Nations are going to
4 look at us and say, "We can do that, too."
5 Eventually, both levels of government will be non-
6 existent on reserves. As soon as you stop taking
7 that handout from the federal and provincial
8 governments, then you are no longer under them.
9 You are more or less even with them. But, first,
10 you have to stop taking their money. That is a
11 real hard one to do when everyone is so used to
12 that money just flowing every week -- not
13 necessarily every week.

14 I am sure everyone has the picture
15 here of what I am trying to say.

16 CO-CHAIR RENÉ DUSSAULT: Thank
17 you. Have you conveyed the essentials that you
18 wanted to share with us? Can we enter into a
19 discussion now?

20 STEVE MISSABIE: Sure, that sounds
21 good. Something else will come to me after.

22 CO-CHAIR RENÉ DUSSAULT: First of
23 all, thank you for presenting us with your
24 concerns. We were happy to enable you to do that
25 and to be on the public record.

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1 Québec est l'introduction du travail salarié.
2 Celui-ci constitue une rupture avec la tradition
3 autochtone qui était fondée sur le partage,
4 l'entre-aide, l'égalitarisme.

5 À moins qu'il ne se regroupe avec
6 d'autres personnes partageant sa condition,
7 l'individu salarié se retrouve en situation de
8 vulnérabilité économique, de dépendance, et
9 d'isolement social.

10 Nous croyons que le syndicalisme
11 peut apporter un début de réponse à la situation
12 problématique des salariés autochtones et
13 contribuer à leur faire retrouver les valeurs
14 essentielles de leur culture d'origine. Le
15 syndicalisme, en effet, est fondé sur la
16 solidarité des travailleuses et des travailleurs
17 dans la recherche d'une plus grande égalité des
18 conditions économiques.

19 Le syndicalisme en milieu
20 autochtone ne pourra pas être une simple copie du
21 syndicalisme tel que pratiqué dans les pays
22 occidentaux. Il devra s'adapter aux spécificités
23 des cultures autochtones et épouser les
24 revendications fondamentales des peuples
25 autochtones.

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1 Of course, many things crossed our
2 minds as you spoke. You are certainly aware that
3 the Royal Commission cannot step into an internal
4 discussion within the communities or even between
5 the leaders of the communities and the Ontario
6 government. But, on the other hand, we are
7 looking for a road map for the future that would
8 avoid some of the things happening that are
9 happening now.

10 My first question is about the
11 size of your community. You mentioned that there
12 are 14 families on Bear Island, and a vote of 60
13 to 58. Is that about the number, 120?

14 STEVE MISSABIE: It's closer to
15 200 with kids and people that come up there mainly
16 from the spring to the winter.

17 CO-CHAIR RENÉ DUSSAULT: And you
18 are a band, as such?

19 STEVE MISSABIE: Yes. Right now
20 we all are.

21 DUANE PAUL: We are band members.

22 CO-CHAIR RENÉ DUSSAULT: For Bear
23 Island. For the sake of the negotiations, the
24 Temagami organization was formed by the band, as
25 an arm for entering into negotiations with the

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1 Le syndicalisme n'est pas une
2 abstraction. Il est fait d'organisations dont les
3 politiques et les orientations sont décidées par
4 les membres qui le composent, plus précisément par
5 les membres qui s'y engagent. Pour que le
6 syndicalisme épouse au mieux la cause autochtone
7 il faudra que les Autochtones l'investisse, s'en
8 empare, se l'approprié.

9 En conclusion, nous voulons
10 indiquer que les aspects de l'autodétermination et
11 du développement, que nous n'avons pas traités de
12 façon spécifique dans notre mémoire, n'en
13 demeurent pas moins très importants. Ainsi en
14 est-il de l'indépendance économique et du
15 développement économique, qui sont des conditions
16 d'une autonomie politique réelle.

17 Mais le développement économique
18 ne peut pas se concevoir sans le développement
19 culturel, sans la diffusion des savoir et des
20 savoir-faire, sans une progression des niveaux de
21 compétence. C'est pourquoi nous avons insisté sur
22 l'importance de résoudre au mieux les problèmes
23 liés au fonctionnement du système scolaire et à la
24 réussite éducative.

25 Le développement n'est jamais

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1 Ontario government, was it?

2 I just want to be clear as to the
3 status. The negotiation was done by the Band
4 Council itself?

5 STEVE MISSABIE: No, no. In the
6 beginning, from 1973 to 1978, it was done by the
7 Temagami Indian Band Council. Then in 1978 Gary
8 created this other identity, the Teme-Augama
9 Anishnawbai, a bigger identity which included
10 status, Métis and everything. That number grew
11 right up to something like 2,500.

12 CO-CHAIR RENÉ DUSSAULT: But this
13 entity that negotiated --

14 STEVE MISSABIE: The TAA is the
15 one that negotiated with Ontario, but the Temagami
16 Indian Band didn't.

17 CO-CHAIR RENÉ DUSSAULT: Who
18 signed the MOU?

19 STEVE MISSABIE: Gary.

20 CO-CHAIR RENÉ DUSSAULT: But for
21 the band.

22 STEVE MISSABIE: I guess at the
23 time he figured he was signing on behalf of the
24 band. Even when he signed that, there was a big
25 uproar in the community. He never brought that

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1 seulement économique. Il n'y a pas de vrai
2 développement là où il n'y a pas développement
3 intégral. La problématique du sous-développement
4 vécue dans les nations autochtones concerne tout à
5 la fois les plans économique, politique, social,
6 éducatif, linguistique et culturel au sens le
7 plus large.

8 Nous estimons que la mise en
9 oeuvre d'une nouvelle politique autochtone fondée
10 sur le principe de l'autodétermination des peuples
11 implique l'abandon de toute définition de
12 l'Autochtone comme individu appartenant à une
13 lignée généalogique et son remplacement par le
14 droit reconnu à chaque peuple de se définir à
15 partir d'un projet de société autochtone.

16 Nous estimons que l'exclusion de
17 la discrimination à l'égard des individus sur la
18 base de leurs antécédents ethniques doit se
19 concilier avec la reconnaissance des droits
20 nationaux pour des peuples distincts. Chaque
21 peuple doit, dans le respect des droits
22 individuels de toutes les personnes qui partagent
23 son destin historique, pouvoir décider lui-même de
24 son avenir et se doter librement d'un cadre de vie
25 autonome que des instances politiques appropriées

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1 back. He never mentioned the MOU at all in 1990.
2 All of a sudden we saw him on Canada AM, and
3 that's how some of us found out about the MOU. He
4 never brought that back to the community.

5 This is where the MOU took us, to
6 this day right now, the AIP. If he had never
7 signed that MOU, then we probably would have been
8 down some other path.

9 CO-CHAIR RENÉ DUSSAULT: I think
10 it raises an issue that we have heard about quite
11 a lot during our four rounds of hearings, about
12 accountability and circulation of information
13 within Aboriginal communities from Band Councils.

14 Your Assembly took some votes, so
15 the General Assembly is functioning in a way. You
16 have said that they don't listen to the results of
17 the vote on the salaries, for example, or other
18 aspects --

19 STEVE MISSABIE: Again, they won't
20 listen. If they pull off another vote, then they
21 won't be listening to the people's decision again.

22 I will give you a short story. On
23 Saturday, when it was voted 49 to 21 in favour of
24 voting on it that weekend, Joe Capp, the one who
25 proposed that resolution, brought it back up about

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1 à sa dimension géographique, à son environnement
2 particulier et à sa culture propre.

3 Nous estimons également que
4 l'exercice du droit à l'autodétermination suppose
5 une base territoriale possédée en propre. Il ne
6 s'agit plus de réserver des terres dont l'État
7 canadien ou québécois conserverait la propriété
8 imminente pour y loger des Autochtones. Il faut
9 reconnaître à chaque peuple un territoire dont il
10 aurait la propriété imminente et sur lequel il
11 exercerait le degré d'autonomie politique qui lui
12 convient.

13 L'assise territoriale autonome
14 d'un peuple autochtone devrait nécessairement
15 inclure toutes les terres qui lui sont
16 présentement réservées en exclusivité, quitte à ce
17 qu'elles soient agrandies pour répondre aux
18 besoins présents et pour permettre un véritable
19 développement aux populations concernées.

20 C'est sur cette assise
21 territoriale que le peuple qui le désire pourra
22 constituer des instances politiques autonomes qui
23 dicteront des lois, développeront des
24 institutions, généreront en son nom les biens
25 publics. L'école publique nous apparaît comme une

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1 an hour after the vote was taken. Doug Mackenzie,
2 the head negotiator, got up there and said, "The
3 people have just voted. Can't you abide by their
4 vote? Can't you just let it rest? Can't you just
5 go with the way they voted?" Now he is
6 contradicting himself. Now he is trying to pull
7 off another vote, after the vote didn't go in his
8 favour.

9 CO-CHAIR RENÉ DUSSAULT: That is
10 the way Newfoundland got into Confederation in
11 1949, after three referenda. I understand that,
12 and that is a problem.

13 STEVE MISSABIE: The question now
14 is: Say he has another vote and he loses by three
15 or four or, to turn it around, say we lose by two,
16 do you think they are going to allow us to have
17 another vote? I don't think so.

18 If the TAA had won by two votes,
19 this thing would be just rushed right through.
20 Ontario and TAA would be just rushing this.
21 They're not looking back. If they won by two
22 votes, you would think they would say, "Okay,
23 people, let's have another vote; it was so close."
24 No way! They would be long gone. They would be
25 in Toronto signing documents galore right now.

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1 des institutions dont la gestion et l'orientation
2 devraient relever le plus possible, en tenant
3 compte de la situation particulière de chaque
4 peuple, de l'autonomie autochtone.

5 Dans le contexte de l'accession du
6 Québec à l'indépendance nationale nous proposons
7 la mise en place d'un modèle de souveraineté-
8 association entre les 12 peuples se partageant le
9 territoire du Québec. Douze gouvernements
10 nationaux exerçant de façon distincte et autonome
11 les compétences de leur peuple respectif leur
12 auront été attribuées en propre collaboreront
13 entre eux dans de multiples domaines, notamment en
14 ce qui concerne la qualité de l'environnement, la
15 protection de la faune et de la flore, les
16 relations commerciales, le développement
17 scientifique et technique, la défense civile, et
18 la défense du territoire.

19 C'est dans ce même contexte que
20 pourrait être prévue la mise en place
21 d'institutions communes auxquelles chaque peuple
22 pourrait décider de confier, à titre révocable,
23 les compétences politiques qu'ils ne désirent pas
24 assumer directement.

25 Quoi qu'il arrive, les 12 peuples

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1 CO-CHAIR RENÉ DUSSAULT:

2 Obviously, we can't do much on this specific issue
3 right now. It tells a lot of things for the
4 future.

5 One of the things that many people
6 stress is the lack of accountability mechanisms
7 for a democratic process within the Band Councils.
8 This is something that we are certainly going to
9 look at very carefully. Even with moving outside
10 the ambit of the Indian Act to self-government and
11 returning to traditional forms of government, that
12 remains a concern. It was expressed by women for
13 particular purposes; it was expressed by men for
14 all kinds of things. You have mentioned the
15 salaries, and so on.

16 We are, of course, interested in
17 hearing about the basic principles. We know there
18 is a variety of situations. There is a tradition
19 on Bear Island with the 14 families and the heads
20 of each forming the Council, and so on.

21 It is part of the difficulty we
22 are facing. We want to come up with some key
23 principles for the organizations of future
24 Aboriginal self-governments. I understand that
25 you are focusing on the immediate problem, and

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1 qui habitent présentement le territoire du Québec,
2 le peuple québécois et les 11 peuples autochtones,
3 ont intérêt à se reconnaître mutuellement et à
4 développer des relations de coopération et
5 d'amitié.

6 Je vous remercie.

7 COPRÉSIDENT RENÉ DUSSAULT: Merci,
8 madame Pagé. Je voudrais remercier la Centrale de
9 l'enseignement du Québec pour cette présentation,
10 et sans plus tarder demander à ma collègue, Mary
11 Sillett, de commencer à poser un certain nombre de
12 questions sur votre mémoire, qui est substantiel
13 et qui certainement a un impact important sur les
14 travaux de la Commission royale.

15 COMMISSIONER MARY SILLETT: Thank
16 you very much.

17 You made a number of points but
18 there are three points in particular that I would
19 like to pursue.

20 When you were making your
21 presentation you made a statement which said that
22 -- I guess you were referring to the Native
23 peoples in northern Quebec, saying that there was
24 much illiteracy prior to the signing of the James
25 Bay Agreement and afterwards.

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1 rightly so. What I am saying is that your
2 representation is another example of the
3 difficulties that are in existence under the
4 present system.

5 Also we have had a lot of
6 discussion about resorting to courts and the
7 judicial system to settle issues. That is also a
8 good example where sometimes it works and
9 sometimes it fails, for whatever reason. When it
10 goes to the Supreme Court of Canada, then it makes
11 it very difficult.

12 I can't help but be impressed by
13 what you are telling us, that you will never
14 accept the result of this decision, and so on.

15 It is a case where you have both
16 the judicial route and the political route through
17 negotiations, and both bring their own problems.

18 STEVE MISSABIE: I think there was
19 some kind of deal struck here. It all happened so
20 close together. The Supreme Court decision
21 happened in 1989; the MOU happened in the spring
22 of 1990, and at the same time I found out -- and
23 this is another cruncher. All the Natives that
24 were charged in the blockade up in Red Squirrel
25 went to court for two or three months. Just

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1 I remember feeling like I had my
2 feathers ruffled a bit because when we had our
3 special consultations with the High Arctic exiles
4 we heard very, very clearly from many unilingual
5 Inuktitut-speaking people that letters were
6 written in Inuktitut and syllabics as early as the
7 1950s.

8 --- (A short pause)

9 I just want to respond to some
10 issues that you raised.

11 On the issue of illiteracy I guess
12 you were saying that prior to the signing of the
13 James Bay-Northern Quebec Agreement there was much
14 illiteracy in northern Quebec probably due to the
15 isolation. I reacted a bit to that because we had
16 public hearings with High Arctic Inuit from
17 Inukjuak who had been relocated to the High Arctic
18 in the early 1950s.

19 They told us very, very clearly
20 that they had written letters to their relatives
21 in different parts of the North and that those
22 letters had been written in the early 1950s. So
23 definitely there was a writing capability amongst
24 the Inuit of northern Quebec even before the
25 1950s, but definitely in the 1950s, and those

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1 before the MOU came out, all the charges against
2 the Natives were dropped.

3 I found out that Gary wasn't going
4 to sign that MOU unless Bob Rae dropped all the
5 charges against the Natives. Nobody will admit to
6 this, but that's how all the charges against the
7 Natives got dropped. Gary told Bob Rae, "If you
8 don't drop the charges, I don't sign this MOU."

9 There are backroom dealings going
10 on all through this whole thing.

11 What we would like to see is a
12 judicial inquiry into this whole issue, pretty
13 well ever since 1985 up to the present day. There
14 are backroom deals; there is big money changing
15 hands here; and God knows what else. We have only
16 been fishing around for a year, and we found out
17 quite a bit. If we fish around for another year,
18 I bet you money we find out a lot more.

19 DUANE PAUL: Another point is that
20 if the TAA can't reach a consensus with the
21 members -- the vote was turned down. They already
22 tried to push it through once, and they are going
23 to have a second vote. Maybe we can, with the
24 method we propose, going back to the traditional
25 family heads and governing by that method.

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1 letters were written not necessarily in English,
2 but they were written using syllabics.

3 So I'm sort of challenging the
4 statement that you made. I was wondering if you'd
5 like to have an opportunity to respond.

6 LORRAINE PAGÉ: M. Laberge, qui a
7 fait la recherche qui a donné suite à ce mémoire,
8 va vous donner les éléments de réponse.

9 HENRI LABERGE, conseiller,
10 Centrale de l'enseignement du Québec (CEQ): Ce
11 sont des données qui sont connues, publiées par
12 les autorités scolaires.

13 Il est possible que ces données-là
14 soient faussées parce qu'il est possible qu'avant
15 les années '50, à l'époque où le ministère de
16 l'Éducation n'était pas présent dans le nord du
17 Québec en fait il n'y avait pas de commission
18 scolaire, il est possible que les données
19 concernent la connaissance de l'anglais en partie.

20 Ce sont les données que nous avons
21 consultées. Évidemment si c'est nous qui avons
22 fait les statistiques nous ne les aurions
23 probablement pas fait de cette façon-là.

24 En nous basant sur les données qui
25 sont corrigées par les autorités scolaires c'est

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1 STEVE MISSABIE: I will just go
2 back to what I was saying earlier.

3 You have a little map there, and
4 Misa'bi is about in the middle somewhere. There
5 is a road built all the way up through this land,
6 and the road ends right at the big stand of red
7 pine. There is red pine for miles, and that is
8 where this road ends. MacMillan Bloedel, Goulard
9 Lumber and the Ontario government built this road.

10 When my grandmother saw those
11 bridges cross the Wakemakanabobica (PH) River, she
12 said, "Holy man, those bridges aren't just there
13 for trees. They have to be there for mining."

14 We dug around, and I found out,
15 bang, where my grandpa said there was gold, sure
16 enough there are people who already have that
17 patented. I phoned them up and got in touch with
18 them. I told them what our intentions are, that
19 the family heads are going to become the
20 negotiating unit in this area. The TAA bought
21 back their mandate -- and their mandate changed,
22 let me tell you. It changed from 1985, to a
23 treaty of co-existence. They bought back their
24 mandate, and the people rejected it.

25 Now, to us, they are done. Their

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1 ce qu'on avait, 8 pour cent à peu près de
2 scolarisation primaire à l'époque des années '50
3 et aujourd'hui environ 98 pour cent. Ce qu'on
4 voulait signaler c'était le progrès énorme qui
5 avait été fait.

6 Or, ce progrès-là a été fait dans
7 un système scolaire où l'usage de la langue inuite
8 a été valorisé de façon importante alors que dans
9 les années précédentes on n'enseignait pas du tout
10 la langue inuite dans les écoles.

11 Il est possible que la statistique
12 ne soit pas bonne, mais c'est celle que nous avons
13 consultée.

14 **COMMISSIONER MARY SILLETT:** I'm
15 not saying that your statistics are no good. I'm
16 saying that maybe the definition of illiteracy was
17 probably used -- you measured Inuktitut-speaking
18 people by English standards, and maybe that wasn't
19 a fair assessment.

20 Having said that, I was sort of
21 interested in the comment made in the presentation
22 that there should be more Native teachers. I'm
23 speaking specifically of the Inuit here because I
24 remember in previous presentations we had heard,
25 particularly in northern Quebec, that of all of

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1 mandate is over. People are looking right now at
2 how can we get rid of that TAA. It's just one big
3 corrupt forum. Right now everyone is looking at
4 how can we get rid of that. This is what everyone
5 is looking toward now, a traditional style of
6 governing where every family looks after their
7 ground. The other way just won't work.

8 CO-CHAIR RENÉ DUSSAULT: Just for
9 information, how many people do you represent?
10 There are seven signatures on the declaration that
11 you have given us.

12 STEVE MISSABIE: Six families, but
13 they occupy seven traditional grounds. We
14 represent about -- do you mean the land or the
15 people?

16 CO-CHAIR RENÉ DUSSAULT: You are
17 speaking for -- this is not only your personal
18 view.

19 STEVE MISSABIE: No.

20 CO-CHAIR RENÉ DUSSAULT: That is
21 my question. You are presenting the view of how
22 many people?

23 DUANE PAUL: There are more coming
24 on our side all the time.

25 STEVE MISSABIE: Yes. That's the

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1 the professions I guess they've bee fairly
2 successful in recruiting Native teachers.

3 As you mentioned in the two
4 regions, the Cree and the Inuit have school
5 boards, they've made advancements with respect to
6 introduction of Inuktitut curriculum in the
7 schools and the recruitment of teachers. I was
8 wondering if you'd like to elaborate on that.

9 I guess from what we've heard
10 before, of all the professions in northern Quebec,
11 in the Nunavik Region at least, they've been more
12 successful in recruiting teachers than they have,
13 for example, doctors or nurses or other
14 professionals.

15 LORRAINE PAGÉ: Je pense que vous
16 illustrez bien dans ce propos que vous venez de
17 tenir à quel point le contrôle par les peuples
18 autochtones de leurs institutions a pu grandement
19 faciliter les choses.

20 Quand on a une maîtrise d'oeuvre
21 par le contrôle de l'institution publique présente
22 dans un secteur d'activités, c'est le cas de
23 l'enseignement avec les commissions scolaires crie
24 et kativik qui peuvent exister, on se donne des
25 moyens pour occuper cette sphère d'activité et nul

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1 good thing about it right now. We started small.
2 We were only three families when we first started.
3 Three months later three more families joined in.

4 On that Assembly weekend -- they
5 are not anywhere on paper, but we know in their
6 hearts they are with us. Some more families have
7 joined in now. Just by the way the vote went, you
8 can tell.

9 CO-CHAIR RENÉ DUSSAULT: So the
10 thrust of your presentation is that you would like
11 -- assuming you have to resort to a traditional
12 route --

13 STEVE MISSABIE: When you ask how
14 many people we represent, are you going just by
15 the Temagami Indian Band list which is the Indian
16 Act?

17 CO-CHAIR RENÉ DUSSAULT: You are
18 the one who knows.

19 STEVE MISSABIE: We feel we
20 represent a good 70 to 80 per cent of the people.
21 There is anywhere from 20 to 30 that is with TAA.

22 CO-CHAIR RENÉ DUSSAULT: Thank
23 you.

24 I would like at this point to ask
25 my colleague if she has questions or thoughts to

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1 doute que cette situation a permis, par exemple,
2 entre les administrateurs de la commission
3 scolaire et le syndicat des enseignantes et des
4 enseignants de prévoir des mesures qui ont même
5 faciliter le recrutement et l'engagement
6 d'enseignantes et d'enseignants autochtones.

7 Il y a dans les conventions
8 collectives des dispositions qui prévoient, par
9 exemple, que quand il y a des enseignantes ou des
10 enseignants autochtones disponibles, c'est ceux-ci
11 qui occupent les postes avant des enseignantes ou
12 des enseignants non-Autochtones. Alors il y a
13 toutes sortes de mesures qui peuvent s'implanter,
14 qui peuvent s'organiser quand il y a le contrôle
15 des institutions publiques.

16 Je pense qu'on a réussi à faire
17 des choses dans le secteur de l'éducation
18 précisément parce qu'on a eu ces moyens qu'on n'a
19 pas dans d'autres secteurs, comme la santé ou
20 d'autres secteurs d'activités économiques,
21 culturelles ou sociales.

22 COMMISSIONER MARY SILLETT: Thank
23 you very much. My final question is this.

24 I think you said earlier that a
25 territory or a land base was an essential element

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1 share with you.

2 COMMISSIONER VIOLA ROBINSON: Just
3 a very few questions.

4 In 1978 TAA was formed, the Teme-
5 Augama Anishnawbai. Prior to that it was the Bear
6 Island Band? What was it before that?

7 DUANE PAUL: The same thing. Bear
8 Island is the community. Teme-Augama Anishnawbai
9 is the name of the band, or Temagami Indian Band.
10 In Ojibway it's Teme-Augama Anishnawbai.

11 STEVE MISSABIE: We pointed that
12 out to our Chief when they created this TAA.
13 Anishnawbai is only one individual. We pointed
14 that out to him over and over. You're not talking
15 about people here; you are only talking about one
16 person. We told him to change that to Anishnabek,
17 or something, where it refers to people. He still
18 hasn't changed it.

19 COMMISSIONER VIOLA ROBINSON: You
20 said you have two Chiefs there now.

21 STEVE MISSABIE: Yes.

22 COMMISSIONER VIOLA ROBINSON: Who
23 is the other Chief?

24 STEVE MISSABIE: Holly Cranna.

25 COMMISSIONER VIOLA ROBINSON: Who

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1 for a nation. As we've gone across the country
2 we've been learning that more and more Aboriginal
3 people are now living in cities. In actual
4 numbers and percentages there are probably more
5 Aboriginal people living in cities than there are
6 living in the reserves or in the communities.

7 It's been very easy for many
8 people to conceive of self-government with a land
9 base. That's easy to understand. You can talk
10 about that in concrete terms.

11 It becomes more difficult when you
12 talk about the possibility of self-government
13 without a land base, but it's a concept that has
14 been considered by the many people who are now
15 living in cities.

16 If you talk about the possibility
17 of self-government without a land base, for
18 example Aboriginal Friendship Centres or to
19 hospitals or, for example, the national
20 associations who have many members who are living
21 off-reserve like, for example, the Native Council
22 of Canada, it's been very easy for them to
23 understand that.

24 Two weeks ago we heard from, for
25 example, the Native Council of Canada, where they

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1 is he?

2 STEVE MISSABIE: Chief of the
3 Temagami Indian Band or Bear Island. It's the
4 same thing.

5 COMMISSIONER VIOLA ROBINSON: It's
6 the same people and the same thing; yet, you have
7 two Chiefs.

8 DUANE PAUL: She is the Chief of
9 the status members. Gary Potts is the Chief of
10 TAA which encompasses the non-status and the Métis
11 as well. It's an entirely different body.

12 STEVE MISSABIE: I might as well
13 start at the beginning. Gary was the Chief of
14 Temagami Indian Band. He was losing his support
15 on the island, and then he created this other
16 entity, the TAA. He appointed himself Chief of
17 that entity.

18 Then people started complaining,
19 "Now he is Chief of two different entities. Why
20 don't we get a Chief over here to look after our
21 concerns?" Gary didn't want to bother running in
22 that one, so he just let that one go vacant.
23 There were elections for a Chief on Bear Island,
24 so that is how there came to be two Chiefs.

25 COMMISSIONER VIOLA ROBINSON: His

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1 proposed different models for Aboriginal self-
2 government without a land base. I guess one of
3 the real problems we have in people trying to talk
4 about it is that there are no other examples.

5 What would it look like? Would it
6 have the structure like a school board authority
7 or a hospital? What kind of a model?

8 People are saying yes, we need
9 self-government in urban areas for Aboriginal
10 people who live there. The problem people are
11 having is what would it look like, how would it be
12 financed.

13 I was wondering if you had any
14 ideas on that.

15 LORRAINE PAGÉ: Sur cette question
16 c'est M. Daniel Lachance, vice-président, qui y
17 répondra.

18 DANIEL LACHANCE, vice-président,
19 Centrale de l'enseignement du Québec: Vous
20 comprendrez que sur cette question comme sur bien
21 d'autres il n'y a pas de modèle à ce moment-ci
22 mais si on parle de la situation des Autochtones
23 en milieu urbain et en ce qui a trait
24 particulièrement à la relation aux services
25 publiques, que ce soit aux services d'éducation,

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1 group is the one that is doing all the
2 negotiating.

3 STEVE MISSABIE: We are now. We
4 started this summer.

5 To prove that we have jurisdiction
6 over the land, we went ahead and did some logging.
7 We cut some trees. The next thing you know the
8 MNR and the Attorney General said they were going
9 to come and charge us. They never did. Instead,
10 they went after the truck drivers who hauled our
11 logs, and they went after the mills in the area
12 and told them not to buy our logs.

13 COMMISSIONER VIOLA ROBINSON: The
14 only thing that I raise here is the fact that -- I
15 am quite familiar with your band. I have been to
16 Bear Island once, and I know some of the people
17 there, and Gary Potts.

18 Your claim on this land went all
19 the way to the Supreme Court of Canada, and you
20 lost. You were defeated in that case.

21 DUANE PAUL: Yes, but there are
22 still negotiations to take place.

23 STEVE MISSABIE: There was stuff
24 discovered in 1987 and 1989, evidence. Some of us
25 wanted to be heard at the Supreme Court level.

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1 de santé, que ce soit aux services, ce que je
2 pourrais appeler la main-d'oeuvre, la formation
3 professionnelle, la recherche d'emploi, l'ensemble
4 des services publics qui permettent à un citoyen
5 et à une citoyenne d'avoir accès à un
6 développement individuel, qui lui permettent de
7 vivre correctement, il me semble que le rôle joué
8 actuellement par les Centres d'amitié autochtones
9 devrait être, entre guillemets, institutionnalisé
10 de manière à ce que ces centres aient une mission
11 que j'appellerais de référence pour l'ensemble des
12 Autochtones vivant en milieu urbain.

13 En d'autres mots, nous ne croyons
14 pas que l'ensemble des services d'éducation,
15 l'ensemble des services de santé et de main-
16 d'oeuvre dans les municipalités devraient se voir
17 particulariser pour les populations autochtones
18 vivant en milieu urbain, à savoir un hôpital
19 autochtone, une école autochtone, et caetera.

20 Donc l'ensemble des services
21 devrait être accessible pour les Autochtones
22 vivant en milieu urbain.

23 Par ailleurs, il devrait exister
24 des centres avec des budgets, avec des moyens,
25 permettant une accessibilité réelle aux

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1 Ross Murray decided all by himself, I guess, that
2 it wasn't worthwhile putting it in.

3 We said this in Haileybury. If we
4 could only have another chance at the Supreme
5 Court of Canada, I know we would win.

6 COMMISSIONER VIOLA ROBINSON: I
7 just wanted to raise this. I am not a lawyer, but
8 I know that the Supreme Court of Canada is the
9 last resort, and I am not sure that the same thing
10 can be brought back again. I don't know how that
11 works.

12 STEVE MISSABIE: It can't.

13 COMMISSIONER VIOLA ROBINSON:
14 Going back to the negotiations that are going on
15 now and those that were acquitted, I guess once
16 that decision came down, it wasn't an accepted
17 decision by the people in any way, and then you
18 were charged.

19 STEVE MISSABIE: What do you mean?

20 COMMISSIONER VIOLA ROBINSON:
21 After that decision was handed down, it wasn't
22 accepted by all your people. Why were you
23 arrested?

24 STEVE MISSABIE: For the blockade,
25 you mean?

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1 Autochtones vivant en milieu urbain à l'ensemble
2 de ces services et non seulement une accessibilité
3 formelle.

4 Plusieurs Autochtones arrivent,
5 par exemple, à Montréal, je prends de Montréal
6 parce qu'il y a une concentration particulière, en
7 ne parlant ni français ni l'anglais, en ayant
8 aucune connaissance des services qui peuvent leur
9 être accessibles et leur permettre d'avoir accès à
10 ce développement individuel, accès à l'emploi,
11 accès aux services de santé et d'éducation.

12 Il me semble que ces centres
13 devraient être dotés des moyens permettant à tout
14 Autochtone de pouvoir s'organiser dans cette
15 municipalité, et pendant une période de
16 transition, qui pourrait être de "X" années,
17 certains services pourraient être particularisés.
18 Je pense par exemple des services de langue, des
19 services de connaissance des emplois au niveau de
20 la formation professionnelle.

21 Mais comme je vous dit, il n'y a
22 pas de modèle sur cette question-là, mais il me
23 semble que les Centres d'amitié autochtones
24 pourraient être une base à développer pour
25 permettre aux Autochtones vivant en milieu urbain

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1 DUANE PAUL: No, this past summer
2 for the logging. We weren't arrested; we were
3 just issued an injunction to stop cutting.

4 COMMISSIONER VIOLA ROBINSON: But
5 you went in to cut.

6 STEVE MISSABIE: Yes.

7 DUANE PAUL: The lands are still
8 under caution. We were just out there to prove a
9 point.

10 STEVE MISSABIE: To all of us, the
11 area up there is still all Indian unceded land.
12 There has never been a treaty. That is what we
13 want to bring back to the Supreme Court level, too
14 -- that we never participated in any treaty,
15 especially the Robinson-Huron Treaty.

16 They know, if we bring up that can
17 of worms, the Robinson-Huron Treaty, then they're
18 looking at the whole North Shore Tribal Council
19 and all those other bands out there. The whole
20 Robinson-Huron Treaty could be affected.

21 There is no way that the Canadian
22 government will want to try tackling that issue.
23 So the best thing to do is just to put a lid on
24 it, and that's what they did -- put a lid on it.

25 COMMISSIONER VIOLA ROBINSON: I

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1 d'avoir accès de façon égale, en qualité et en
2 quantité, aux services publics.

3 COPRÉSIDENT RENÉ DUSSAULT: Peut-
4 être que je pourrais reprendre sur la première
5 partie de votre mémoire et la question de
6 l'autonomie gouvernementale, de la clarification
7 que vous faites d'un certain nombre de concepts.

8 Je pense que c'est pas trop tôt,
9 au Québec comme au Canada, qu'on s'attache à
10 clarifier les concepts. Plusieurs sont souvent
11 galvaudés ou utilisés à des fins de chacun des
12 groupes mais sans nécessairement tenir compte de
13 la réalité qui est derrière ces concepts.

14 Un des débats publics qu'on a
15 amorcé et qui va se poursuivre au Canada comme au
16 Québec dans le cadre de l'autonomie
17 gouvernementale c'est celui du gouvernement public
18 versus le gouvernement ethnique.

19 On sait, par exemple, que les
20 Inuits -- on a eu cette semaine les représentants
21 des Inuits de l'Arctique de l'ouest sur la Mer de
22 Beaufort, on a eu les représentants également des
23 Inuits du Nunavut, dans la terre de Baffin et le
24 Canada central et aussi les Inuits du nord du
25 Québec, Makivik, et évidemment la position des

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1 just wanted to clarify in my own mind and get the
2 whole picture of what was going on. I think I
3 know now what you are saying.

4 DUANE PAUL: Negotiations are
5 ongoing. At least, they tried to come up with an
6 agreement-in-principle and pass it through. It
7 was not accepted, so negotiations are still
8 ongoing. We can still negotiate. The way we want
9 to negotiate is through the traditional family
10 lands.

11 If the TAA cannot have the people
12 accept their --

13 COMMISSIONER VIOLA ROBINSON: It
14 is still possible under what you are doing now.
15 You are not finished yet.

16 DUANE PAUL: Yes.

17 STEVE MISSABIE: Our biggest
18 concern is that agreement-in-principle. We know,
19 if that went through, the province can pretty well
20 do anything to any other band across Canada. It
21 is that simple and that clear.

22 I don't know why other bands out
23 there aren't voicing this, because it is really
24 clear.

25 CO-CHAIR RENÉ DUSSAULT: I don't

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1 Inuits est bien connue d'un gouvernement public,
2 c'est-à-dire sur le territoire impliquant toutes
3 les personnes.

4 Ils sont bien sûr majoritaires,
5 mais avec le droit de vote au gouvernement, et
6 caetera.

7 Du côté des Premières Nations la
8 perception de la situation est plus facile parce
9 que, évidemment, ils ont vécu historiquement sur
10 des réserves, non pas par choix mais parce que la
11 politique canadienne s'est déroulée de cette
12 façon. Donc il y a un caractère de nature
13 davantage ethnique sur les réserves, sauf que ce
14 qui est souvent très méconnu est le fait...c'est
15 la distinction entre la notion d'ethnicité et la
16 notion d'entité politique.

17 Je pense que vous le faites bien
18 ressortir ici, où les nations autochtones ont
19 toujours eu des politiques d'échange de personnes,
20 d'adoption de personnes, de non-Autochtones comme
21 de membres de d'autres nations autochtones, et
22 caetera, et vous le faites ressortir très bien
23 dans votre mémoire, de sorte que c'est le
24 caractère politique du vouloir-vivre ensemble
25 comme nation qui est le critère déterminant, y

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1 want to prolong this too long. Of course, each
2 situation is historical and unique. The
3 difficulty is with the Supreme Court of Canada
4 case. That is there and, of course, had a big
5 impact on the negotiation process.

6 That is why we have had a lot of
7 discussion during the last two years about
8 resorting to courts. Many people ask us to put in
9 our recommendations a recommendation to the
10 federal government to refer directly to the
11 Supreme Court all kinds of issues. We always try
12 to point out that it is an exceptional way of
13 doing things, and that it could be risky.

14 We had a lot of discussion with
15 the national organizations a month ago in Ottawa
16 about the whole question of whether the inherent
17 right to self-government is covered under section
18 35 of the Constitution Act, 1982. We came up
19 with views on that, but obviously it could be
20 litigated.

21 It is like the spending powers of
22 the federal government and the provinces where we
23 have shared-cost programs. For 50 years the
24 provinces never really decided to put up a
25 challenge to the federal government on that

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1 compris du côté des nations autochtones.

2 Il y a une compréhension un peu
3 difficile dans le public. Il y a beaucoup
4 d'éducation publique à faire, je pense, à cause
5 entre autres de critères en vertu de la Loi sur
6 les Indiens pour le statut d'Indien avec les
7 relations plus biologiques, et caetera, qui a
8 faussé la perception de la notion.

9 Je ne peux pas faire autrement,
10 compte tenu de l'importance de la présence de la
11 Centrale de l'enseignement au Québec, son nombre
12 de membres, l'endroit stratégique au fond où la
13 Centrale de l'enseignement est située pour passer
14 l'information au niveau des écoles comme dans le
15 public de façon plus large, que de vous encourager
16 à poursuivre dans ce rôle d'éducation du public
17 sur la clarification des concepts. Je pense que
18 ça améliorerait grandement la qualité du débat
19 démocratique.

20 Dans ce sens-là la Commission
21 reçoit certainement votre effort de façon très
22 positive. On souhaite que ça puisse se répercuter
23 parce que souvent ça empoisonne le débat sur le
24 mauvais pied sur des concepts aussi fondamentaux
25 que ça, et sensibles en même temps.

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1 because they were afraid of losing. So both
2 governments decided instead to negotiate those
3 shared-cost programs.

4 Again, what could be achieved
5 through your presentation today was to state the
6 situation as far as Bear Island is concerned and
7 to put it on the public record. It is useful for
8 us because it gives us a better understanding of
9 the problems and also the difficulty within
10 communities. We are aware of many situations.

11 We hope to benefit from that to
12 exemplify the need for changes and to come up with
13 sound principles that would be acceptable to
14 Aboriginal people and also to the larger public.

15 At this point I think that is the
16 most we could do with this presentation this
17 morning. I would like to thank you very much for
18 coming and sharing this with us. We wish you well
19 in the coming days and weeks.

20 STEVE MISSABIE: Thank you for
21 giving us this chance. There is just one last
22 thing that I forget to mention.

23 We feel we are going to run into
24 problems within the next month. The big question
25 up there in the north is caution. Ontario is

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1 Le fait que les gouvernements
2 autochtones sont des gouvernements politiques bien
3 sûr avec une politique de membership qui sera sous
4 leur contrôle, mais il faut garder la tradition,
5 qui a été une tradition largement d'ouverture
6 historiquement dans le passé. Je pense que c'est
7 important.

8 Je pense que ma collègue, Mary
9 Sillet, a mentionné la question urbaine. Quand
10 vous parlez de nation évidemment spontanément c'est
11 sûr que l'assise territoriale est importante,
12 encore qu'il y a des peuples historiquement qui
13 ont vogué à la recherche d'un territoire pendant
14 un certain nombre d'années, et souvent plus
15 longtemps qu'autrement.

16 Il reste que la réalité urbaine
17 est très importante au Canada et la tendance est
18 lourde d'accroissement des populations autochtones
19 dans les villes. On l'a un peu moins connue ici
20 en raison en particulier des conventions dans le
21 nord du Québec, qui a quand même permis aux Cris
22 et aux Inuits de demeurer et de venir moins
23 massivement à Montréal qu'ils seraient venus sans
24 aucun doute. C'est plus fort dans l'ouest du
25 pays.

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1 going to court to see if they can have the caution
2 lifted, but I know they can't. They're going to
3 run into problems there, and they're going to run
4 into us.

5 As I said earlier, we want to take
6 steps to negotiate. There are three things,
7 especially with mining companies. One, we want to
8 have a say in how big the development is. We
9 don't want anything like Kirkland Lake. Two, we
10 want to have a share. Three, we want to have
11 people employed there, not short-time but long-
12 time, so that eventually they can move and start
13 another mineral thing somewhere else on our land.

14 Say, we and the mining company or
15 the lumber company do this and we come to an
16 agreement within the next month. Where we are
17 going to have problems is if we turn around and
18 want to lift caution. We want to lift the caution
19 because we came to an agreement. There are three
20 names on those cautions: Gary Potts, Maurice
21 Mackenzie, Jr. and Bill Twain.

22 One question that came to us is:
23 How do we get those names removed so that we can
24 put our names there, so that, when the time does
25 come to lift the caution in an area, we can do it.

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1 Je pense que la poursuite de la
2 notion de gouvernement au niveau des villes, je
3 pense qu'il pourrait y avoir beaucoup de
4 flexibilité. On avait l'Association des hôpitaux,
5 par exemple, il y a 15 jours à Montréal. On sait
6 que depuis 1971 quand la Loi sur les services de
7 santé et de services sociaux a été refaite il y un
8 processus d'élection où on peut participer au
9 conseil d'administration des établissements de
10 santé en vertu de la Loi au Québec. Les
11 Autochtones, évidemment, ne s'en prévalent pas.

12 Il y a une coupure qui fait qu'il
13 n'y a pas de participation. Il est certain que du
14 côté de l'éducation, du côté des écoles et des
15 commissions scolaires il y a une volonté de
16 contrôle important, certainement au niveau de
17 l'école primaire, en partie au niveau de l'école
18 secondaire les Autochtones reconnaissent
19 qu'éventuellement c'est sûr qu'ils doivent aller
20 dans les institutions publiques plus larges, mais
21 que le système scolaire a vraiment largement
22 manqué son coup à la grandeur du Canada quant à la
23 valorisation des cultures autochtones et quant à
24 la sauvegarde de l'identité autochtone, et
25 caetera. Et ça se pose bien sûr en ville aussi,

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1 Right now that is all you hear up there in the
2 north: "Oh, those Indians never agreed with the
3 AIPs and caution is going to stay on there for
4 another 20 years." That is how some of the
5 mentality and thinking is up there. They think it
6 is going to stay on for another 20 years.

7 If we get on the ball real fast
8 and negotiate right now, we can start lifting
9 caution in different parts. The main thing is
10 that we want to have a say.

11 In the other way we weren't going
12 to have a say. You can't draw a line there. Even
13 we have a say or we don't, and we want to have a
14 say.

15 CO-CHAIR RENÉ DUSSAULT: But you
16 are not the only ones who have decided to
17 negotiate directly with the companies and leave
18 the government aside, in the forestry industry in
19 particular.

20 STEVE MISSABIE: That is where it
21 gets pretty tricky. What you are assuming there
22 is that Ontario has jurisdiction over those lands.
23 We are saying Ontario doesn't have jurisdiction
24 over those lands. Those are still Indian unceded
25 lands, so they belong to us.

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1 comme dans les communautés et sur les réserves.

2 Peut-être un dernier point de
3 clarification.

4 Vous dites à l'ouverture de votre
5 mémoire, en introduction, que le référendum pan-
6 Canadien s'est soldé par un non retentissant
7 majoritaire aussi bien au Québec qu'ailleurs au
8 Canada.

9 Je voudrais quand même souligner,
10 vous savez très bien que les Inuits en particulier
11 ont voté massivement pour la confirmation de
12 l'existence du droit inhérent qui était dans
13 l'entente de Charlottetown.

14 Sur la question politique, quand
15 vous parlez d'un modèle de souveraineté-
16 association de 12 peuples au Québec, peut-être
17 aussi une petite parenthèse. On aura plus tard
18 dans la journée l'Alliance autochtone du Québec,
19 qui représente largement des Métis du Québec. On
20 a eu l'Association des Métis du Québec ici au mois
21 de mai.

22 Évidemment on nous dit toujours on
23 passe à travers les trous de la passoire, on est
24 toujours oubliés, on n'est pas reconnus dans la
25 brochure du Secrétariat des Affaires autochtones

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--- (A short break)

COCHAIR RENÉ DUSSAULT: We are going to complete the day's agenda forthwith.

Since the final presentation, by Mr. François Larose, a professor at the University of Sherbrooke, had to be cancelled because of illness, the Fédération québécoise des gestionnaires de zecs, through Suzanne Saint-Amour, who is the Secretary of the Board, has kindly agreed to proceed with the presentation forthwith. So, Ms. Saint-Amour, if you will come and join us.

--- (A short break)

Ms. Saint-Amour, we welcome you. We are very pleased that the Fédération des zones d'exploitation contrôlée du Québec has agreed to come and make this presentation to the Commission.

You have the floor.

SUZANNE SAINT-AMOUR, Secretary of the Board of the Fédération québécoise des gestionnaires de zecs: It is a pleasure, on behalf of the Fédération québécoise des gestionnaires de zecs, to outline for you to some extent the experience on the ground that hunters and fishers are having, if you will, with the aboriginal community.

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1 comme une 12^e nation. On parle toujours de 11
2 nations. On est quand même une réalité
3 importante.

4 Je me permets juste de souligner
5 cette préoccupation du côté des Métis du Québec.
6 C'est toujours une situation qui est frustrante
7 pour eux d'une certaine façon où ils sont situés
8 entre les non-Autochtones et les Autochtones et
9 ballotter des uns aux autres, sans place. Ce
10 n'est pas leur vision des choses.

11 Ils ont fait des présentations
12 devant la Commission. Si ça vous intéresse on
13 peut vous transmettre les transcriptions de ce
14 qu'ils ont dit. Il y a une réflexion à faire de
15 ce côté-là.

16 Je sais que vous participez au
17 Forum paritaire. On a eu la présentation lundi
18 matin. Une des questions que j'ai posées à ce
19 moment-là c'est que la formule de la souveraineté-
20 association proposée dans le contexte où le Québec
21 accèderait à sa pleine souveraineté et aussi
22 indiquée comme étant valable dans le cadre du
23 fédéralisme canadien.

24 Donc ce serait le principe d'une
25 souveraineté-association des peuples autochtones

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This brief will deal solely with the problems that have been pointed out to us by our members. It also relates the steps taken to try to counteract the rise in violence that is being expressed through various individual acts.

Some concrete, rather simple, methods are suggested to improve the current tense atmosphere.

Concerning our organization, to give you some idea of it, because we know we are not very well known, the Inspecteur général des institutions financières, under Part III of the Companies Act, granted letters patent to the Fédération québécoise des gestionnaires de zones d'exploitation contrôlée on May 4, 1983.

The federation is managed by 11 volunteer board members. Eight are elected in the regions, while three others are elected at the general meeting during the annual convention. The head office of the provincial federation is located in Quebec City. Our federation employs three people.

This corporation was established by the administrators of ZECs in order to obtain representation with government and other agencies; to

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1 avec le Canada et évidemment les provinces
2 s'appliquer. C'est votre perception, c'est dans
3 cet esprit-là même si vous n'y revenez pas dans le
4 mémoire vous faites évidemment plus la
5 démonstration sur le plan du Québec.

6 Vous avez considéré ce modèle-là
7 comme étant interchangeable sur le plan canadien
8 du Québec

9 LORRAINE PAGÉ: Dans le cadre des
10 discussions au sein du Forum paritaire nous avons
11 travaillé sur la double option, mais dans la base
12 du mémoire que nous vous présentons, compte tenu
13 de l'engagement formel de notre Centrale en faveur
14 de l'indépendance nationale du Québec nous avons
15 donc développé plus cet aspect de souveraineté-
16 association dans le cadre de l'accession à
17 l'indépendance pour le Québec, mais effectivement
18 dans les discussions que nous avons eues au Forum
19 paritaire on voyait bien que cette formule-là
20 pouvait être transférable dans le cas du maintien
21 du cadre canadien.

22 Je dirais même si le Québec
23 accédait à l'indépendance cette formule de
24 souveraineté-association pourrait se vivre à
25 l'intérieur du reste du Canada, dont le Québec ne

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promote management practices adapted to the geographic and demographic contours of the land; to promote increased accessibility by Quebecers to their wildlife resources; to promote wildlife management and rational development policies; to promote hunting, fishing and outdoor activities; to defend the rights of hunters, fishers and outdoor enthusiasts; to examine the laws, regulations and the memorandum of agreement signed with the Ministère du loisir, de la chasse et de la pêche (MLCP); to provide advice to its members; and to ensure media coverage.

The FQZ recruits its members among the 80 ZECs in Quebec. I sent you a map which is several years old but which can...the provincial map of the ZECs, not this one. This one is rather the example of a beaver sanctuary. It is not up to date because several ZECs have been added over the last year. I think there were about 70. Now there are 80.

As of March 3, 1993, we had 53 members out of 80. The 80 ZECs are divided into three categories: the game ZECs, which cover close to 48,000 km²; the wildfowl ZECs, 12 km²; and the salmon ZECs, 1,287 km².

The breakdown by region is as

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1 ferait plus partie.

2 Il y a vraiment là un concept qui
3 est adapté à la fois à la situation du Québec
4 accédant à l'indépendance et du reste du Canada
5 que au Canada demeurant intégralement comme pays
6 reconnu.

7 COPRÉSIDENT RENÉ DUSSAULT: Vous
8 êtes conscients cependant que dans le cadre du
9 fédéralisme canadien une démarche comme celle-là
10 où demeurent deux niveaux du gouvernement, le
11 gouvernement canadien et les provinces, le concept
12 de souveraineté-association vient s'ajouter. Donc
13 c'est plus complexe que ça le serait dans le
14 modèle québécois dans l'optique que vous discutez.

15 LORRAINE PAGÉ: Tout à fait. Nous
16 sommes convaincus que la Constitution canadienne,
17 de toute façon, est complexe.

18 COPRÉSIDENT RENÉ DUSSAULT: En ce
19 qui a trait à la deuxième partie de votre mémoire,
20 sur l'éducation, c'est une préoccupation majeure
21 que de réussir à amener les jeunes Autochtones à
22 se rendre au bout du secondaire, et vous
23 l'indiquez à un moment donné, pour les Cris, 4^e
24 année, pour les Inuits, 3^e année. Le secondaire
25 sont les années charnières difficiles, où le

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follows — well, you have the list of the breakdown in the number of ZECs in each of the regions.

Quebec is divided into regions and the groups of regional associations correspond, I would say, to the territorial divisions of the Ministère des Loisirs, Chasse et Pêche. They include the ZECs in the regions and their mandate is about the same as that of the Fédération, but deals rather with local or regional problems.

The "controlled zones", or ZECs, are hunting and fishing territories created by order in council of the Government of Quebec in 1978 — to replace the former private clubs — and entrusted to non-profit associations by the Minister of Recreation, Fish and Game to administer on his behalf.

Cabinet regulations set out the guidelines between the users and the management association. A memorandum of agreement defines the rules between the MLCP and the association. The minister's delegation of powers is set out in the Act respecting the Conservation and Development of Wildlife.

So the ZEC concept is based on the following four major principles: conservation,

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1 décrochage peut survenir.

2 Sur le plan de convaincre
3 également les jeunes de poursuivre après le
4 secondaire, on a dans les audiences publiques
5 rencontré plusieurs milliers de jeunes dans les
6 écoles -- 9^e, 10^e, 11^e, 12^e année -- pour discuter
7 avec eux les barrières à la poursuite des études.

8 Est-ce que la Centrale de
9 l'enseignement du Québec, par ses membres qui sont
10 rattachés, les commissions scolaires dans le nord
11 du Québec entre autres, mais également du côté des
12 commissions scolaires publiques, que ce soit à
13 Sept-îles, Uashat et Malioténam, et caetera, est-
14 ce que vous avez une réflexion d'amorcée pour
15 réussir de façon spécifique...je sais que le
16 décrochage scolaire est un problème général, mais
17 est-ce qu'il y a une réflexion, une démarche
18 propre à la réalité autochtone pour essayer de
19 contrer, parce que le décrochage est encore plus
20 grand chez les Autochtones et la population est
21 très jeune et en croissance.

22 Est-ce que vous avez un programme,
23 une façon de faire, une réflexion avec les
24 professeurs en relation avec les parents pour
25 essayer de contribuer à palier cette lacune qui

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accessibility to the resource, participation of users and self-financing of operations.

You have, appended, all the documents, I would say, of the statutory framework, for informational purposes.

About 1,000 administrators manage these bodies on a volunteer basis, for the benefit of the people of Quebec and the government of Quebec.

Any citizen may become a member of a ZEC, whether or not he visits the territory. It is also possible to visit the territory without being a member. The system has about 55,000 members and 250,000 users.

The maximum price to become a member is \$20, which was established by order in council of the Quebec government.

We will now turn our attention to the problems.

During its annual convention, among other things, the Fédération is informed about the major problems of its members, including that of relations with the aboriginal peoples.

As a result of the problems that had been drawn to our attention, we went to meet with

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1 est vraiment très coûteuse pour les peuples
2 autochtones.

3 LORRAINE PAGÉ: Quelques éléments
4 de réponse. Daniel et Henri pourront compléter.

5 Tout d'abord, nous vous avons
6 remis un document intitulé "Notes de recherche sur
7 l'école de la réussite au Nouveau Québec", où nous
8 avons voulu plus particulièrement aller plus loin
9 dans la réflexion sur le phénomène de l'échec, de
10 l'abandon et donc de la réussite scolaire, adaptée
11 à la réalité des peuples autochtones. C'est une
12 préoccupation globale que nous avons.

13 Les travaux et les recherches que
14 nous avons menés à la Centrale sur le thème de
15 l'échec et l'abandon sont fort nombreux, mais nous
16 avons voulu plus spécifiquement nous attarder à
17 cette situation pour les Autochtones avec nos
18 enseignants regroupés au sein de l'AENQ,
19 l'Association des enseignants du Nouveau Québec,
20 pour justement aller plus loin dans l'analyse du
21 phénomène et les solutions qui pourraient être
22 mises de l'avant pour régler ce problème.

23 Nous avons toujours en cours le
24 projet d'un colloque tenu sur le territoire des
25 commissions scolaires crie et kativik pour aller

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the minister, Mr. Sirros, to inform him of the urgency of trying to resolve some conflicts. I went at that time as the Secretary of the Normandie ZEC and I was accompanied by Mr. Pierre Duchaine of the Fédération.

During 1992 the Minister of Recreation, Fish and Game established a sectoral advisory panel on which I participated as the representative of our Fédération.

Chaired by the deputy minister for wildlife, Mr. Georges Arsenault, we explored the irritants on both sides. For the first time, the wildlife agencies, under the trusteeship of the MLCP, were to meet with the aboriginal people. While it was an enriching experience and opened the door to a better knowledge of each other, for me it is quite clear that many problems were not clearly identified by the participants, possibly out of mutual respect.

We adopted two recommendations from the sectoral advisory panel: to create regional panels under the responsibility of the regional branches of the MLCP, to resolve particular local or regional problems; and to maintain a provincial panel to discuss more general problems or topics.

To date, in terms of experience,

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1 plus loin avec les différents intervenants, et
2 quand on parle des différents intervenants ça
3 englobe bien sûr les enseignants et le personnel
4 professionnel, mais ça touche également les
5 administrateurs scolaires, les parents, les
6 représentants de la communauté elle-même pour, je
7 dirais, adapter la réflexion à la situation
8 particulière.

9 C'est un projet qui est en
10 discussion avec les deux commissions scolaires
11 dans lesquelles nous avançons il y a des
12 difficultés organisationnelles beaucoup plus
13 importantes compte tenu de l'étendu du territoire,
14 mais malgré tout c'est un projet qui pourrait
15 avoir de bonnes chances d'aboutir et qui nous
16 permettrait vraiment d'aller un peu plus loin dans
17 l'application concrète, je dirais.

18 En même temps nous constatons avec
19 nos membres qui travaillent dans certaines régions
20 que vous aviez identifiées, non seulement au
21 niveau des écoles secondaires mais par exemple au
22 niveau des institutions d'ordre collégial, des
23 projets en cours pour justement favoriser
24 l'intégration des jeunes Autochtones qui arrivent
25 au collège.

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the Ministère du Loisir, de la Chasse et de la Pêche has held, in a region that we prefer not to identify, a preliminary meeting with each of the parties in order to prepare a joint meeting.

The ZEC management participants have identified the following problems:

Non-compliance with the regulations. That's us alone. The aboriginal people have done the same thing, too, to identify the problems they claim to encounter with us.

Refusal to register; refusal to record catches; refusal to pay to move about; refusal to pay for conducting activities; fishing with a net; hunting without a number; hunting moose out of season; hunting red-breasted mergansers in August; fishing on closed lakes although the quota is filled; hunting from a vehicle; appropriation of territory.

Then we have another category of problems. Flouting property rights: use of rowboats without authorization; theft of fish; theft of gasoline; vandalism in cottages, even to the point of smearing everything with human excrement — true to the Oka style, I would say. It is since that time that we have been seeing these problems. Vandalism in camp-

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1 Même si on réussit à développer
2 l'enseignement public dans les communautés
3 autochtones pour le niveau primaire et secondaire,
4 quand on arrive au niveau postsecondaire on doit
5 recourir à l'autre réseau, et là il y a des
6 formules, des programmes à mettre en place pour
7 favoriser, d'une part avoir de l'attraction pour
8 les jeunes Autochtones et après ça les maintenir,
9 leur donner des services appropriés, adéquats, et
10 particulièrement au CEGEP de Baie-Comeau et au
11 CEGEP de Sept-Îles nous avons là des initiatives
12 qui ont été développées et qui pourraient
13 constituer des références intéressantes en termes
14 d'identification de solutions possibles au
15 problème.

16 Il y a quand même des constantes
17 qu'on veut constater. Dans le mémoire on le
18 précise bien, l'année charnière du Secondaire III,
19 Secondaire IV, ce sont des années charnière qu'on
20 constate même chez les Québécois et les
21 Québécoises. Il y a vraiment là une
22 particularité.

23 Ça commande toutes sortes de
24 mesures au plan des approches pédagogiques, au
25 plan de l'orientation, parce que souvent c'est là

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ground vehicles; theft of traps; fish entrails thrown into camp toilets. I would add something I forgot to include, extortion of money for watching vehicles. When I say extortion I mean you propose to pay so much for them to guard a vehicle which is on site.

Failure to respect the environment: garbage thrown intentionally from the back of a truck; scrap left in frequented locations.

Then, a whole series of acts of provocation: threats with weapons; use of machine guns to practice shooting or hunting; driving without a licence plate; theft of gasoline; vandalism and theft on camp grounds; shots fired a few inches from one's head; fighting between wardens and aboriginal people; theft of fish; driving about with weapons — I think this is the second time we've said this, so you can strike it out; use of a sledgehammer by a forest attendant. It developed into a brawl, and a sledgehammer was used.

Impunity: The ZEC users find that the rules dealing with game and the environment are not observed. But worse still, prosecutions for vandalism and its provocation are shelved forever, or at least that is the perception we have.

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1 que se pose avec acuité le choix quant à
2 l'orientation scolaire en lien avec l'orientation
3 professionnelle dans un contexte bouché.

4 Au plan du développement
5 économique et au plan de l'emploi ça pose des
6 problèmes particuliers aux non-Autochtones, ça en
7 pose encore plus aux Autochtones quand on sait la
8 situation du développement économique et des
9 perspectives d'emploi qu'ils peuvent vivre dans
10 leurs propres communautés.

11 Alors, Daniel pour compléter
12 ensuite Henri.

13 DANIEL LACHANCE: Je continuerais
14 dans le même sens que M^{me} Pagé. Il y a des
15 questions qui sont propres à l'école. Il y a des
16 problèmes qui peuvent être traités à l'école elle-
17 même, et on fait référence dans le mémoire de la
18 Centrale, par exemple, aux problèmes des jeunes
19 qui sont laissés en famille d'accueil pendant que
20 les parents et le reste de la famille vaguent aux
21 occupations traditionnelles.

22 On fait certaines propositions qui
23 ne sont pas une panacée, finalement, parce que je
24 pense qu'il faut regarder plus à fond cette
25 question-là.

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An atmosphere of violence is being surreptitiously installed. In at least a few cases the opposing parties have taken action. We can anticipate a progression of such violence, since both sides are out for vengeance. The members of the different boards of directors have managed until quite recently to limit the damage, but we have reached our own limit of influence and tolerance.

We especially wish to say that the examples cited are attributed to individuals, and not to the aboriginal communities. We appeal to the aboriginal communities to help us dispel this atmosphere of violence.

I would add here — it's not in the notes — that in terms of managers the users who visit these territories, to replenish themselves, regain inner peace, are confronted with assaults that force them either to flee or to react quite differently, that is, that the threshold of tolerance will be exceeded and will engender, if you will, some violence. And of course this will occasion a financial loss which, instead of helping us invest greater resources, will deprive us.

The suggested solutions: Continue

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1 Par exemple, parce que les
2 familles d'accueil n'ont pas les moyens du tout
3 d'appuyer et de supporter les jeunes dans leur
4 cheminement scolaire pour toutes sortes de
5 raisons, on parle ici de la création de résidences
6 étudiantes assorties d'un environnement culturel
7 et qui permettent aux jeunes d'être supportés dans
8 leur cheminement scolaire.

9 Quand on fait référence à des
10 résidences ça rappelle pour plusieurs nations
11 autochtones des souvenirs qui ne sont pas
12 nécessairement très agréables et qui se sont vécus
13 au début de ce siècle.

14 On fait référence aussi à
15 l'importance de la formation des maîtres, la
16 formation des maîtres qui viennent du sud, dans
17 cette période de transition où des enseignants
18 autochtones pourraient les remplacer mais qui
19 finalement arrivent au Nord sans aucune formation
20 sur la situation politique, économique, sociale et
21 culturelle dans laquelle ils auront à enseigner.

22 Donc certaines propositions sur le
23 type de formation que ces enseignantes et
24 enseignants devraient recevoir.

25 Il me semble qu'un coup tout cela

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the efforts undertaken by the MLCP; meet with the band councils; establish a joint action forum involving all of those involved, including the wildlife conservation services and the police forces; maintain and increase the wildlife conservation services of the Sûreté du Québec in the crucial sectors. You know that we are very often located three or four hours by road from the centres, so it is virtually meaningless to say come do this or do that. It's impossible, they won't come. So it might be appropriate in some cases to assign personnel to places where there aren't any.

Disseminate clear guidelines to those involved on the rules to be observed on all sides; require the licencing of vehicles. This is a real problem, since you can't identify them. You don't know who is travelling through the territory. That's the method that is commonly used by some groups, not by everybody. I may say that often it comes from outside groups, and it was perfect, it was irreproachable conduct.

Increase the powers of the auxiliaries; respect the current territories until some other change is made; establish exchange programs among users, managers, students; establish joint resources

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1 mis en branle et un coup tout cela fait, s'il n'y
2 a pas élimination de la Loi des Indiens,
3 élimination de ce sentiment d'être traités comme
4 des pupilles de d'État, des mineurs, et caetera,
5 au sein de la population autochtone, s'il n'y a
6 pas ce sentiment de pouvoir contrôler son
7 territoire, contrôler son devenir, contrôler son
8 avenir, s'assurer qu'il y a un développement
9 économique réel, durable, des perspectives de
10 pouvoir, mettre en pratique cette formation, cette
11 formation qui est celle d'un citoyen et d'une
12 citoyenne mais qui est aussi celle d'une personne
13 qui veut contribuer au développement économique de
14 sa région, il me semble que dans quelques années
15 on continuer à assister à des taux de décrochage
16 scolaires encore importants, même si on a réussi à
17 créer un certain milieu de vie respectueux des
18 valeurs de l'histoire, et caetera.

19 Il me semble qu'il y a une clé de
20 voûte très importante dans le développement
21 économique et dans ce sens-là, je terminerai là-
22 dessus, la formation professionnelle aussi qui est
23 peu développée dans un contexte de développement
24 économique d'un territoire donné est peut-être
25 aussi une clé qui permettra de diminuer

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management development programs where appropriate.

In conclusion: In our opinion, as quickly as possible it is important to redress the situation as a priority over all issues other than wildlife catches, to curb the acts of violence that are springing up just about everywhere.

Secondly, the approach taken by the MLCP is a good means, in our view, of bringing communities together locally, community by community. Let us hope, in the best interests of everyone, that this approach continues and is supported by the respective chiefs of each of the bands.

The chiefs across Canada must learn that a different reality is being experienced here between aboriginal and non-aboriginal peoples. The Oka crisis and the "laissez faire" approach to smuggling enhance and encourage the rising violence in our respective communities.

It would appear from a recent U.S. study that the aboriginal people are treated better in Quebec than anywhere else in Canada. It is important that the Canadian chiefs be made aware of this reality and be capable of making distinctions in matters involving Quebec.

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1 sensiblement le décrochage scolaire.

2 On a, au sud comme au nord
3 d'ailleurs, à revaloriser la formation
4 professionnelle, mais je pense que dans les
5 territoires autochtones ça prendra encore plus
6 d'importance.

7 HENRI LABERGE: Je pense que
8 l'essentiel a été dit.

9 La part de l'école, parce que
10 l'école ne peut pas tout faire, c'est l'ensemble
11 des institutions, comme l'a bien dit Daniel, la
12 part de l'école, je la diviserais en deux parties.

13 Il y a la part de contenu
14 d'enseignement et il y a l'organisation scolaire.

15 Pour ce qui est du contenu on a
16 insister beaucoup sur la place des langues
17 autochtones, la place des cultures autochtones,
18 l'adaptation des contenus aux besoins spécifiques
19 de chaque communauté d'une part.

20 Au niveau de l'organisation, il y
21 a des modes d'organisation qui doivent être
22 adaptés à la situation, par exemple, des familles
23 chez les Cris, par exemple, où, durant une partie
24 de l'automne et tout l'hiver la famille va en
25 forêt. Ce sont des situations dont il faut tenir

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In closing, I would like to confess to you my disappointment at the position of the Assembly of First Nations in characterizing the approach taken by the Ministère du Loisir, de la Chasse et de la Pêche as one tainted with bad faith.

We are thankful to the Ministère du Loisir, de la Chasse et de la Pêche for having brought us together around the same table. We would have appreciated the contribution of the First Nations, to improve policies aimed at game conservation, development and utilization. If this policy is so harmful to the aboriginal peoples, how is that many groups have already signed management contracts with the department?

The wildlife management of a plot of land, a reserve, a region, a province, a country, or the planet must be built by all those who inhabit this plot, this reserve, this region, this country and this planet.

Thank you.

COCHAIR RENÉ DUSSAULT: Thank you, Ms. Saint-Amour, for presenting this brief to us on behalf of the Fédération des zones d'exploitation contrôlées du Québec.

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1 compte, et il faut trouver des solutions qui sont
2 vraiment adaptées.

3 Nous, quand on suggère une
4 solution c'est juste à titre de suggestion
5 évidemment. C'est pas une proposition formelle
6 parce que la véritable solution, c'est la
7 communauté qui devra l'inventer et trouver celle
8 qui correspond le mieux aux besoins et aux
9 aspirations des jeunes.

10 Le fait aussi que la différence
11 entre la longueur des jours et des nuits, entre
12 l'hiver et l'été n'est pas la même dans le sud que
13 dans le nord. J'imagine que sur le niveau
14 d'intérêt à être à l'école il y a probablement
15 aussi des effets.

16 Ça aussi ce sont des éléments qui
17 font qu'il n'est peut-être pas nécessaire que le
18 calendrier scolaire soit exactement le même que
19 celui dans le sud. Il peut être réaménagé d'une
20 autre manière pour tenir compte des facteurs
21 saisonniers, des facteurs climatiques, des
22 facteurs culturels du mode de vie des populations.

23 COPRÉSIDENT RENÉ DUSSAULT: Mary
24 Sillett voudrait compléter là-dessus.

25 COMMISSIONER MARY SILLETT: Thank

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Once again, as I said at the beginning, we have strongly urged a number of groups to come and make a presentation to the Commission. I think that in the case of the Fédération this was particularly important.

Obviously, you are referring to a situation that in many regards is a difficult one. I would perhaps like to just set aside one dimension, you have — it is at page 2 or 3 of your brief, point 2.2, when you present a breakdown of the various controlled zones in Quebec, there are the salmon zones.

We had a presentation this week by the Fédération du saumon de l'Atlantique, which reported some quite remarkable progress over the last ten years in agreements with the Montagnais to co-manage salmon resources. I understand that the example that you have given us comes from a region and...

SUZANNE SAINT-AMOUR: These are examples derived from three regions.

COCHAIR RENÉ DUSSAULT: Right.

SUZANNE SAINT-AMOUR: But they are individual examples, as I indeed said.

COCHAIR RENÉ DUSSAULT: Quite so. So you don't of course have the other version on the

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1 you very much.

2 I think we've heard very clearly
3 that schools can't do everything, but we've also
4 heard very clearly that one thing that the schools
5 can do is to teach Aboriginal history.

6 As you said, that Aboriginal
7 history must be adapted to the situation of the
8 Aboriginal group. It makes very little sense, I
9 think, for the Innu of Labrador to be taught about
10 the Ojibway because I think sometimes if you're
11 living in a place like that somehow you always
12 think you don't relate that particular group of
13 people to yourselves. It has to be about the
14 Innuk, it has to make you proud of the Innuk.

15 We've heard that call for
16 Aboriginal history so often as a way of combatting
17 racism. I was wondering if you could offer any
18 comments about the effectiveness of that alone to
19 combat and to eliminate racism.

20 LORRAINE PAGÉ: Il est évident
21 que l'enseignement de l'histoire atteint plusieurs
22 buts. D'abord, la connaissance de soi-même, de
23 son peuple, de sa nation. C'est un élément je
24 dirais de fierté nationale qui est essentielle.

25 C'est aussi un enseignement qui

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aboriginal side, but the approach of the Ministère du Loisir, de la Chasse et de la Pêche has enabled you to hold some encounters on both sides at this point. Have they taken place with the aboriginal parties?

SUZANNE SAINT-AMOUR: They have not taken place. That is, the Ministère du Loisir, de la Chasse et de la Pêche is to prepare the meeting. They have had a meeting with us, with some groups, if you will, to identify the problems. They have held a similar meeting with the aboriginal groups and a joint meeting is scheduled.

I actually think that it is from that point on, when people begin talking to each other, that it is going to be settled.

COCHAIR RENÉ DUSSAULT: If I understand clearly, you are saying that despite the non-participation of the Assembly of First Nations in the process, or the reluctance of the aboriginal organizations to participate at the local level...

SUZANNE SAINT-AMOUR: It is at the provincial level. There was a chapter that was to be written on the aboriginal nation. I understand that they want to do it themselves but I think it is important that they be there because it is interesting

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1 permet la lutte au racisme, la lutte aux préjugés,
2 par non seulement une meilleure connaissance de
3 soi, de sa nation, mais également des autres, de
4 la part des autres au développement de sa nation.

5 Tout autant le programme ou le
6 contenu d'histoire nationale devrait être adapté
7 dans l'enseignement de l'histoire pour les
8 Autochtones, je pense que ça nous renvoie en même
9 temps à la nécessité de revoir l'enseignement de
10 l'histoire pour les non-Autochtones, parce que
11 notre histoire a été tronquée.

12 L'enseignement de l'histoire a été
13 tronqué au Québec comme au Canada et la place même
14 des nations autochtones a été très souvent
15 occultée quand ce n'est pas tout simplement avoir
16 connu une illustration caricaturale.

17 Quand on parle dans notre mémoire,
18 par exemple, de la lutte aux préjugés et de
19 préjugés fort tenaces qui sont souvent le résultat
20 d'une méconnaissance respective, il n'y a aucun
21 doute dans notre tête à la Centrale et encore
22 moins dans ma tête, puisque j'ai enseigné
23 l'histoire pendant des années, pour dire que
24 l'enseignement de l'histoire est un facteur
25 déterminant.

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to work with them in that area.

Although it is something that concerns us, it is very important to have their opinion on this, because, basically, we are all to some degree living, they more than we, in the area of hunting and fishing, and we are extremely interested in getting their opinion. It is a major contribution to our life.

COCHAIR RENÉ DUSSAULT: So at this point, if I understand clearly, there is no participation at the provincial level.

SUZANNE SAINT-AMOUR: There was some participation of the groups at the provincial panel, except that...

COCHAIR RENÉ DUSSAULT: But no meeting as such.

SUZANNE SAINT-AMOUR: There is a refusal regarding the last chapter, and what is being said is in bad faith because the regulations and laws are being misinterpreted. The letter at the end, in the appendix, you can see that they hold that the Ministère du Loisir, de la Chasse et de la Pêche is misinterpreting the laws and regulations. But this, let's say it is a problem that...

It is apart from all that

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1 C'est vrai pour les relations avec
2 les peuples autochtones mais je dirais que c'est
3 vrai aussi dans une perspective d'éducation
4 interculturelle, parce qu'on ne peut pas non plus
5 enseigner l'histoire au Québec et au Canada en
6 niant la réalité de l'arrivée de plusieurs
7 immigrants et immigrants au fil des ans qui ont
8 contribué à la constitution même du peuple
9 canadien ou de la nation québécoise.

10 Donc ces éléments-là doivent
11 nécessairement être pris en compte. Et là ça nous
12 renvoie à deux concepts en même temps: la
13 révision des programmes d'histoire nationale, mais
14 à plus que cela, à la marge de manoeuvre qui est
15 laissée pour les adaptations, pour l'application,
16 pour la configuration du cours d'histoire.

17 Effectivement il y a besoin
18 d'avoir de l'espace pour introduire des contenus
19 qui sont plus signifiants dépendant de la région
20 où on enseigne, à la nation ou au peuple auquel on
21 enseigne.

22 Je pense que vous mettez le doigt
23 sur quelque chose de très important au niveau de
24 la lutte au racisme, à la connaissance et au
25 respect mutuel. C'est pour moi un facteur

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legislation, I think, that there are some urgent problems that are turning up.

COCHAIR RENÉ DUSSAULT: When you say regarding the last chapter, just a clarification.

SUZANNE SAINT-AMOUR: The chapter on the aboriginal peoples. They wanted to do a chapter that concerned the aboriginal peoples on...

COCHAIR RENÉ DUSSAULT: In the framework...

SUZANNE SAINT-AMOUR: In the framework of the wildlife policy. And at that point there was a request to delay the development of the policy. I think it is necessary that it be reviewed as soon as possible.

COCHAIR RENÉ DUSSAULT: The situation that you observe, the new policy was adopted, as you say, in 1978.

SUZANNE SAINT-AMOUR: That was done in 1978.

COCHAIR RENÉ DUSSAULT: Of course there has been some experience since then, but have you observed a deterioration over the last three or four years?

SUZANNE SAINT-AMOUR: Very much so.

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1 essentiel.

2 **COMMISSIONER MARY SILLETT:** Thank
3 you.

4 **COPRÉSIDENT RENÉ DUSSAULT:** Je
5 sais que le ministère de l'Éducation a changé un
6 bon nombre de choses au niveau des manuels
7 scolaires, et caetera, du programme,

8 La semaine dernière je participais
9 à une rencontre à l'Université Laval à Québec et
10 je discutais avec un enseignant de l'absence de
11 connaissances des jeunes au Québec dans les écoles
12 sur la réalité autochtone. Il faisait ressortir
13 qu'il y avait un élément du programme du ministère
14 de l'Éducation. Au niveau du primaire, en 4^e
15 année je pense, on prévoyait un enseignement
16 spécifique.

17 Si j'avais une recommandation à
18 faire sur ce plan-là, il me semble que ça manque
19 beaucoup, au-delà de la question de l'histoire,
20 qui est extrêmement important, mais il n'y a pas
21 de connaissances chez les jeunes.

22 Les jeunes sortent du primaire,
23 sortent du secondaire, et ne connaissent pas la
24 réalité physique et géographique des Autochtones
25 au Québec.

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Since the Oka crisis.

COCHAIR RENÉ DUSSAULT: You have seen a direct link.

SUZANNE SAINT-AMOUR: The influences of violence are never denounced, so people...it serves as a model, in the last analysis.

I think it is important on both sides when there are acts like that it must be denounced, or else it becomes like a model and it will progress to violence. Up to now people have been very tolerant.

What hurts the people in our community the most, or our members, is especially, I would say, when people come into their cottages and make a mess, even more than everything else. It is this especially that is the most hurtful. The lack of respect for property, if you will.

The discussions with the local aboriginal communities...

SUZANNE SAINT-AMOUR: They have not begun.

COCHAIR RENÉ DUSSAULT: Not really, even at the local level?

SUZANNE SAINT-AMOUR: No. It hasn't

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1 Vous parlez de 11 nations, peut-
2 être 12, les gens ne savent pas qui elles sont, où
3 elles sont, l'état des langues, le nombre de
4 personnes impliquées. Purement c'est en physique
5 et géographie.

6 Il y a une petite brochure, vous
7 la connaissez, du Secrétariat des Affaires
8 autochtones au Québec qui comporte la carte et...
9 Je ne peux pas faire autrement que de penser que
10 si on passait deux heures avec les jeunes, sans
11 tout bousculer le programme, à faire le tour de
12 cette réalité physique et géographique et la
13 situation des langues autochtones avec les jeunes,
14 ça ferait déjà au bout de la ligne toute une
15 différence.

16 Je me permets, parce que vous êtes
17 certainement bien placés pour le faire, de faire
18 cette suggestion-là, si c'était possible, du côté
19 du système d'enseignement au Québec, qu'on fasse
20 au moins cette démarche-là, je pense qu'on
21 viendrait de changer beaucoup de choses sur un
22 certain nombre d'années.

23 Ce n'est pas un cours de 45
24 heures. Il me semble qu'il y aurait un minimum
25 vital. Je ne sais pas ce que vous en pensez pas.

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started. Of course, we have never spoken to each other, we don't know each other.

COCHAIR RENÉ DUSSAULT: That's something I wanted to get to. Before the 1992 approach of the department to get together for the first time...

SUZANNE SAINT-AMOUR: But it's not easy on our side as well to convince an entire board of directors that it is important to meet with a band council, and they, I don't know to what extent they are interested either. I think it is an approach that must be made on both sides, but to get to it...

We made some attempts to ask for it, to get to it, and I think, from what I know of the aboriginal communities, that they are very interested that it be done as well.

I don't think the responsible people would approve of — I would say — isolated acts like that. I think it is extremely important that the two communities not let things go because we're going to tumble into violence, it won't make any sense.

COCHAIR RENÉ DUSSAULT: So you are right to say that there is a reciprocal familiarization process...

SUZANNE SAINT-AMOUR: Yes, that's

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1 Et est-ce que c'est réalisable. Il me semble que
2 ça devrait pouvoir être réalisable.

3 LORRAINE PAGÉ: D'abord, la
4 suggestion comme telle, je pense qu'elle est
5 tellement minimale qu'il n'y a pas vraiment de
6 difficulté, mais je pense que ça nous renvoie à
7 d'autres questions d'importance qu'il ne faudra
8 pas éviter de poser même si votre suggestion peut
9 sembler tellement simple, tellement évidente, que
10 ce serait même un risque de ne se contenter que de
11 ça.

12 Je pense que ça renvoie à un
13 certain nombre d'autres questions, et les
14 conditions sont peut-être créées à ce moment-ci
15 pour soulever la question plus que jamais et mieux
16 que jamais.

17 La ministre de l'Éducation va
18 proposer au cours des prochains jours la mise sur
19 pied d'un comité de réflexion pour traiter, en
20 termes très spécialisés, des profils de sortie,
21 c'est-à-dire qu'est-ce qu'un élève doit savoir
22 quand il termine son cours.

23 Dans le travail d'un comité de
24 cette nature il y a des questions qu'il faut
25 poser, qu'il faut soulever, et je pense qu'il est

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correct.

COCHAIR RENÉ DUSSAULT: ...and thinking to be developed. I think we have seen that. The last two weeks in Montreal have been quite obvious in this regard, with the groups beginning to think about relationships with the aboriginal peoples and often the invitation that we made to them was the opportunity basically to...

SUZANNE SAINT-AMOUR: Because it should not be forgotten that we are very ignorant of...often the aboriginal peoples allude to laws or all sorts of problems that we are completely unaware of.

COCHAIR RENÉ DUSSAULT: There is no information.

SUZANNE SAINT-AMOUR: This is what is somewhat isolating. How is it that the governments have let things go to such a point that we are so ignorant?

There are a lot of people who are going to be upset at some point, so it is urgent that the information get around, and all the information.

COCHAIR RENÉ DUSSAULT: In your brief, when you report on the problems under three headings, one of the problems that you mentioned is the

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1 anormal qu'un jeune au Québec finisse son cours
2 primaire, secondaire, sans connaître une certaine
3 réalité physique, politique de ce qui constitue la
4 réalité même du Québec d'aujourd'hui. Je pense
5 que c'est une question qu'il faut poser.

6 On est en train de mettre en place
7 un programme révisé de formation des maîtres. On
8 ne peut pas demander à des maîtres, qui ne
9 connaissent pas eux mêmes cette réalité, de
10 l'enseigner. On procède à une révision de la
11 formation des maîtres.

12 Il ne faut pas que cette formation
13 soit le seul débat, de dire est-ce qu'on forme les
14 maîtres à enseigner une matière ou enseigner deux
15 matières. Il faut en même temps se demander
16 comment dans la formation initiale ou dans la
17 formation de base des maîtres il faut intégrer des
18 nouvelles réalités, là je pense à l'aspect de
19 l'éducation interculturelle, mais comment aussi il
20 faut venir intégrer des réalités qui ont été
21 complètement ignorées pendant des années pour
22 qu'elles fassent partie véritablement de la
23 formation des maîtres.

24 Là aussi il y a des conditions qui
25 nous permettent de soulever ces questions. Je

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circulation of vehicles without licence plates.

Are the problems that are described in your brief problems that have been identified as peculiar to contacts with the aboriginal people, or are these problems that other members of the ZECs might be causing?

SUZANNE SAINT-AMOUR: Solely the aboriginal people.

COCHAIR RENÉ DUSSAULT: Solely in relation to the aboriginal people.

SUZANNE SAINT-AMOUR: I think they remove them specifically when entering the territory.

COCHAIR RENÉ DUSSAULT: So your brief should be read within that perspective.

SUZANNE SAINT-AMOUR: Yes, absolutely.

COCHAIR RENÉ DUSSAULT: Similarly, when you talk about damage to property, etc., is this a perception or is it documented that these are...

SUZANNE SAINT-AMOUR: It is documented. Basically, I know at least one agency that obtained some convictions but because that time the plate was not removed or because the people could be identified with some photos, but it is a means of not

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1 pense qu'il faut aller même plus loin que la
2 simple suggestion que vous avez faite.

3 Troisièmement, bien sûr pouvons-
4 nous prendre des initiatives? Nous avons dans le
5 passé produit avec des partenaires des cahiers
6 d'intervention pédagogiques sur l'éducation
7 relative à l'environnement, par exemple, ou à la
8 paix, ou à la lutte contre le racisme, où on
9 aidait les enseignantes et les enseignants à
10 travers leur enseignement régulier à aborder
11 certaines questions.

12 Il pourrait être fort intéressant
13 de concevoir un matériel de cette nature pour
14 aider les enseignantes et les enseignants à
15 aborder la question autochtone et à travailler à
16 l'édification d'un rapport différent entre le
17 peuple québécois et les différentes nations
18 autochtones.

19 COPRÉSIDENT RENÉ DUSSAULT: C'est
20 exactement dans la ligne de la pensée de la
21 Commission et c'est vrai sur le plan canadien,
22 sauf qu'on sait d'expérience que dans ce domaine-
23 là souvent le mieux est l'ennemi du bien, et on
24 préfère avoir quelque chose qui arrive que de
25 parler de quelque chose de meilleur mais dont on

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being identified.

Once it was identified and from then on...I think the registration is absolutely essential once you know who is wandering about on the land, it's easy.

I don't mean it is only them. We must be careful. We can't say that everything that happens on the land, all the thefts...

COCHAIR RENÉ DUSSAULT: Exactly.
That's my question.

SUZANNE SAINT-AMOUR: No of course not. We are very aware of that, but I can tell you that there is enough evidence to think that it to a large degree that. But once we settle the problem of identification, things will go better. There may always be some doubt in some cases.

These are minor things, basically. It's more upsetting, and it's more insulting, I would say, than the monetary value.

COCHAIR RENÉ DUSSAULT: Except that we must be aware that the accumulation can make the cup overflow at some point and lead to some difficult situations.

SUZANNE SAINT-AMOUR: And what has

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1 parle indéfiniment.

2 Je comprends la nature de votre
3 mémoire et ce que vous nous dites ce matin, qu'il
4 y a un certain engagement de la Centrale
5 d'enseignement du Québec par rapport à ses membres
6 de donner ce type d'information-là.

7 Par exemple, vous faites très bien
8 la distinction entre les communautés culturelles
9 et les Autochtones, qu'il ne faut pas mélanger les
10 deux. Il y a les droits historiques comme
11 premiers habitants. Les émigrants, c'est autre
12 chose. On adhère à la société à laquelle on
13 émigre.

14 Ces distinctions-là sont très
15 importantes pour le débat public et la bonne
16 compréhension réciproque avec les Autochtones. Il
17 me semble que vous êtes vraiment placé à un
18 endroit privilégié d'abord du côté des
19 enseignants, pour que ces distinctions-là ne
20 soient pas uniquement au niveau de la Centrale
21 mais d'un certain nombre de personnes, et qu'elles
22 puissent être véhiculées au niveau de la
23 sensibilisation à la réalité autochtone au Québec
24 par les enseignants.

25 Je ne peux pas faire autrement que

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been pointed out is that the conduct of those few individuals is not different, whether you are within a beaver sanctuary or outside a beaver sanctuary, you understand.

COCHAIR RENÉ DUSSAULT: Of course, in the beaver sanctuaries it is reserved to the aboriginal peoples for trapping.

SUZANNE SAINT-AMOUR: It is reserved for trapping, yes.

COCHAIR RENÉ DUSSAULT: The other question I would like to ask you, I was taking a little look at the configuration of the map of the controlled zones.

Does your perception have something to do with the fact that many of those zones are in territories on which there are some aboriginal land claims...

SUZANNE SAINT-AMOUR: I gave you the example of a region, a sanctuary. You have there the beaver sanctuary which is sketched, you have the ZECs and the outfitting areas.

Should they be doing it there or not doing it there, I think it was not up to us...we don't know. We didn't even know. We have often wondered

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1 de souhaiter que vous preniez un engagement assez
2 ferme auprès de vos membres pour pousser du côté
3 des programmes dans l'optique que vous décriviez
4 pour que, effectivement, il y ait des changements
5 qui prennent place, qui ne sont pas controversés
6 et qui pourraient changer beaucoup de choses.

7 Le temps passe mais j'aimerais
8 aussi mentionner que ce que vous avez mentionné
9 pour les CEGEP c'est essentiel. Ce qui manque
10 largement ce sont les services d'accueil et de
11 soutien pour faire la transition. Lorsqu'on sort
12 d'une communauté pour venir il y a un choc
13 culturel, et ça manque beaucoup.

14 Sur ce plan-là tout ce qui pourra
15 être fait pour permettre la transition des jeunes
16 qui passent du secondaire au CÉGEP...quand c'est à
17 Montréal il y a des communautés qui peuvent un peu
18 plus prendre en charge, et encore. Ça m'apparaît
19 essentiel.

20 Il y a une question qui m'a
21 frappé. Dans le débat sur la discussion que
22 j'avais eue au tout début sur la question du fait
23 que les gens quand même s'exprimaient en
24 syllabique, Inuktitut. Une des choses qui nous a
25 frappés beaucoup, et il y a plusieurs commissions

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whether the territories are, in a beaver sanctuary.
Very often the directors don't even know.

All I can tell you is that everyone
on our side who was consulted wants a settlement of
that problem at any cost, wants some solutions.

COCHAIR RENÉ DUSSAULT: We also had
this week a presentation from the Fédération de la
faune.

SUZANNE SAINT-AMOUR: Yes. I don't
know what came of that.

COCHAIR RENÉ DUSSAULT: It was a
fairly difficult presentation, basically. The president
came after six years of efforts, so to speak, to
indicate to us that he was throwing in the towel on the
pooling of concerns of the aboriginal and non-
aboriginal peoples in the wildlife context.

However, we have had, as reported
by Mr. Beaudin and Mr. Malec, who made a presentation
on the salmon issue, a very encouraging experience.

We also had a presentation from the
outfitting proprietors in Quebec. So we have covered a
fairly broad range of concerns that are common.

I think it is essential that the
contact be made at the local level with the aboriginal

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1 scolaires qui nous en ont fait part au Canada.

2 On a des programmes au niveau
3 fédéral de soutien à la langue seconde pour les
4 immigrants, en français ou en anglais, des COFI,
5 par exemple. Les jeunes Autochtones qui arrivent
6 en première année unilingue Cri-Attikamek ou Cri
7 dans l'ouest, sont considérés, étant Canadiens,
8 comme parlant français ou anglais et donc ces
9 programmes-là ne s'appliquent pas. Les
10 commissions scolaires donc n'ont pas de soutien
11 additionnel alors que d'une certaine façon ils
12 sont presque immigrants dans leur propre pays. La
13 réalité est aussi étrangère.

14 Est-ce que c'est une question que
15 vous avez considérée au sein de la Centrale?

16 LORRAINE PAGÉ: Il faut
17 certainement faire une différence entre ce qui
18 peut se passer dans les commissions scolaires
19 cries, par exemple, où dans les premières années
20 scolaires l'enseignement se fait presque uniquement
21 dans la langue maternelle.

22 Même dans d'autres régions nous
23 avons des expériences, si on veut, qui sont en
24 cours où les premières années vont se faire plus
25 dans la langue maternelle, va laisser une plus

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authorities.

SUZANNE SAINT-AMOUR: At the provincial panel the two groups were in agreement on that. I think that it is there ultimately, when people are going to speak to each other, that we are going to find some solutions to all that.

COCHAIR RENÉ DUSSAULT: The minister, Mr. Sirros, who came and presented a brief yesterday morning, said in his brief that when the rules of the game are clear it is much easier, the relationship is easier than when they are ambiguous.

SUZANNE SAINT-AMOUR: Yes. That's what the directors are asking. They are asking for clear guidelines, what are the regulations that should be implemented and what are the regulations that should not be implemented. Let's have some clear guidelines and we will follow them.

COCHAIR RENÉ DUSSAULT: The clarification of rights.

SUZANNE SAINT-AMOUR: That's it. If it is only the right of registration and circulation, tell us. If it is other rights, tell us, but tell both groups, so it is clear for everyone.

COCHAIR RENÉ DUSSAULT: A brief such

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1 grande place à l'enseignement dans la langue
2 d'origine. On voit ça particulièrement sur la
3 côte-nord même si on n'est pas sur le territoire
4 de la Commission scolaire Crie comme telle.

5 Je pense que ce sont des
6 expériences qu'il faut favoriser et supporter. À
7 peu près tout le monde avec qui on aborde la
8 question dans n'importe quelle langue, quand on va
9 par exemple même dans des programmes de
10 coopération internationale qu'on peut avoir avec
11 nos collègues africains, on s'aperçoit que la
12 capacité dans les premières années de
13 l'enseignement de réserver un temps important à
14 l'enseignement dans la langue maternelle est un
15 facteur déterminant dans la persévérance scolaire,
16 dans la réussite scolaire.

17 C'est tellement probant comme
18 situations qu'il ne devrait même pas y avoir de
19 doute ni au plan culturel ni au plan politique et
20 ni au plan pédagogique. C'est vraiment ce qui a
21 fait ses preuves.

22 Ce qu'il faut vraiment supporter
23 c'est cette capacité de le faire, et là ça veut
24 donc dire avoir des choix dans l'engagement des
25 enseignantes et des enseignants qui vont être

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as yours comes from the Fédération, the board of
directors, thus the Fédération.

SUZANNE SAINT-AMOUR: That is, I had
the mandate to prepare it on behalf of the Fédération.

COCHAIR RENÉ DUSSAULT: So you are
speaking on behalf of the Fédération.

SUZANNE SAINT-AMOUR: I am speaking
on behalf of the Fédération.

COCHAIR RENÉ DUSSAULT: Very well.

Thank you.

I am going to ask my colleague,
Viola Robinson, to continue.

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1 capables de le faire, de laisser la capacité aux
2 commissions scolaires d'avoir cette marge de
3 manoeuvre pour être capables de développer cet
4 enseignement dans les langues maternelles, et non
5 seulement de préserver cet enseignement-là dans
6 les premières années mais de pouvoir même avoir
7 des programmes d'enseignement des langues
8 d'origine. Ce n'est pas simplement pour nos
9 communautés culturelles que ça existe dans la
10 région de Montréal pour les différentes
11 communautés culturelles, mais ça devrait être même
12 perçu comme tel pour l'enseignement des langues
13 autochtones d'origine. Il y en a qui sont
14 maintenant disparues, mais il y en a qui existent
15 encore dont il faut favoriser le maintien et la
16 persistance.

17 **HENRI LABERGE:** Pour ce qui est de
18 l'apprentissage du français par les Autochtones,
19 je dirais que c'est peut-être à des degrés
20 différents mais il y a une problématique qui
21 ressemble un peu à celle des Anglophones du
22 Québec.

23 Quand ils se présentent dans les
24 COFI ou pour avoir accès aux classes d'accueil
25 pour l'enseignement français, et caetera, on ne

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COMMISSIONER VIOLA ROBINSON: I'd

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like to thank you for your brief.

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This is a big problem. It just goes to show, as you've said yourself, you have some ways to go to begin some dialogue, and the only that this can be done is communication by your group and with the communities involved.

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I don't think that the Aboriginal communities, the Native communities, would condone these kinds of actions of their people, their individuals, but there has to be something in place, there has to be some form of dialogue, consultation.

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You have to start talking about it and maybe the proposal that was presented here yesterday, as my Co-Chair has said, from the Minister Sirros, is going to open up a new forum for Aboriginal people that there should be some involvement from your group and other wildlife groups to be able to -- this might provide the forum to begin that communication and dialogue with the Aboriginal groups.

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There have been in other parts of the country where there have been agreements

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1 les traite pas de la même manière que les gens qui
2 sont de langue autre.

3 Dans le cas des Autochtones
4 évidemment c'est doublement inacceptable. Si un
5 jeune Montagnais vient s'établir à Québec on ne
6 peut pas le laisser à lui-même. S'il ne connaît
7 pas déjà le français il devrait avoir au moins, et
8 probablement plus même, droit aux cours de
9 français que les immigrants qui arrivent.

10 Pour nous c'est très clair, il
11 n'est pas question de considérer qu'il y a des
12 catégories de citoyens dont on présume qu'ils
13 devraient savoir le français ou l'anglais. Tous
14 ceux qui ne connaissent pas le français au Québec
15 devraient avoir tous les services qui leur
16 permettent de fonctionner dans la société là où
17 ils s'établissent.

18 Évidemment c'est pas la même chose
19 pour quelqu'un qui vit dans une communauté
20 autochtone. Là c'est surtout sa langue autochtone
21 qui doit être valorisée, mais s'il s'établit à
22 Québec il devrait avoir droit à tous les services
23 qui lui permettent de fonctionner de la même façon
24 qu'un jeune Italien ou qu'un jeune Grec qui vient
25 s'établir.

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COCHAIR RENÉ DUSSAULT: In closing, I would like to indicate that we hope that the work of the Royal Commission and the recommendations will help to clarify a fair number of things and to show some direction that will help people on the regional and local plane to reach agreements more easily.

Once again, I thank you for having come to share the information and also the concern of your members. Nevertheless we see that there is a mechanism, although it is recent, 1992, that is proceeding. It is certainly [words missing?] than the two solitudes that existed previously.

You can convey to the Fédération our appreciation for the approach that is being made. We urge you to continue, and we wish you good luck.

SUZANNE SAINT-AMOUR: Thank you very much.

COCHAIR RENÉ DUSSAULT: The Royal Commission on Aboriginal Peoples in Canada has come to the end of its public hearings, which began in the first week of April 1992, hearings that have taken us to every part of the country, into the ten provinces and two territories, three or four times.

We have had four series of public

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1 COPRÉSIDENT RENÉ DUSSAULT: Dans
2 votre projet de souveraineté association, je lis
3 correctement votre mémoire quand je comprends que
4 vous dites que les gouvernements autochtones
5 devraient avoir l'autorité sur leur système
6 scolaire parce que c'est à peu près ce qu'il y a
7 de plus fondamental pour l'identité, et caetera.

8 Vous avez bien sûr à l'esprit des
9 pouvoirs non seulement d'administration comme on a
10 actuellement dans le nord du Québec mais des
11 pouvoirs législatifs en matière d'éducation sur
12 les programmes.

13 Est-ce que c'est ce que je dois
14 comprendre? Ce n'est pas explicite dans votre
15 mémoire, mais que les gouvernements autochtones
16 pourraient, dans le cadre de l'exercice par
17 exemple de droit inhérent à l'autonomie
18 gouvernementale, exercer un pouvoir législatif en
19 matière d'éducation.

20 LORRAINE PAGÉ: Quand tantôt on
21 parlait de nécessité pour les communautés
22 autochtones d'adapter le système d'enseignement à
23 leurs réalités, il faut qu'ils aient les pouvoirs
24 pour le faire.

25 Je sais que cela peut sembler

1 signed and there have been ways to resolve this,
2 but it's like you say, Aboriginal people say they
3 have the right to hunt and fish, they don't have
4 to pay licence and the provincial laws don't apply
5 in those cases. And in some provinces that has
6 been settled.

7 It's the enforcers, the law
8 enforcement and the wildlife management people,
9 who are in a quandary like you are here because
10 they don't really understand and know, because
11 they're not getting any direction from any
12 government as to how to handle these situations,
13 and that's where the problem is.

14 I hope that this new forum that
15 Minister Sirros is proposing will assist you in
16 resolving this problem and addressing it, because
17 it has to be done before it erupts into something
18 more serious.

19 Thank you.

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1 inquiétant pour un certain nombre de personnes qui
2 se diraient, bon, voilà que vont commencer à
3 surgir toutes sortes de profiles d'éducation ou
4 toutes sortes de systèmes ou toutes sortes de
5 formations, mais je pense qu'il n'y pas lieu de
6 s'inquiéter tant que cela.

7 Même s'il y avait des pouvoirs
8 accrus accordés aux peuples autochtones dans la
9 maîtrise de leur système d'éducation, l'économie
10 générale du monde dans lequel nous vivons, la
11 nécessité quand les élèves auront complété leur
12 cours secondaire d'aller dans des institutions
13 publiques qui ne seront pas sous le seul contrôle
14 des communautés, et là je pense ici aux collèges,
15 je pense aux universités, va déjà faire qu'il y
16 aura des ajustements et des passerelles qui vont
17 être inévitables.

18 Donc il n'y a pas véritablement de
19 risque d'éclatement ou de ce que d'aucun pourrait
20 laisser croire comme de l'éducation à rabais ou
21 non adaptée à notre civilisation moderne ou aux
22 besoins de notre monde monder en cette fin de
23 siècle.

24 Je pense qu'il y a une place pour
25 des pouvoirs accrus pour une véritable maîtrise

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hearings, we have published some documents reporting on what we have heard, attempting to group the responses of the participants — who were numerous, both aboriginal and non-aboriginal alike — around a number of key elements.

The first two series of hearings were concentrated more in the aboriginal communities.

We established a program of financial assistance to intervenors, which was used to fund 142 projects. The objective was to have briefs presented to the Commission that went beyond the level of statements of the problems or political statements or statements of principle, but which contained an analysis based on research, directed toward solutions.

This intervenors' assistance fund was managed for us, in a totally independent way, by Mr. David Crombie, the former minister of Indian and Northern Affairs.

We put major emphasis, during the third and fourth series of public hearings in the spring and this fall, on the presence and full participation of non-aboriginal people, from the living forces of society.

In our view, it was absolutely

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1 sur le système scolaire sans que cela mette en
2 péril la capacité pour les jeunes d'accéder à des
3 formations. Je pense que les communautés elles
4 mêmes ne voudraient pas maintenir leurs jeunes
5 dans des ghettos. Je pense que c'est clair.
6 Quand on parle avec des leaders autochtones on
7 s'en rend bien compte.

8 La sagesse, je dirais, commandera
9 qu'il y a, oui des adaptations, c'est nécessaire,
10 c'est essentiel, Henri en a soulevées tantôt au
11 plan de l'organisation scolaire, on en a abordé au
12 niveau des contenus, mais en même temps il va y
13 avoir nécessairement des ajustements parce que la
14 perspective de développement c'est de permettre à
15 des jeunes d'avoir accès à une formation de
16 qualité, et donc au besoin d'aller à une formation
17 postsecondaire, parfois même universitaire.

18 En ce sens-là je ne pense pas
19 qu'il y ait des risques importants. Je pense
20 qu'il faut rassurer les gens. Tantôt on a parlé
21 de préjugés, de peurs, d'inquiétudes. C'est
22 important de le dire, que les pouvoirs accrus
23 n'amèneront pas des qualifications de la formation
24 qui se donnerait, loin de là.

25 COPRÉSIDENT RENÉ DUSSAULT: La

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essential to have a balanced point of view at a time when we are going to be trying to put together the information from the public hearings, the national round tables and the research program of the Commission, which is considerable.

I think we should say that the approach to the living forces of society in Quebec, in the various provinces across Canada, has been a consciousness-raising one. We have forced a fair number of groups to stop and think about the relationships they maintained with the aboriginal people in their context. We asked them to look as well on a broader scale, but often in their context.

There is, to be sure, something to be learned from this. Most of the groups told us that had it not been for the invitation and prodding of the Commission, we would not have come, that basically you have done us a service because we realized that we had a lot of work to do, and this applies to the economic community, whether the caisses populaires, the universities, such as McGill University yesterday, the health care sector, the Association des hôpitaux, the professional corporations, the justice community, the Barreau told us exactly the same thing.

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1 base du traité que vous voyez entre les nations
2 autochtones, il pourrait possiblement y avoir 11
3 traités, et le peuple québécois, dan votre modèle
4 toujours, est une base qui reconnaît
5 l'autodétermination des peuples autochtones, donc
6 leur choix de faire une souveraineté-association
7 avec le Québec sur la base du droit inhérent à
8 l'autonomie gouvernementale. Est-ce que c'est la
9 position de la Centrale?

10 LORRAINE PAGÉ: Oui.

11 COPRÉSIDENT RENÉ DUSSAULT: Très
12 rapidement, parce que le temps file, une des
13 difficultés pour l'éducation chez les Autochtones
14 actuellement c'est le profil scientifique entre
15 autres, l'intéressement aux sciences. Pour aller
16 du côté des professions de la santé en particulier
17 il y a un besoin important.

18 Est-ce que la Centrale a des
19 mesures particulières pour faire en sorte que les
20 Autochtones d'une certaine façon brise un peu le
21 mur de la crainte par rapport à cette réalité-là
22 qui peut être brisée, on le sait, à toutes les
23 communautés.

24 Est-ce qu'il y a une préoccupation
25 particulière en plus de, bien sûr, compléter le

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I think it is an extremely important revelation this morning. The presentation by Ms. Saint-Amour of the Fédération des zones d'exploitation contrôlées is in the same vein, in connection with resources, even if a priori they are more likely to be in contact, it is an important lesson.

In that sense, I think that there are some seeds, and that the ball that has been set in motion can roll into many communities in a way that can effect a rapprochement.

There have been some approaches independent of the Commission, and we are very pleased at this, such as the Forum paritaire here in Quebec, Quebecers and aboriginal peoples.

There are some approaches in a number of communities. We had a group of 22 young people who have worked in the framework of the Conseil permanent de la jeunesse to approach and bring about better understanding between aboriginal and non-aboriginal young people.

I think that the Commission hearings indicate that there is a great deal of work to be done. Similarly, in terms of governments, in terms

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1 secondaire et de faire la transition au
2 postsecondaire, mais du côté scientifique pour
3 amener les Autochtones à embarquer dans le profil
4 scientifique.

5 **HENRI LABERGE:** D'une façon très
6 générale...c'est pas une question qu'on scrutée
7 d'une façon spécifique, mais je pense que ça
8 rejoint un peu toute l'approche de l'accès à
9 l'égalité dans l'ensemble des disciplines.

10 On l'aborde notamment pour ce qui
11 est des femmes aux diverses disciplines
12 universitaires. On sait qu'il y a des
13 concentration où il y a plus de femmes, d'autres
14 c'est plus au masculin. C'est le cas, par
15 exemple, des sciences jusqu'à très récemment.

16 Dans le cas des Autochtones c'est
17 la même chose. Il va falloir créer des méthodes
18 qui vont faire en sorte que les Autochtones soient
19 présents dans toutes les disciplines.

20 S'il y a des faiblesses, par
21 exemple, du côté scientifique, du côté du génie,
22 et caetera, il faudra créer des programmes qui
23 vont permettre de les attirer davantage. Mais
24 cela ne peut pas se faire uniquement du côté non-
25 autochtone. C'est là que la prise en charge par

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of municipalities, we have not fully achieved the success we hoped in getting presentations from the cities, to get them to stop and think about the aboriginal reality in their midst, often a reality that will increase and will come about. The future trend is rather clear, so there are some opportunities to think ahead.

I think that these hearings have challenged not only the governments but a number of components of the non-aboriginal society. This was one of the goals pursued by the Commission, because we are very aware that the Commission, once it has submitted its report, there will need to be people with an interest in the matter who can make a judgment concerning the value of the proposals that we will make and take up the initiative, to push those who are responsible for implementing the recommendations to ensure that there is a dynamic in society that is pushing for changes.

In terms of the aboriginal peoples, I think that the hearings have likewise challenged many preconceived ideas. There is, beyond a discourse that may often seem forceful, some will say incisive, there is behind this a very strong desire to make up for what

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1 les Autochtones eux mêmes va leur permettre de
2 trouver des solutions adaptées.

3 Quand on parle de la prise en
4 charge d'un pouvoir politique, ça ne veut pas
5 dire... Il est évident, par exemple, que toutes
6 les nations ne pourront pas prendre la même part
7 des responsabilités politiques. La nation
8 malécite ne prendra pas la même chose que la
9 nation crie, parce que c'est une question de
10 volume.

11 Il est impossible d'avoir le même
12 nombre d'institutions et toutes les institutions
13 qui répondent aux besoins de la population. Mais
14 il reste qu'il peut y avoir prise en charge du
15 pouvoir politique sur un domaine tout en faisant
16 des ententes avec d'autres gouvernements,
17 notamment et surtout le gouvernement du Québec,
18 qui pourraient administrer les services conjoints,
19 avec toujours la base que chaque nation a sa
20 propre autorité et peut reprendre, quand elle le
21 désire, les compétences qu'elle aurait confiées
22 temporairement à un organisme commun.

23 LORRAINE PAGÉ: La question que
24 vous soulevez renvoie tout d'abord à un constat
25 général. La voie de l'enseignement des sciences,

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is lost, and a desire for coexistence and collaboration with the communities.

Often it is in the means that are taken that the wrong messages are sent, or that messages are not always clearly understood.

We have tried to demystify a number of things. The language, for example, in Quebec. There is an almost equal distribution of those who speak French and those who speak English as a second language among the aboriginal peoples.

People in Quebec often have the impression that there is a rejection of French by a fair number of aboriginal people, without necessarily realizing that English is the second language and that they have lost their original language and thus they were required to learn an initial second language, and now they are being asked to learn a second one.

It is an additional effort that is a portent of the future, Mary Sillet was saying, in Northern Quebec, where the young Inuit increasingly speak Inuktitut, English and French. But this is one of the things which are often misunderstood, which are very pernicious because we are not always reading the other as it should be done.

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1 des mathématiques, est une voie sélective.

2 C'est cette réalité-là avec
3 laquelle nous vivons, avec laquelle les
4 Autochtones vivent. En même temps que c'est la
5 voie royale c'est en même temps une voie de
6 sélection.

7 C'est vrai pour les Autochtones,
8 c'est vrai pour d'autres catégories je dirais
9 d'étudiantes et d'étudiants. Il y a là un
10 phénomène d'exclusion qui est important et qui
11 doit retenir notre attention.

12 Je pense que c'est avec les
13 enseignantes et les enseignants en milieu
14 autochtone, je dirais les enseignantes et les
15 enseignants autochtones qui sont encore plus
16 capables de saisir les difficultés rencontrées,
17 qu'on est capable de développer les approches
18 pédagogiques les plus adéquates pour justement
19 mettre fin à cette situation d'exclusion à l'égard
20 des sciences, des mathématiques, de ce choix de
21 formation.

22 Et là ça nous renvoie autant aux
23 approches pédagogiques qu'aux choix pédagogiques
24 qui sont faits qu'à un certain nombre de mesures
25 qu'il faut être capable de mettre en place

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We are very conscious that the Commission's role remains a limited one, that the success of the enterprise will be registered in the degree to which we may of course have managed to create some movement but also to which, independently, the communities take up the challenge.

As for us, in the course of the coming year we are going to put together the thinking that has been presented to us and the proposals that have been conveyed to us. We are going to try to aim as accurately as we can to develop a project that will be understood, in which the aboriginal peoples will recognize themselves, but which will also be regarded as a valid direction for the whole of the society, basically an objective of social peace, but also, of collective enrichment.

We have generally missed out on a lot of the benefit of the American aboriginal culture, for historical reasons. We cannot remake history, but I think that everyone is now called on to pool the reciprocal cultures.

In that sense, there might also be some benefit for the intercultural relationship in Quebec, as in Canada, with the cultural communities.

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1 justement dans une vision d'accès à l'égalité à
2 certains savoirs qui présentement ne sont pas
3 conçus de cette façon.

4 Là je pense qu'il y a vraiment de
5 la place pour que, avec les enseignantes et les
6 enseignants, avec le personnel professionnel
7 également, on puisse réfléchir de façon plus fine,
8 plus incarnée je dirais, plus concrète aux
9 solutions qu'on peut mettre de l'avant. C'est un
10 constat qu'on peut faire pour bon nombre de
11 catégories de nos étudiantes et de nos étudiants
12 par rapport à l'enseignement des sciences et des
13 mathématiques.

14 COPRÉSIDENT RENÉ DUSSAULT: C'est
15 vrai que c'est un problème universel mais quand il
16 y a un rattrapage aussi important à faire pour un
17 groupe du côté des Autochtones...

18 LORRAINE PAGÉ: Il y a des mesures
19 spécifiques à prévoir.

20 COPRÉSIDENT RENÉ DUSSAULT: Oui.

21 On pourrait passer de longues
22 heures à continuer à discuter. On ne peut pas
23 faire autrement que de partager avec vous une
24 expérience qu'on a vécue.

25 La Commission a fait une audience

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We thank those who have put an effort into the Commission. We have often said that the Commission will fundamentally yield what the people may have put into it in hope and effort, in steps toward solutions.

Since this is a commission that affects peoples, that affects the collective projects of Quebec society, Canadian society, this is even truer. We are not talking solely about technique, but about emotion. We must, then, make an amalgam that reflects these realities.

Last point, aboriginal language and culture. Identity is, of course, absolutely fundamental for openness, coexistence, and partnership.

That being said, I would also once again like to thank the staff of the Commission who have worked relentlessly, the translators who have accompanied us this week and pretty well everywhere across Canada in a difficult, often limited context, with unscheduled hours, and also indicate the role played by the media, even if one would wish that they probed a little more deeply into the issues.

We are aware of the demands, we are aware of the difficulty involved in following the

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1 à Restigouche au mois de juin, chez les Micmacs.
2 La chef de la Nation Micmac à Restigouche, Brenda
3 Miller, nous faisait état de la décision qu'ils
4 ont prise de...

5 La situation est la suivante.
6 Depuis 25 ans les Micmacs envoient, grosso modo,
7 500 élèves de l'autre côté du pont, à la
8 Commission scolaire à Campbellton. Ça représente
9 un-cinquième, un-sixième de la clientèle scolaire
10 à Campbellton.

11 Jamais pendant 25 ans on s'est
12 préoccupé du contenu du programme par rapport à
13 l'aspect culturel, d'identité micmac. On s'est
14 préoccupé vraiment d'engager des enseignants
15 micmacs, d'intéresser sur le conseil de la
16 commission scolaire des parents à siéger.

17 On nous faisait part d'une
18 décision du conseil de bande en commençant par la
19 maternelle et en montant par le primaire, de
20 retirer les enfants des écoles graduellement pour
21 faire sur le réserve ce qui doit être fait, en
22 disant on lance un peu la serviette par rapport au
23 système public.

24 On a eu le syndicat d'enseignants,
25 des gens de la commission scolaire qui sont venus

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Commission into some remote communities for all kinds of reasons, but we cannot help thinking that the media also have an important interest and a major role in educating the public on all sides, in the interests of increased understanding.

I thank you, and we are going to continue our work inspired by everything we have heard and the good will manifested before the Commission on the part of the public, the governments and the aboriginal peoples themselves. Thank you.

There is always an opening prayer when we begin a public hearing, and a closing prayer, so I would ask Allen Gabriel to please conduct the closing prayer.

(Closing prayer)

--- The hearing is adjourned at 1:28 p.m.

le 1^{er} décembre 1993

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

1 à nos audiences, qui nous ont dit, écoutez, ça n'a
2 pas de bon sens. On va perdre 40 postes
3 d'enseignants à la commission scolaire.

4 Je voulais échanger ça avec vous
5 parce que ça m'a beaucoup frappé et je pense que
6 vous êtes bien placés pour comprendre tout ce
7 qu'il y a dedans.

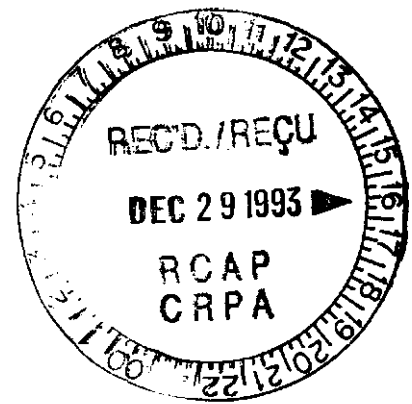
8 Je voulais en terminant avoir
9 l'occasion de soumettre ça à votre réflexion parce
10 que c'est propre à d'autres endroits au Québec.
11 Je pense qu'on regarde ça et on se dit il y a en
12 partie...tout d'abord il y a 25 ans perdues d'une
13 certaine façon, où les gens ont vécu séparément,
14 et il y a une perte aussi dans une démarche comme
15 celle-là, mais qui est nécessaire parce qu'il n'y
16 a pas eu le réflexe.

17 Je termine là-dessus. Je pense
18 que c'est assez percutant sur le plan de ce qui
19 s'est passé et ce qu'il faut corriger pour
20 l'avenir.

21 Mary.

22 COMMISSIONER MARY SILLETT: This
23 is my final day here so I'm going to take that
24 extra little liberty, because I really do know
25 that we are 15 minutes past the time.

CR.
2206-5



**COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES**

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

ENDROIT/LOCATION: LE NOUVEL HÔTEL
1740, BOUL. RENÉ-LÉVESQUE OUEST
MONTREAL (QUÉBEC)

DATE: VENDREDI LE 3 DÉCEMBRE 1993

VOLUME: 5

"for the record..."
STENOTRAN
1376 Kilborn Ave.
OTTAWA 521-0703

le 1^{er} décembre 1993COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

1 I just wanted to share with you
2 some information that we received throughout our
3 hearings.

4 Yesterday we did hear from a group
5 of young people who basically as the number one
6 priority said we must be included in all the
7 decisions, in all the processes.

8 Secondly, they were concerned, for
9 example, about job security. We were told that
10 many young people these days lack motivation to
11 complete -- why get so many degrees, spend so many
12 years when the possibilities at the end of the
13 tunnel aren't very, very bright.

14 We also heard, for example, from
15 the National Anti-Poverty Association in Ottawa
16 saying that one of the ways that has proven to be
17 successful to get out of poverty is higher
18 education. They were saying they have many, many
19 members, many, many people who have training, who
20 have courses, who have many, many degrees, et
21 cetera, and the reality is that we're in a
22 difficult time in Canada. There are just no jobs.
23 We have to look at that as well.

24 We also heard, for example, from
25 some of the Aboriginal associations that have



**COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES**

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

ENDROIT/LOCATION: **LE NOUVEL HÔTEL
1740, BOUL. RENÉ-LÉVESQUE OUEST
MONTRÉAL (QUÉBEC)**

DATE: **VENDREDI LE 3 DÉCEMBRE 1993**

VOLUME: **5**

**"for the record..."
STENOTRAN
1376 Kilborn Ave.
OTTAWA 521-0703**

le 1^{er} décembre 1993COMMISSION ROYALE SUR
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1 concluded land claims that there are many jobs,
2 that the economic situation in their communities
3 have improved as a result of land claims. There
4 are job openings, however they don't have the
5 people with the skills.

6 I wanted to share with you some of
7 the things that we had heard.

8 I told Mr. Dussault last night in
9 this Commission you hear everything single thing.
10 You hear many contradictions.

11 I was wondering if you would like
12 to comment on anything that we've heard.

13 LORRAINE PAGÉ: J'ai l'impression
14 qu'on pourrait recommencer la discussion pour une
15 autre heure. Toutes les questions que vous
16 soulevez sont véritables, sont complexes en même
17 temps. Cela nous montre bien que toutes les
18 réalités sont présentes en même temps.

19 M. Dussault nous donnait l'exemple
20 d'un endroit où on a perdu 25 ans. En même temps
21 on est capable de témoigner de d'autres régions où
22 on a avancé pendant 25 ans. Ce qui est important
23 c'est de ne pas en perdre un 25. On peut au moins
24 s'entendre là-dessus.

25 Et aussi de constater que toutes

I N D E X

LE 3 DÉCEMBRE 1993 / DECEMBER 3, 1993

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le 1^{er} décembre 1993COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

1 les questions que nous avons abordées sont inter-
2 reliées. On peut bien dire que l'éducation est un
3 facteur de développement personnel, que c'est un
4 facteur pour le développement économique, que
5 c'est un facteur pour le progrès social, et c'est
6 vrai. Mais en même temps quand on est dans une
7 situation de décroissance, d'espoir zéro au plan
8 du développement économique ou du progrès social,
9 c'est difficile de convaincre les gens que
10 l'éducation est encore une clé pour accéder à un
11 meilleur vivre ou à un meilleur être.

12 On est capable de constater
13 qu'aujourd'hui un diplômé n'est pas exempté du
14 chômage. Mais en même temps on constate que les
15 diplômés sont moins frappés par le chômage
16 chronique que les personnes qui ne le sont pas.

17 C'est difficile de voir en
18 l'éducation ce qu'on pouvait voir il y a 25 ans.
19 On disait qui s'instruit s'enrichit. C'était
20 clair, c'était simple, c'était évident.

21 Aujourd'hui la situation est
22 tellement difficile au plan de l'emploi que les
23 jeunes plus particulièrement ont de la difficulté
24 à croire qu'ils auront un avenir quand ils ont
25 l'impression qu'ils n'ont même pas un présent. Et

1 Montréal (Québec)

2 --- L'audience se poursuit à 9 h 05 le vendredi
3 3 décembre 1993

4 **COPRÉSIDENT RENÉ DUSSAULT:** Je
5 voudrais vous souhaiter la bienvenue au nom de la
6 Commission royale sur les peuples autochtones au
7 Canada.

8 D'entrée de jeu je voudrais vous
9 demander de vous identifier et d'identifier votre
10 contexte d'intérêt pour le dossier autochtone, et
11 vous pouvez procéder à la présentation à votre
12 guise, dès que vous êtes prêts.

13 **D^r HUGUES CORMIER, Centre de**
14 **recherche Fernand-Seguin, Hôpital Louis-H.**
15 **Lafontaine, Université de Montréal:** Bonjour,
16 monsieur Dussault et M^{me} Robinson.

17 Je suis Hugues Cormier. Je suis
18 Chercheur au Centre de recherche Fernand-Seguin de
19 l'Université de Montréal. Je suis accompagné du
20 D^r Emmanuel Stip, du même Centre de recherche.

21 On a, je crois, environ une heure,
22 jusqu'à 10 h 00?

23 **COPRÉSIDENT RENÉ DUSSAULT:** Oui.

24 **D^r HUGUES CORMIER:** On a préparé
25 une partie plus formelle mais on souhaite profiter

le 1^{er} décembre 1993COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

1 c'est encore plus vrai pour les nations
2 autochtones.

3 C'est peut-être là-dessus qu'il
4 faut se laisser, en se disant que vous abordez et
5 nous abordons aussi des questions fort complexes.
6 Les solutions toute faites sont de moins en moins
7 évidentes et probablement qu'à problématique
8 complexe il faut être capable d'opposer des
9 réponses complexes, c'est-à-dire des réponses qui
10 ne sont pas univoques, qui sont multiformes, qui
11 approchent la réalité sous plusieurs angles, sous
12 plusieurs facettes.

13 On ne peut pas aborder ces
14 solutions sans avoir un dialogue constructif. sans
15 travailler en collaboration, en alliance, pour
16 rechercher les solutions.

17 C'est peut-être là-dessus qu'on
18 pourrait se laisser. Cet appel à travailler
19 ensemble à trouver des solutions qui seront
20 véritablement porteuses d'avenir.

21 COMMISSIONER MARY SILLETT: Thank
22 you.

23 COPRÉSIDENT RENÉ DUSSAULT: Merci
24 encore pour votre contribution. Nous vous
25 incitons à continuer à pousser dans la bonne

le 3 décembre 1993

Commission royale sur
les peuples autochtones

1 de l'occasion pour pouvoir échanger avec vous.

2 Nous avons, comme le titre de
3 notre présentation l'indique, travaillé à vous
4 présente quelques réflexions et propositions dans
5 une perspective où la question autochtone est
6 abordée dans un contexte de l'importance de
7 l'autonomie pour la santé mentale certainement des
8 individus autochtones et de leurs communautés,
9 mais aussi de l'ensemble des citoyens du Québec et
10 du Canada.

11 Dans quelques minutes je vais
12 donner une courte introduction plus générale à
13 notre présentation. Ensuite D^r Stip va parler de
14 l'aspect santé mentale par rapport aux Autochtones
15 dans ses aspects biologiques, psycho-
16 développemental et contextuel.

17 Ensuite il va développer un peu
18 sur ses expériences personnelles et
19 professionnelles avec les Autochtones et ce qui a
20 pu l'aider à formuler les observations qu'on fait
21 ici aujourd'hui.

22 Je vais enchaîner ensuite dans le
23 même sens.

24 Ensuite D^r Stip va revenir pour
25 parler de l'importance de l'aspect qui a déjà été

le 1^{er} décembre 1993

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

1 direction et nous sommes toujours intéressés à
2 garder le contact jusqu'à la fin de nos travaux.

3 Si vous avez des idées
4 additionnelles à nous faire parvenir, n'hésitez
5 pas à nous contacter. Nous sommes disponibles et
6 preneurs.

7 La Commission royale sur les
8 peuples autochtones au Canada suspend son audience
9 publique pour 15 minutes.

10 Nous allons reprendre avec la
11 présentation de la Fédération canadienne des
12 municipalités.

13 Merci.

14 --- Suspension de l'audience à 10 h 48

15 --- Upon resuming at 11:06 a.m.

16 CO-CHAIR RENÉ DUSSAULT: I would
17 like to welcome the Federation of Canadian
18 Municipalities who are with us this morning.
19 Without further ado, I would like to ask the
20 President to proceed with the presentation.

21 RON HAYTER, President, Federation
22 of Canadian Municipalities: Thank you very much.
23 We are very pleased to be here this morning.

24 We want to thank the Commission
25 for the opportunity to participate in the fourth

le 3 décembre 1993

Commission royale sur
les peuples autochtones

1 abordé largement, de la guérison, du healing
2 process et faire quelques propositions dans le
3 sens du développement de l'autonomie et d'une
4 évolution positive de la vie et de la santé
5 autochtone et canadienne.

6 Après les propositions que D^r Stip
7 vous présentera je vais à nouveau revenir pour
8 parler peut-être plus particulièrement de
9 l'autonomie politique vis-à-vis de la question
10 autochtone.

11 J'aimerais commencer en soulignant
12 que parmi les indicateurs qui soulignent l'urgence
13 d'agir et l'ampleur des souffrances et des
14 problèmes vécus par les Autochtones il y a, vous
15 les savez très bien, les indicateurs qui sont ceux
16 de santé et de santé mentale, ou de santé sociale,
17 qui démontrent des écarts souvent très grands,
18 qu'on parle de taux de suicide, d'écarts au niveau
19 de fréquence de troubles comme l'alcoolisme, la
20 violence, l'incarcération, et dans des indicateurs
21 plus sociaux, le revenu, la moyenne des revenus,
22 et d'autres indicateurs de ce type-là.

23 Donc nous, comme citoyens,
24 médecins, psychiatres et chercheurs dans le
25 domaine de la santé mentale, on se sent

le 1^{er} décembre 1993

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

1 and final round of public hearings.

2 I am Ron Hayter, an alderman in
3 the city of Edmonton and President of the
4 Federation of Canadian Municipalities.

5 I think it is important to
6 indicate that the FCM is a national voice of
7 municipal government in Canada. We represent
8 municipalities of all sizes in every corner of
9 this country, with a membership comprising close
10 to 600 municipalities and all major provincial and
11 territorial municipal associations.

12 We also want to indicate that
13 municipal government represents the grass roots of
14 this country and, as such, we tend to look at and
15 deal with matters in a practical, common-sense
16 manner. That seems to be the nature of municipal
17 government, and we believe that our presentation
18 to day will reflect this approach.

19 Local government leaders attach a
20 high priority to productive relations between
21 municipalities and Aboriginal peoples, so we hope
22 to contribute to your mandate of seeking a new
23 relationship between Aboriginal and non-Aboriginal
24 people.

25 The brief which we will be

le 3 décembre 1993

Commission royale sur
les peuples autochtones

1 interpellés par rapport à ces problèmes-là et on
2 aimerait contribuer à la réflexion.

3 On trouve très intéressant le
4 mandat et on trouve tout à fait urgent d'aller
5 dans le sens d'un nouveau contrat et, justement,
6 dans la définition des paramètres avec lesquels
7 vous travaillez on veut souligner l'importance de
8 la perspective santé et santé mentale.

9 Il nous semble qu'on vit dans une
10 société dont le type de gouvernement, la
11 constitution, est de nature confédérale, ou
12 fédérale. Les souffrances et les problèmes qu'on
13 observe on croit que c'est associé étroitement,
14 malheureusement il faut le dire, à un type de
15 fédéralisme qui est trop souvent dominateur dans
16 sa concrétisation par rapport à certains groupes
17 et communautés, certainement au niveau des
18 Autochtones, mais aussi au niveau québécois et de
19 d'autres groupe canadiens.

20 On va aborder cette question-là
21 ici aujourd'hui en étant conscient que les pistes
22 de solutions qui pourront être élaborées pourront
23 aussi être très pertinentes, à notre avis, pour
24 d'autres communautés.

25 Je passe la parole au D^r Stip.

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1 presenting represents a consultation process among
2 our members across Canada. We believe it is
3 significant that in our consultation process
4 approximately 50 per cent of our municipalities
5 responded to this very matter, which is extremely
6 high, as you know, when you can get that kind of
7 response from a membership. It indicates the
8 widespread interest about this particular matter.

9 We would suggest to the Commission
10 that the FCM position represents a grass roots
11 position.

12 I would like to introduce the
13 members of our delegation who are here today.

14 On my immediate left is John Les,
15 Mayor of the District of Chilliwack in British
16 Columbia and Chair of the FCM Task Force on
17 Aboriginal Issues.

18 On my immediate right is
19 Councillor Kathy Watson, President of the
20 Association of Yukon Communities; Alderman Ted
21 Cholod, President of the Saskatchewan Urban
22 Municipalities Association; Duncan Campbell,
23 Director-General of the Town of Mount Royal and a
24 member of the Board of Directors of the Canadian
25 Association of Municipal Administrators, which

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1 D' EMMANUEL STIP, Centre de
2 recherche Fernand-Seguin, Hôpital Louis-H.
3 Lafontaine, Université de Montréal: On a
4 considéré que c'était important de replacer la
5 santé mentale au coeur de la problématique
6 autochtone comme étant une des conditions de
7 réussite d'une amélioration des relations entre
8 les peuples et, d'autre part, comme une condition
9 nécessaire à un processus d'auto-détermination,
10 que l'un n'irait pas sans l'autre.

11 Ce qui nous amène à amener cette
12 question c'est que depuis des décennies il y a des
13 mutations importantes au niveau de la définition
14 de la santé mentale. L'Organisation mondiale de
15 la santé a montré l'exemple en définissant la vie
16 mentale comme une expérience intérieure et une
17 expérience de groupe interpersonnelle. Ce sont
18 des données qui ont aussi été partagées par la
19 définition canadienne qui définit la santé mentale
20 comme la capacité de l'individu, du groupe et de
21 l'environnement d'avoir des interactions qui
22 contribuent au bien-être subjectif et au
23 développement des individus.

24 Il y a une définition québécoise
25 également qui, depuis 1985 avec le Rapport de la

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1 participated in our brief to the Royal Commission.

2 Behind the members at this table
3 are some very important people: James Knight, the
4 Executive Director of the Federation of Canadian
5 Municipalities; and Marja Hughes, the FCM Policy
6 Adviser on Aboriginal Issues and Executive
7 Director of the Canadian Association of Municipal
8 Administrators.

9 I would like to point out at this
10 point that Mayor Les and Alderman Cholod have to
11 leave at noon to catch an airplane. So, if they
12 get up and leave during our discussion, I want to
13 assure you that it has nothing to do with the
14 questions asked by the Commission.

15 With those opening remarks, I
16 would now like to turn it over to Mayor Les.

17 JOHN LES, Chairman, Task Force on
18 Aboriginal Issues, Federation of Canadian
19 Municipalities: Thank you, President Hayter, and
20 good morning. It is a pleasure for me to be able
21 to make this presentation on behalf of the
22 Federation of Canadian Municipalities.

23 I propose this morning to give a
24 brief overview of our position as stated in our
25 written brief to the Commission and to conclude

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1 biologie et de la culture, a permis de définir la
2 santé mentale sous trois axes. C'est une
3 définition multi-axiale et il y a une définition
4 anaxe-biologique -- anaxe psycho-développemental
5 et anaxe contextuel.

6 Dans l'axe biologique, dont celui-
7 ci a trait à ce moment-là aux composante
8 génétiques, psychologiques qu'un individu possède
9 avec son bagage héréditaire, ce qui voudrait dire
10 que toute perturbation à ce niveau-là peut
11 entraîner un malaise sur cet axe. Donc il y a une
12 influence sur sa santé mentale.

13 C'est dans ce sens qu'un individu
14 peut être perturbé, par exemple, si le taux de
15 mercure dans les lacs augmente exagérément. Donc
16 rien que la question des barrages est une question
17 pertinente, avec des retentissements biologiques
18 qui peuvent influencer l'ensemble de son
19 organisme.

20 On peut penser également que la
21 fragilité occasionnée va apporter par son bagage
22 génétique, par exemple, sur sa vulnérabilité à la
23 consommation de l'alcool ou à la dépendance, qui
24 peut être aussi un facteur à considérer dans
25 l'ensemble de la santé qui concernera l'individu.

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1 with a few questions, after which all the members
2 of our delegation would like to engage in some
3 dialogue with the Commissioners here this morning.

4 We deliberately focused our
5 attention on the development of Aboriginal self-
6 government and used this notion as a prism through
7 which we analyzed the relationships between
8 Aboriginal peoples and municipalities. We
9 understand and acknowledge that the Commission has
10 articulated that the inherent right to self-
11 government for Aboriginal peoples is already
12 supported in subsection 35(1) of the Constitution
13 Act, 1982.

14 In its discussion of the
15 constitutional right of Aboriginal self-government
16 the Commission, however, fails to mention the
17 impact on municipalities, much less their
18 participation in the development and
19 implementation of Aboriginal self-government,
20 which we see as crucial. We, therefore,
21 appreciate the opportunity both in our written
22 brief and in our presentation today to convince
23 you of the tangible interface between municipal
24 and Aboriginal governments.

25 We wish to emphasize that, when

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1 L'axe psycho-développemental,
2 c'est le deuxième axe. Lui, il va porter sur les
3 aspects affectif, cognitifs et relationnels et,
4 bien entendu, tout événement traumatisant qui va
5 s'inscrire dans l'enfance d'un individu, de
6 l'adolescence ou même à l'âge adulte pourra
7 occasionner une déviation de cet axe psycho-
8 développemental et ce, quelque soit l'événement,
9 qu'il soit de l'intensité d'une relation
10 incestueuse ou d'un acte de violence ou d'un
11 contexte d'alcoolisme familial ou juste d'un échec
12 scolaire pourra avoir cet influence sur le
13 développement des individus.

14 Enfin, l'axe contextuel, et c'est
15 peut-être aussi ce qui nous fait insister au
16 niveau de cette Commission. C'est celui qui fait
17 référence à l'individu dans un environnement et
18 ses relations avec le milieu.

19 On retrouve sur cet axe toute la
20 dimension économique, sociale et politique d'un
21 milieu. On pourrait même ajouter sur cet axe le
22 contexte écologique. De nombreux chercheurs et de
23 nombreuses études ont montré qu'il y a toujours la
24 possibilité d'une relation entre la désintégration
25 culturelle et la symptomatologie psychiatrique

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1 all the dust settles after land claims
2 negotiations and agreements to Aboriginal self-
3 government have been finalized, it is the
4 Aboriginal community and the municipality who are
5 facing each other, regardless of their respective
6 constitutional status.

7 It is at the community level that
8 Aboriginal self-government will be developed and
9 implemented. Would it, therefore, not be far more
10 effective if both players had the opportunity to
11 become partners during the negotiations and to
12 search for solutions.

13 Municipal leaders understand the
14 importance of dialogue with Aboriginal leaders in
15 addressing the challenges faced b Aboriginal
16 peoples to lead a productive life. No more
17 indicators of the marginalized position of
18 Aboriginal peoples are needed. Instead, municipal
19 leaders recognize that the increased authority
20 over their own affairs would allow Aboriginal
21 peoples to develop political, social and economic
22 self-sufficiency necessary for an improved quality
23 of life.

24 Municipalities, therefore, support
25 the notion of Aboriginal self-government, but they

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1 depuis 1963, où Leyton (PH) avait fait une étude
2 sur la population précise en Nouvelle-Angleterre.
3 De nombreux chercheurs ont reproduit ce type
4 d'approche qui montre bien la pertinence de faire
5 des relations entre la problématique psychiatrique
6 et la désintégration culturelle.

7 Donc que ce soit dans sa
8 définition canadienne ou dans sa définition
9 québécoise, la vision de la santé mentale nous
10 amène à penser que les aspects sociaux, politiques
11 et culturels des problèmes de santé mentale feront
12 partie intégrante du projet de société que la
13 communauté veut se donner. De nombreux facteurs
14 vont contribuer à l'épanouissement ou à la
15 détérioration de cette santé.

16 On n'oubliera pas non plus le
17 contexte législatif et sa dimension
18 constitutionnelle avec les énoncés sur les droits
19 de la personne et la limitation des droits
20 collectifs, la responsabilité sociale, la richesse
21 du tissu communautaire, l'animation communautaire,
22 la qualité et la fragilité de l'environnement et,
23 enfin, la place des valeurs spirituelles et
24 scientifiques d'une société.

25 C'est dans ce contexte je pense

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1 believe it must evolve in co-operation with local
2 government.

3 While witnessing the development
4 of Aboriginal self-government, municipalities are
5 not consulted with respect to the effect on local
6 responsibilities. Indeed, there is little
7 apparent federal, provincial or territorial
8 support or support from Aboriginal peoples
9 themselves for consultative mechanisms to reflect
10 the priorities of local governments in the context
11 of addressing the needs of Aboriginal peoples.
12 Yet, Aboriginal self-government is necessarily
13 exercised at the local level.

14 Municipal government in Canada is
15 the order of government closest to its citizens,
16 delivering services necessary to sustain a good
17 quality of life. By sharing knowledge and
18 capacity of service delivery, local governments
19 can play in the pivotal role in the evolution of
20 Aboriginal self-government.

21 While municipal and Aboriginal
22 governments share the common purpose of delivering
23 services to people and property, the
24 implementation of Aboriginal self-government
25 should not in any way compromise municipal

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1 qu'on est amené à parler.

2 Donc, une définition complète de
3 la santé mentale devrait traduire une vision
4 beaucoup plus interactive entre les différents
5 systèmes plus entière de la santé, et les
6 interactions avec d'autres sujets humains sont
7 influencés par tout un système de valeurs de la
8 société. Un des objectifs de ce qu'on vient dire
9 ici c'est qu'il faut aménager des passerelles
10 entre la communauté allochtone et autochtone pour
11 pouvoir permettre les processus qui suivront
12 d'auto-détermination. S'il n'y a pas cette
13 installation de passerelle il y aura des
14 difficultés, qu'on pourra détailler plus tard.

15 D' HUGUES CORMIER: Dans la
16 prochaine partie on va présenter un peu les
17 expériences professionnelles et autres qu'on a
18 eues avec les communautés autochtone, ou la
19 question autochtone.

20 D' EMMANUEL STIP: On a eu
21 l'occasion d'être confronté à cette question à
22 plusieurs reprises dans nos activités. J'ai
23 exercé pendant sept ans en Abitibi-Témiscamingue
24 dans différentes structures de santé mentale et
25 dans des hôpitaux très proches de la communauté

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1 jurisdiction of quality of service to all
2 citizens.

3 We understand that claims to
4 Aboriginal self-government have their foundation
5 in international law and original occupation of
6 the land. They are expressed in the sovereign
7 right to determine the political future and to
8 freely pursue the cultural and economic
9 development of Aboriginal peoples while
10 maintaining a spiritual connection with the
11 natural environment.

12 Aboriginal leaders maintain that
13 the jurisdiction of their governments will be
14 exercised within the Canadian federal system. As
15 a further compromise, they are willing to
16 negotiate the implementation of Aboriginal self-
17 government.

18 We understand that Aboriginal
19 peoples do not accept the federal government's
20 attempt to view Aboriginal issues within a limited
21 context and Aboriginal self-government as a
22 municipal political system. Such approaches would
23 erode the sovereign nature of their status.
24 Rather, they seek the formalization of Aboriginal
25 self-government as an order of government with

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1 algonquine et les communautés cries et parfois
2 inuites.

3 À cette occasion on a pu mettre en
4 évidence des particularités. On a essayé de
5 remarquer des différences qui montraient des fois
6 des faillites de notre système de soins et des
7 fois aussi des particularités culturelles que si
8 on ne prenait pas en considération aboutissaient
9 à des échecs thérapeutiques ou des difficultés
10 thérapeutiques.

11 On a donc remarqué plusieurs
12 éléments. D'abord, qu'il y a des différences au
13 niveau de ce qu'on appelle la phénoménologie,
14 c'est-à-dire la façon dont un individu va entrer
15 en relations avec...son rapport avec l'espace, le
16 temps, et les autres. Là, on ne peut pas entrer
17 dans tous les détails mais il y a bien des points
18 qui sont à souligner et qui devraient être
19 transmis à l'ensemble des communautés
20 professionnelles qui s'occupent de santé.

21 On a remarqué que le rapport à
22 l'espace chez les Autochtones dont on avait la
23 charge était bien différent de celui des
24 Autochtones, des Allochtones. Le rapport au temps
25 également, c'est-à-dire qu'il fallait envisager la

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1 similar powers to provincial and territorial
2 governments while maintaining the federal
3 government's fiduciary role vis-à-vis Aboriginal
4 peoples.

5 We do not seek to undermine the
6 unique relationship that exists between the
7 federal government and Aboriginal peoples as in
8 nation-to-nation, nor do we seek a new fiduciary
9 role. But, in very practical terms, we do seek to
10 be partners in the solutions.

11 Our members know that Aboriginal
12 peoples face myriad obstacles, including poor
13 health, unemployment, isolation, loss of identity,
14 poverty and violence, which are greater than for
15 non-Aboriginal people. Municipalities with a
16 growing Aboriginal population are concerned about
17 the impact on their administrations of the
18 increasing need for housing, health care,
19 education, social services, urban safety and other
20 responsibilities, particularly at a time when the
21 financial and jurisdictional parameters among
22 other governments are under revision.

23 Municipalities facing the
24 implications of land claim settlements are
25 concerned both about their revenue base and future

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1 durée d'hospitalisation, la durée des traitements,
2 d'une autre façon que celle qui est enseignée dans
3 les facultés de médecine ou dans les facultés où
4 l'on enseigne le nursing ou le travail social, où
5 l'on constate que malheureusement il y a encore
6 une lacune au niveau de l'enseignement médical au
7 Canada.

8 Rien qu'au Québec il n'y a pas un
9 seul enseignement qui soit fait sur la spécificité
10 pour les médecins, pour les psychiatres sur la
11 spécificité autochtone au niveau de la santé.
12 Tous ces aspects du temps et de l'espace entrent
13 en ligne de compte dans le processus de guérison
14 et dans la façon dont on délivre les soins.

15 On avait remarqué également des
16 mécanismes de défense qui sont particuliers aussi
17 et qui devraient être transmis et enseignés de
18 façon plus importante. Donc, une lacune au niveau
19 de l'enseignement médical.

20 Ce qu'on a remarqué aussi c'est
21 qu'il fallait repenser notre système
22 d'organisation des soins. Ça nous arrivait
23 fréquemment d'avoir une hospitalisation dans un
24 hôpital en Abitibi pour une dépression ou une
25 psychose, et notre rôle petit à petit a été plutôt

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1 development opportunities. The advent of
2 Aboriginal self-government, the settlement of land
3 claims and the possibility of urban reserves have
4 all contributed to a heightened awareness of
5 Aboriginal issues.

6 The prospect of autonomous
7 territories within, or adjacent to, municipal
8 boundaries which may not share service standards,
9 development priorities or regulatory objectives
10 and the potential need to supply unique services
11 to particular groups within the municipal area all
12 could serve to compromise traditional municipal
13 approaches.

14 The crux of the relationship
15 between Aboriginal peoples and local governments
16 is the concept and implementation of Aboriginal
17 self-government. Municipalities believe that
18 their communities will be affected, and we insist
19 that the context in which Aboriginal government
20 can be realized must be discussed by all orders of
21 government, including local government.
22 Aboriginal self-government cannot be developed in
23 a vacuum.

24 Without a clear understanding of
25 the principles and parameters, it is difficult for

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1 non pas de faire un temps et d'organiser les soins
2 pour la guérison, mais plutôt pour une préparation
3 à un transfert vers une structure où la culture
4 autochtone à ce moment-là était plus en place et
5 où l'établissement était géré par des Autochtones
6 eux-mêmes.

7 On pouvait penser à Oka lorsqu'il
8 s'agissait d'un problème de toxicomanie, mais on a
9 surtout travaillé avec Tom Makerlodge (PH) en
10 Alberta, qui a une philosophie de soins où est
11 intégré tous les aspects culturels et de soins
12 avec la médecine traditionnelle autochtone.
13 C'est intégré à la médecine contemporaine.

14 Donc notre rôle était juste un
15 travail de préparation à comme un accouchement et
16 cet accouchement se faisait dans une structure
17 autre, qui était plus en relation avec la culture.

18 Si j'en parle c'est parce que ça
19 pouvait occasionner des problèmes d'organisation.
20 Envoyer d'Abitibi en Alberta ça pose le problème
21 de la sectorisation des obstacles administratifs
22 des coûts, et on avait tendance à avoir des
23 confrontations avec le système de soins alors
24 qu'on aurait dû privilégier, à notre avis,
25 l'aspect anthropologique de la démarche de soins

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1 local governments to participate in a meaningful
2 and substantial manner.

3 Municipalities understand that
4 different circumstances will require different
5 agreements of self-government. Whatever the form,
6 municipalities maintain that any amendments to
7 jurisdictions and systems of accountability must
8 be addressed by all orders of government.

9 The breadth of contextual
10 interpretations of Aboriginal self-government
11 leaders municipalities to ask how institutional
12 harmony will be ensured when Aboriginal self-
13 government is established. Whether Aboriginal
14 self-governments will be able to adopt laws that
15 contravene federal, provincial and municipal laws
16 must be discussed in the context of legal
17 transition.

18 Furthermore, the potential for
19 Aboriginal jurisdiction within municipal
20 boundaries must be addressed conclusively. Will
21 Aboriginal jurisdiction follow Aboriginal
22 individuals, regardless of where they reside?
23 Similarly, if an Aboriginal government wishes to
24 purchase land within a municipality as a proper
25 act of self-government, will Aboriginal

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1 plutôt que l'aspect administratif ou
2 bureaucratique des soins.

3 Peut-être plus que les autres
4 sociétés du Canada les Autochtones devraient être
5 privilégiés à cet égard pour qu'on puisse
6 respecter ce rythme, la culture, des fois la
7 langue, les rituels, et non pas imposer, parce que
8 la bureaucratie est installée comme ça, des soins
9 qui ne leur sont pas toujours au mieux adaptés.

10 Tom Makerlodge alors était une
11 bonne ressource à cet égard et on voit monter au
12 Québec aussi des structures qui sont
13 intéressantes.

14 Concernant l'alcoolisme, c'est
15 vrai qu'il nous paraît un problème majeur en tout
16 ce qu'on a pu constater, mais on avait regardé
17 aussi des expériences qui étaient très
18 prometteuses. On avait l'occasion d'avoir des
19 contacts avec l'expérience d'Alkali Lake aussi
20 dans l'Ouest, qui montrait la prise de conscience
21 et la responsabilisation collective de ce fléau.

22 À travers les films qu'on pouvait
23 projeter en Abitibi on arrivait aussi à avoir des
24 échanges intéressants avec d'une part notre milieu
25 et le milieu autochtone, et ça devrait être

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1 jurisdiction be established within municipal
2 boundaries by declaring the land Indian land under
3 section 91(24) of the Constitution Act?

4 The development of Aboriginal
5 self-government has typically proceeded through
6 negotiations, a process from which local
7 governments have been excluded for the most part.
8 While claiming not to have the mandate to make
9 commitments regarding the participation of local
10 governments, the federal government nevertheless
11 maintains that municipal involvement is not
12 expressly precluded on matters that affect them. \

13 Above all, municipalities are
14 concerned that Aboriginal governments will be
15 elevated to an order of government similar to
16 provincial and territorial governments while
17 essentially being, like municipal government, a
18 delegated authority.

19 While some provinces have allowed
20 municipalities to gain observer status or advisory
21 status and the federal government has committed to
22 respect the general public interest as well as
23 third party interests and to deal equitably with
24 potential conflicts, there is no guarantee that
25 municipal voices will be heard.

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1 contagieux comme expérience.

2 La dernière expérience qu'on
3 rencontre depuis qu'on est installé à Montréal, je
4 suis amené dans le cadre de soins psychiatriques
5 offerts aux itinérants, aux homeless, à Montréal,
6 à être disponible pour une ressource qui s'appelle
7 Chédoris (PH), qui est une structure pour les
8 femmes itinérantes, les femmes sans ressource, qui
9 est dans le centre-ville de Montréal.

10 À notre grande surprise j'ai vu
11 que sur une année il y avait 17 pour cent de la
12 clientèle qui était d'origine inuite. Bien
13 souvent c'est aux alentours du forum. Ces
14 personnes arrivent en ville et on se retrouve très
15 vite sans ressource, sans logement.

16 Cette structure dispense des
17 activités, de l'argent, de la nourriture, des
18 vêtements pour les aider. Mais là on voit bien
19 cette détresse et en fait l'espèce de manque de
20 ressources offerte par les organismes
21 gouvernementaux ou en bonne coordination avec les
22 hôpitaux et les centres sociaux pour offrir des
23 soins. On est obligé d'avoir comme des structures
24 alternatives pour les aider.

25 On remarquait également une

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1 We ask that the Commission
2 recommend unequivocal recognition of local
3 government as a key contributor in establishing
4 Aboriginal self-government.

5 With respect to land claims and
6 Aboriginal self-government, some key issues have
7 emerged from a municipal perspective, which we
8 would like to draw your attention to.

9 Concern is raised with respect to
10 land management, especially where it concerns land
11 access, zoning and environmental standards. It
12 would seem that the normal public consultative
13 process and federal-provincial regulations do not
14 apply lands as they do everywhere else.

15 Concern is raised with respect to
16 taxation and loss of revenue. Some municipalities
17 are owed for the delivery of services, and some
18 land claims agreements are not specific as to who
19 is financially accountable for the delivery of
20 services contained therein. In addition, the
21 settlement of land claims can result, and have
22 resulted, in a loss of tax revenue for
23 municipalities.

24 Concern is raised with respect to
25 land claims and economic development. Whereas the

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1 faillite dans la bonne participation des urgences
2 médicales à Montréal pour offrir et respecter
3 convenablement la problématique des femmes
4 inuities.

5 Voilà un peu notre expérience,
6 qu'on trouvera plus détaillée de façon écrite dans
7 le mémoire.

8 D' HUGUES CORMIER: Je vais
9 enchaîner dans le même sens.

10 Dans mon cas mon expérience est
11 beaucoup plus désincarnée, si je peux dire, mais
12 quand même...je vais y mettre une petite note
13 personnelle aussi, si vous permettez.

14 Tout d'abord, dans les années '60
15 j'ai étudié l'histoire dans les écoles au Québec,
16 simplement pour vous situer mes contacts avec la
17 question autochtone.

18 Ensuite je dirais que j'ai été
19 intéressé par, entre autres, les positions prises
20 par M. René Lévesque et son gouvernement par
21 rapport à une certaine ouverture que j'ai sentie
22 et qui a été souvent mentionnée par des groupes
23 autochtones.

24 Par la suite je me suis engagé au
25 niveau d'une réflexion par rapport au problème

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1 principle of land claims is supported, uncertainty
2 over the outcome, lack of participation by local
3 governments and the length of the process all work
4 to undermine political goodwill. Land claims tend
5 to delay land and economic development or impair
6 resource industries and, thus, hurt local
7 economies.

8 Finally, concern is raised with
9 respect to the potential of more urban reserves.
10 Aboriginal leaders have argued that land awarded
11 as part of a land claim settlement or purchased as
12 a proper act of self-government should not be
13 subject to municipal taxation and by-laws.

14 Because the structure of municipal
15 regulations and services depends heavily on
16 territorial integrity, it is imperative that the
17 legal and financial implications of urban, land-
18 based self-government be clarified, with the
19 participation of local governments. A lack of
20 guarantee with respect to standards of
21 accountability and performance could result in
22 institutionalized ghettoization.

23 We acknowledge that the majority
24 of Aboriginal peoples now live in urban centres.
25 We insist that the federal government cannot

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1 constitutionnel canadien, et cela dans une
2 perspective de santé, comme je mentionnais au
3 début, entre autres à regarder, par exemple, les
4 liens qu'il puisse y avoir entre la situation
5 socio-économique et constitutionnelle de société
6 ou de groupe humain et leur santé à un niveau
7 macroscopique, entre autres, par exemple, à
8 observer pour ce qui est de la société québécoise,
9 les fluctuations très importantes du taux de
10 suicide à la hausse à partir des années '60,
11 justement, à partir de la turbulence des valeurs
12 et des changements sociaux qui se sont produits.

13 J'enchaîne en disant que j'ai
14 présenté des suggestions lors de différentes
15 commissions, comme celle tenue au Québec,
16 Bélanger-Campeau, de même que Beaudoin-Edwards.
17 En réfléchissant à ces questions-là justement la
18 question autochtone et ses analogies avec le
19 problème que vit la société québécoise à certains
20 points de vue m'a intéressé.

21 J'ai pu participer aussi à la
22 conférence constitutionnelle tenue à Toronto, qui
23 était sous le thème "Identité, valeurs, et
24 droits", où là j'ai pu échanger avec des
25 représentants autochtones des problèmes communs

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1 simply withdraw their responsibilities for urban
2 Aboriginal people. Some residual responsibility
3 must remain.

4 The needs of Aboriginal urban
5 peoples must be met through a distinct process,
6 separate from agreements with reserves.
7 Municipalities must be included in discussions
8 among governments with respect to changes in their
9 relations with Aboriginal peoples. Municipalities
10 should not be left responsible for services
11 previously provided by federal or provincial
12 governments without consultation and an
13 appropriate transfer of funds. For example, in
14 1993 the federal government unilaterally withdrew
15 its support for Aboriginal housing.

16 Positive relations do exist
17 between municipalities and Aboriginal peoples, and
18 they are often rooted in pragmatic co-operation.
19 Mutual understanding and respect can emerge from
20 the provision of services. We intend to share and
21 to build on these positive models.

22 At the same time, for us to
23 continue to help build positive relations between
24 Aboriginal and non-Aboriginal peoples, a few
25 issues must be addressed and resolved from our

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1 entre les peuples autochtones et le Québec.

2 Cela a été très expérientiel. Ce
3 ne sont pas des choses scientifiques. Dans mes
4 participations à ces groupes-là et ces
5 conférences, et je me permets de mentionner la
6 soirée où le groupe Cashtin (PH) avait fait un
7 spectacle à Toronto et où je dois dire que
8 l'espèce de désintégration et du problème canadien
9 où on n'arrive pas à se reconnaître entre nous
10 trop souvent, ce soir-là j'ai vécu avec des
11 concitoyens autochtones et Canadiens-anglais
12 vraiment une expérience très, très positive où le
13 lien, je dirais, unificateur et la contribution au
14 processus de réidentification au Canada par la
15 contribution autochtone était vécue, et je pense
16 qu'on peut le vérifier auprès d'autres personnes
17 qui ont vécu cette expérience-là.

18 J'aimerais ajouter que dans ce
19 processus-là j'ai découvert, et encore là c'est
20 très, très personnel, que mon épouse a des
21 ancêtres abénaquis et donc ma fille. Ce sont des
22 choses qui font évoluer, je dirais, votre
23 perception de l'identité et de ce que vous êtes et
24 de ce que vous vivez.

25 Voilà, je m'arrête ici.

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1 point of view.

2 First and foremost, there is a
3 need for all orders of government, as well as
4 Aboriginal peoples, to recognize and acknowledge
5 local government as a legitimate and valuable
6 partner in the evolution of Aboriginal self-
7 government.

8 There is a need to develop a
9 coherent and comprehensive explanation of self-
10 government and its implications for local
11 governments. Especially, the potential form or
12 forms of urban self-government with or without a
13 land base need to be defined and its implications
14 for municipalities addressed.

15 As municipalities are the
16 principal public agent for the quality of life of
17 all citizens, we would like to advocate local
18 government as a useful model to emulate with
19 respect to Aboriginal self-government. There is a
20 need for municipal and Aboriginal leaders to
21 engage in an ongoing dialogue to identify and
22 assess together the barriers to positive relations
23 and to work together toward common solutions.

24 Finally, we would like to conclude
25 with the following specific questions:

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1 D' EMMANUEL STIP: Pour en arriver
2 à des propositions, quand on pense à la santé
3 mentale comme l'a présentée en particulier l'axe
4 contextuel, on pense qu'il devrait y avoir une
5 réappropriation des outils des Autochtones, des
6 outils culturels beaucoup plus nets et que cette
7 réappropriation devrait aussi être contemporaine
8 d'un partage de la culture autochtone pour les
9 allochtones.

10 Au niveau de la pratique médicale,
11 au niveau de la pratique psychiatrique on constate
12 que l'obstacle majeur c'est de la difficulté de
13 comprendre d'autres cultures. Dans le domaine
14 psychiatrique c'est toujours primordial de pouvoir
15 rencontrer l'autre à travers une culture. On
16 pourrait proposer, au même titre qu'on peut le
17 proposer pour une société, ça pourrait être aussi
18 une proposition pour chaque individu.

19 Avant d'aborder les propositions
20 en tant que telles on a cette impression que les
21 décisions doivent être prises maintenant, c'est
22 sûr, et que le processus de guérison ne va peut-
23 être pas se faire au niveau de cette
24 génération-là. J'ai souvent au l'occasion d'en
25 parler avec Richard Kistabish (PH), qui est un

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1 1. Will the Commission recognize
2 and recommend that local governments be guaranteed
3 a seat at the negotiation table with respect to
4 land claims?

5 2. Is the Commission prepared to
6 ensure municipal participation in the definitions
7 and implementations of Aboriginal self-government?

8 3. Will the Commission show
9 leadership in recommending the explicit
10 involvement of local governments in Aboriginal
11 issues in general?

12 Thank you very much.

13 CO-CHAIR RENÉ DUSSAULT: I would
14 like to thank you very much for presenting us with
15 a thoughtful and informative brief. I must say
16 that we have been expecting it with great
17 interest.

18 As you know, the Commission at the
19 very outset was highly concerned by the fact that
20 the very notion of self-government in urban
21 settings had not been studied in this country,
22 while there have been many studies and
23 recommendations of all kinds of task forces and
24 reports on the situation of status Indians living
25 on reserves and also on the Inuit and the whole

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1 Algonquin qui nous a permis de partager beaucoup
2 sur le niveau des expériences.

3 Il le dit souvent d'une façon
4 poétique, qu'ils sortiront un jour de l'hiver. On
5 a l'impression que cet hiver va peut-être être
6 encore pour cette génération-là mais que c'est pas
7 une raison pour ne pas commencer les soins
8 maintenant et que même si on peut penser à une
9 révolution culturelle au niveau du Canada pour la
10 problématique autochtone il faut maintenir les
11 efforts pendant de nombreuses années, mais les
12 commencer maintenant pour que les résultats
13 puissent aboutir dans la prochaine génération, et
14 qu'il ne faut pas baisser les bras. Au contraire
15 il faut, au même titre que souvent en médecine les
16 résultats ne se font pas sentir tout de suite, il
17 faut espérer que ces résultats seront très
18 significatifs dans une ou deux générations. C'est
19 ce que nous on appelle la guérison
20 transgénérationnelle, mais c'est ce qui ne doit
21 pas nous empêcher de faire des efforts.

22 Ce qu'on pourrait proposer c'est
23 que justement il y ait la création d'espaces
24 culturels autochtones pour les Allochtones.
25 Pourquoi je dis ça? Si on veut qu'il y ait une

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1 question of the Métis in general and the question
2 of taking into account the fact that the majority
3 of Aboriginal people are now moving from the
4 reserves or northern communities to the cities.
5 This is the trend for the future, as we did
6 generally in Canada move from rural areas to
7 cities. Obviously, this is going to continue for
8 Aboriginal peoples.

9 While there is an obvious trend
10 that has to be looked at because of the impact it
11 is already having on cities, very little research
12 and thought has been given to it. That is the
13 reason that we decided to have our first national
14 round table on urban issues, because we knew that
15 in a Commission like ours, with roughly a three-
16 year time frame, we were better to start early
17 because a lot had to be done. We realized that we
18 wouldn't be able to do everything in this area
19 during the life of the Commission, but we would
20 like at least to help clarify some of the key
21 concepts and give some direction for those who
22 will have to really discuss and negotiate the
23 future of Aboriginal governments in their various
24 forms and their interrelations and harmonization
25 with the cities.

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1 rencontre culturelle plus profitable il faudrait
2 que les Allochtones ait un accès à cette culture
3 de façon plus importante qu'elle l'est en ce
4 moment.

5 Par exemple, on proposerait que
6 dans chaque grande ville canadienne il devrait
7 exister un centre culturel autochtone pour
8 favoriser l'épanouissement de la culture
9 communicable amérindienne. Il ne s'agit pas d'un
10 musée, pas du tout, mais plutôt d'un espace où la
11 communication transculturelle est possible et
12 facilitée.

13 Les Gueut (PH) institutes, les
14 instituts Gueuts, qu'ont développés les Allemands
15 à travers différents pays sont des exemples des
16 ces structures pour la culture germanique à
17 travers le monde. Dans le monde entier, dans les
18 grandes villes, on peut avoir un Gueut Institute,
19 c'est-à-dire un endroit où on peut apprendre la
20 langue, y faire des rencontres, prendre contact
21 avec les médias et les créations artistiques.

22 Ces endroits permettraient un
23 rapprochement entre les Autochtones et les
24 Allochtones, ils faciliteraient la reconquête
25 culturelle et l'appriovoisement mutuel. Cette

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1 So we are very happy that it was
2 possible for the Federation of Canadian
3 Municipalities to commit this brief, to think
4 about it and come up with some of the key concerns
5 and also some elements of solution.

6 We have received in the first week
7 of November, in our hearings in Ottawa, a brief
8 from the Native Council of Canada. I think you
9 are aware of that brief. It shows that everybody
10 is really having a first crack at it. It is a
11 substantial brief. Obviously, the Native Council
12 of Canada is also looking for its direction on a
13 very difficult question, and other organizations
14 are looking at the situation of Aboriginal people
15 in the cities.

16 Here in the province of Quebec we
17 had presentation by the Métis Association of
18 Quebec, and later today we are going to have a
19 presentation by the L'Alliance Autochtones Inc.
20 which represents Métis people.

21 We are aware also that there is a
22 discussion across Canada among the Métis
23 themselves. The western Métis see themselves as
24 a separate political entity, and have built up a
25 collective desire to govern themselves for many

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1 démarche devrait concerner aussi l'espace
2 audiovisuel télévisée. Il faut créer des
3 passerelles entre les deux mondes, et ces lieux
4 auraient cette fonction pour tous les urbanisés du
5 Canada et du Québec.

6 Il est certain que quand on vit à
7 Montréal on est moins en contact avec la culture
8 amérindienne, mais c'est justement aussi là qu'on
9 devrait faire des efforts. Il y a très peu
10 d'endroits dans Montréal, par exemple, où on a
11 accès, où on peut rencontrer de façon humaine, non
12 hystérique, c'est-à-dire sans parler des conflits,
13 sans parler du tabac, en parlant d'autres choses
14 et en aboutissant à une véritable rencontre.

15 C'est pour ça que nous proposons
16 qu'il y ait vraiment la création d'espaces
17 culturels dans toutes les grandes villes
18 canadiennes.

19 Deuxième point de vue qui est
20 aussi dans la même lignée, la deuxième
21 proposition, serait une politique de défense et de
22 promotion des langues amérindiennes.

23 Il nous apparaît catastrophique
24 qu'il n'y ait pas un effort plus important pour
25 sauvegarder les langues autochtones. C'est quand

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1 generations, up to Louis Riel and so on.

2 We also realize that there are
3 many status Indians who are living in the cities
4 and treaty people in the west coming to the cities
5 to live.

6 One of the questions that comes
7 before the Commission most often is the treaty
8 right question, as to whether it should be
9 restricted, as it is, to where the person lives or
10 if it should be portable to wherever the person
11 goes in Canada.

12 These are obviously difficult
13 issues.

14 What I would like to say at the
15 outset is that we have published a report on the
16 Urban Round Table. We were aware that it was a
17 first try, that we had a first crack at it. Also,
18 the Round Table happened during the strong event
19 of the constitutional negotiations, and a lot of
20 energy was turned to what was going on in the
21 negotiations leading to the Charlottetown Accord.

22 We are happy today to have the
23 Federation of Canadian Municipalities addressing
24 the issue through this brief. We know this is a
25 preliminary effort which will be followed by many

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1 même incroyable que moi qui, par exemple,
2 travaillait et qui étais en contact avec ces
3 populations que j'étais amené à participer aux
4 soins, j'ai eu des difficultés pour avoir un
5 enseignement de ces langues. Il n'y a pas
6 d'école, il n'y a pas d'université, ça arrive
7 ponctuellement, où on peut avoir accès à
8 l'enseignement des langues algonquine ou
9 iroquoienne.

10 Il est très difficile pour un
11 Allochtone de trouver un lieu où ces langues sont
12 enseignées. Pourtant l'apprentissage de ces
13 langues permettrait aux professionnels de santé de
14 rencontrer plus véritablement la culture de
15 l'autre et aussi de mieux communiquer avec une
16 partie de la population. Il garantirait aussi une
17 meilleure confiance, puisque ce serait un
18 témoignage d'une démarche vers l'autre culture ,
19 transculturelle.

20 Sur un plan plus global, une
21 langue qui ne se parle plus est une langue qui
22 meurt, et l'on devrait consacrer autant d'effort à
23 la survie de ces trésors qu'à la sauvegarde des
24 animaux qui sont aussi parfois en voie de
25 disparition. Ce serait donc l'humanité entière

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1 others.

2 We have tried to get as many
3 mayors and cities to present briefs to the
4 Commission during the public hearings. I must say
5 that it has not been easy. We were not as
6 successful as we would have liked, for all kinds
7 of reasons. It is the same with the provincial
8 governments to a certain extent. We met with
9 quite a few mayors of major cities or mid-sized
10 cities to discuss the issue of self-government in
11 the context of the cities and also the issues of
12 the relationship between Aboriginal people living
13 adjacent to the cities. There are many reserves
14 or Aboriginal communities very close to the urban
15 settings. Here in Montreal, for example, we have
16 the largest Indian community in Canada, the
17 Kahnawake Reserve, which is almost within the
18 city.

19 We have succeeded certainly in
20 getting views, but we haven't received such a
21 comprehensive document so far. I wanted to say
22 that.

23 Also, in terms of the time frame
24 of the Commission and the plan for the year, we
25 plan, now that this is the phasing-out of the

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1 qui en bénéficierait.

2 Cette promotion devrait concerner
3 aussi bien les Autochtones eux mêmes. C'est bien
4 sûr qu'il faut aussi une politique de langue pour
5 que les Autochtones puissent avoir les moyens de
6 continuer à parler et à penser en cette langue,
7 mais il est impossible d'apprendre une langue
8 algonquine ou iroquoienne à Montréal alors que
9 l'on peut apprendre des dizaines de langues
10 étrangères. Si je veux apprendre l'Ukrainien
11 demain matin, je m'inscris quelque part. Si je
12 veux apprendre le vietnamien, je m'inscris quelque
13 part.

14 Ici au Canada, où il y a encore
15 des peuples qui sont fondateurs du pays, on n'est
16 même pas capable dans la semaine de savoir où est-
17 ce qu'on va pouvoir apprendre ces langues-là.

18 Voilà des propositions concrètes
19 qu'on a essayé de faire extrêmement concrètes pour
20 montrer qu'au même titre que les Autochtones dans
21 leur réappropriation de leur culture, de leurs
22 outils économiques et politiques, vont aboutir
23 vers l'autodétermination, l'autonomie.

24 Il est indispensable que de façon
25 parallèle il y ait l'aménagement de passerelle

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1 public hearings -- this is the last week of the
2 fourth round of hearings and the last round -- we
3 hope to complete our deliberations as a Commission
4 a year from now. That means our final report
5 would be available, we hope, in early 1995.

6 In addition to those four rounds
7 of hearings, we have published documents and an
8 overview of what was said. We have boiled down
9 15,000 to 20,000 pages of transcript into 100
10 pages or so. We plan to test some key policy
11 options with governments and Aboriginal
12 organizations sometime next spring, from May to
13 September. At that time the Commission will come
14 up with an analysis and options and discuss these
15 options, to give us a better feeling about could
16 work and what would fail and try to get the
17 reaction of both governments and Aboriginal
18 organizations and people.

19 Obviously, on this question of
20 self-government in urban settings, we would like
21 to have the municipal governments participating in
22 these test seminars. So we will be in touch with
23 you later on to discuss that. We want to keep
24 those small because we want to have a genuine
25 discussion.

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1 pour que les Allochtones comprennent bien ce qui
2 se passe, qu'ils aient accès à cette culture,
3 qu'il y a des échanges, et que c'est dans ce
4 cadre-là qu'on pourra parler d'une révolution
5 culturelle, et que ce sera beaucoup moins
6 conflictuel et ce sera une réussite et aussi un
7 avantage pour les Allochtones de découvrir cette
8 richesse qui est fondatrice du Canada et qui est
9 présente dans des manifestations qui trop souvent
10 sont des manifestations conflictuelles alors qu'on
11 pourrait les réaménager autrement.

12 C'est un peu notre rôle de
13 psychiatre, de penser qu'on peut aussi avoir une
14 préoccupation de santé dans une démarche comme
15 celle-ci.

16 D' HUGUES CORMIER: Je vais
17 enchaîner avec des propositions qui sont peut-être
18 davantage pour discussion et moins concrètes que
19 celles qui viennent d'être faites.

20 Au niveau de la langue entre
21 autres, on a eu la Loi 101 et je pense que dans ce
22 que tu disais c'est une espèce de loi 2002 qui
23 pourrait être mise de l'avant.

24 Une proposition que j'aimerais
25 discuter c'est la question de sensibiliser...je

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1 Again, to echo your concern about
2 consultation, I wanted to share that with you at
3 the outset. We will be in touch later on as far
4 as the question of self-government is concerned.

5 Getting back to your brief, you
6 discuss and stress many concerns about the
7 relationship with Aboriginal communities and
8 reserves adjacent to cities, the notion of an
9 urban reserve. We had a Round Table in Saskatoon
10 on the Muskeg Reserve with some officials of the
11 City of Saskatoon last May.

12 You also stress the situation of
13 non-Aboriginal residents being taxed on land
14 leased on urban reserves.

15 We had presentations during our
16 hearings from non-Aboriginal people living on the
17 Musqueam and Squamish lands who are taxed by the
18 Aboriginal government. There is an agreement,
19 which you refer to in your brief, with British
20 Columbia which allows municipal taxation. So the
21 whole question of non-Aboriginal people being
22 taxed without the right to vote for the government
23 that levies the tax is a question that was raised
24 with the Commission.

25 We have been given some models of

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1 trouve que l'aspect d'espace culturel autochtone
2 pour les Allochtones est certainement une partie
3 de la réponse au problème du fossé de l'ignorance
4 ou de la méconnaissance qu'on retrouve chez les
5 Allochtones par rapport aux Autochtones.

6 Ici c'est moins de recommander ou
7 de proposer des choses concrètes que de dire en
8 plus de ce que le D^r Stip vient d'évoquer,
9 souligner notre volonté de vous encourager à
10 mettre de l'avant des mécanismes qu'on a de la
11 difficulté à voir concrètement, pour sensibiliser,
12 mieux informer les gens.

13 Entre autres, sur un point
14 particulier, qui est le suivant, c'est-à-dire de
15 notre point de vue on a parlé surtout ici
16 évidemment du problème vécu par les Autochtones.
17 Tantôt j'ai évoqué l'évolution de taux de suicides
18 au Québec qui, vous savez, est un autre problème
19 de société très important. C'est vrai au Québec
20 mais c'est vrai aussi beaucoup dans les
21 territoires du Nord, en Alberta, en Saskatchewan
22 et dans d'autres sociétés occidentales.

23 Globalement le monde occidental
24 vit une crise au niveau de sa santé mentale et de
25 sa vie. Un peu paradoxalement à première vue je

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1 what self-government could look like in the
2 cities. It starts from the idea of autonomous
3 Aboriginal institutions within the cities, such as
4 hospitals, school boards and social services.
5 Then there is a debate, as you know, as to whether
6 these institutions should be status-blind or
7 distinct, to keep the distinction as between the
8 Métis, the Indians and Inuit. That is a difficult
9 issue that is before the Commission.

10 People involved in the front-line
11 services prefer the status-blind route, but the
12 particular organizations, certainly the Métis
13 Nations, want to have an identification.

14 The other question is the
15 relationship with northern communities or
16 communities with Band Councils that are outside
17 the urban area, which would act as a political
18 organization to monitor those institutions. Also
19 there is a discussion on the possibility of
20 setting up a kind of government parallel to the
21 city council on the territory. That brings a host
22 of questions also.

23 What I want to share with you is
24 that nobody has come up at this point with
25 definite models. Everybody is having a crack at

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1 pense que le phénomène autochtone où les
2 Autochtones peuvent apporter une contribution
3 indispensable à quelque chose de très important
4 dans le domaine de la santé mentale, c'est-à-dire
5 une vie mentale saine c'est celle où justement les
6 aspects rationnels, cognitifs sont en bonne
7 relation avec les aspects affectifs.

8 Comme on le dit aussi, on n'oublie
9 pas qu'on vit dans des sociétés humaines. On ne
10 vit pas seulement dans des économies. Je crois
11 que les Autochtones, tout en vivant des problèmes
12 très sérieux, ont un enseignement, une
13 contribution indispensable à nous faire partager
14 et qu'il faut, je crois, passer ce message-là aux
15 Allochtones, comment cet cloisonnement qu'on vit
16 dans nos sociétés contemporaines entre l'affecte
17 et le cognitif.

18 J'ai été frappé, lorsque je suis
19 venu il y a deux semaines, par des témoignages de
20 jeunes Attikameks-Montagnais qui parlaient sans,
21 je dirais, le malaise que moi je ressens, de leur
22 culture, de l'importance des chants, de leur
23 langue et tout ça, et qui le faisaient avec une
24 spontanéité que des non-Autochtones on se sente
25 quasiment non autorisés de faire référence à ces

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1 it and trying to figure out how it could work.

2 One of the things that was
3 mentioned often was along the line of the self-
4 governing bodies of the professions, a kind of
5 government that is not territorial as such but
6 covers the people. For example, the medical
7 doctors and lawyers are governed by self-governing
8 bodies.

9 These are ideas that are put
10 forward to the Commission.

11 My first question -- and I realize
12 that you say in your brief that this notion of
13 self-government in the city should be clarified --
14 is: Did you look at possible models? Did you
15 enter into a couple of steps into the technique to
16 look at what it could be, what kinds of model
17 could be possible? Has the Federation entered
18 into that kind of research as a group?

19 JOHN LES: Just to give my
20 thoughts on that question, as we say in the brief,
21 we feel that the municipal model is one that could
22 be emulated. I know that across the country
23 various municipal models, as we know them today,
24 have various levels of power. For example, in my
25 province of British Columbia a village does not

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1 aspects affectifs.

2 Je crois que c'est très important
3 de communiquer la contribution que les Autochtones
4 vont amener à notre société en général.

5 Au point de vue plus spécifique du
6 développement de l'autonomie politique et
7 l'autodétermination, nous trouvons très, très
8 positives les propositions qui ont été faites par
9 le Forum paritaire québécois et l'importance de
10 trouver des espaces paritaires, justement, des
11 mécanismes pour ensemble négocier et trouver des
12 solutions concrètes à l'aménagement de cette
13 autonomie.

14 En particulier, le développement
15 de gouvernement autonome sur des territoires
16 majoritairement autochtones où la participation
17 serait celle de tous les citoyens qui habitent ce
18 territoire-là, donc de gouvernements non purement
19 ethniques mais bien territoriaux nous semble très,
20 très positive. Je souhaiterais en discuter avec
21 vous mais je crois que c'est un fait que le
22 gouvernement québécois, par exemple, est un
23 gouvernement qui doit travailler pour les besoins
24 de l'ensemble de sa population.

25 Ce devrait être le cas aussi de

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1 have the same powers as a city does, and a city
2 government is much more autonomous than a village.

3 Perhaps if we were not to call it
4 a municipal model but call it something else, to
5 take away whatever stigma we happen to have
6 attached to us, I think there is a lot of merit in
7 examining that further to see whether that model,
8 without the label attached, is something that
9 could be implemented. It would certainly make it
10 much easier for us as municipalities to relate to
11 those structures of government. It is very much
12 services-to-people oriented.

13 The powers contained within that
14 model is something that we would obviously have to
15 work out and identify, hopefully in consultation.

16 We feel that there is a lot to be
17 said for that particular model.

18 **RON HAYTER:** In our examination
19 there is a suggestion -- and it is only a
20 suggestion. I think we have come to the point
21 that you have to look at government models that
22 work.

23 Certainly, from a practical,
24 administrative and political standpoint, municipal
25 government does provide a framework which works,

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1 ces gouvernements qui se développeraient sur des
2 territoires à majorité autochtones.

3 Je crois qu'on va s'arrêter ici
4 pour la partie plus formelle et enchaîner avec la
5 discussion.

6 COPRÉSIDENT RENÉ DUSSAULT: Je
7 voudrais d'abord vous remercier pour cette
8 présentation sur un sujet qui est extrêmement
9 important, celui entre autres de la santé mentale.

10 Comme vous l'avez dit, la question
11 de la santé mentale, qui comporte plusieurs
12 facettes, des facettes plus immédiates et d'autres
13 un peu plus éloignées, vous avez parlé de trois
14 axes, est extrêmement importante. C'est l'un des
15 problèmes majeurs qu'on trouve dans les
16 communautés autochtones.

17 Bien sûr il y a des cas extrêmes
18 ou des situations où vraiment on s'en est sorti.
19 Vous avez fait état d'Alkali Lake en Colombie-
20 Britannique. Nous avons tenu des audiences dans
21 cette région et rencontrer des gens qui nous ont
22 parlé par le détail de l'expérience de prise en
23 charge de la communauté.

24 Nous étions aussi il y a un an à
25 Val d'Or, et nous sommes allés au Grand Lac

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1 and it really is a grass roots type of government
2 where you do have accountability, you have
3 effective delivery of local services and you also
4 provide a very good quality of life.

5 Certainly, by suggesting that this
6 model should be looked at, we are not trying to be
7 paternalistic. In today's world we are all trying
8 to survive, and sometimes that depends on being
9 able to accept good ideas, even if they don't
10 originate with yourself.

11 Municipal government, I think,
12 stands the test of scrutiny as a good model to
13 look at.

14 CO-CHAIR RENÉ DUSSAULT: Again,
15 the debate stems, in part, from the fact that many
16 Aboriginal people are moving to the cities and
17 establishing themselves in the cities. Some of
18 them are in transit, in and out, and they really
19 feel that they have been left out by the social
20 and economic institutions in the cities.

21 As you know, one of the reasons is
22 the rate of inmates in provincial jails,
23 particularly in the west, which is much higher
24 than the normal rate among the population at
25 large. So there is a concern about the

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1 Victoria.

2 Évidemment il y a une équipe
3 multidisciplinaire qui travaille depuis une
4 douzaine d'années et plus. Tout le processus de
5 la guérison est quelque chose qui est absolument
6 essentiel. Souvent les gens ne savent pas trop
7 par quel bout le prendre parce que les problèmes
8 sont inter-reliés d'alcool, de chômage, d'abus de
9 substances de toutes sortes, qui conduisent à des
10 suicides, à des violences.

11 Souvent donc on préfère plutôt
12 mettre un chapeau là-dessus et nier que de
13 commencer à regarder le problème à l'interne. Par
14 ailleurs, lorsque des équipes externes vont dans
15 les communautés c'est la plupart du temps très
16 ponctuel et ça n'amène pas de solutions à long
17 terme parce que ça doit manifestement venir de la
18 communauté elle-même.

19 Mais quand le problème dure depuis
20 plusieurs générations ça soulève toute la question
21 comment sortir de ça. J'avoue que c'est un des
22 domaines où la Commission se sent le plus
23 interpellé parce que les moyens et les solutions
24 qui nous ont été présentés ne sont pas évidentes.
25 On parle de beaucoup de choses mais on a

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1 sensitivity of the local institutions to take into
2 account the particularities of Aboriginal people
3 coming to the cities in a culturally acceptable
4 way.

5 There is a challenge to the
6 existing institutions, and there will remain a
7 challenge. We have received many presentations
8 where people stress ways to get more influence on
9 municipal councils and on the various institutions
10 under the municipal councils. This will continue
11 and should be improved. This normally should be
12 the easiest way.

13 Even alongside any form of self-
14 government, Aboriginal people are not saying
15 generally, "We want to be cut off from the
16 municipal institutions. We still want to have our
17 say and to influence institutions and make sure
18 they are going to be sensitive." So the situation
19 varies.

20 You have given a host of examples
21 of what has been done so far to improve the
22 situation along that line. Calgary is a good
23 example, with their committee.

24 Could we have your views on what
25 are the plans for the future to improve this

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1 l'impression que malgré ce que vous dites, par
2 exemple, au niveau des générations, que c'est
3 peut-être pas pour celle-ci mais pour une autre,
4 que les problèmes sont tellement immédiats et
5 urgents avec la jeunesse autochtone, qui est
6 nombreuse, comme vous le savez.

7 Je repose un peu la question plus
8 globalement, et ce sont des phénomènes connus,
9 mais peu connus, dans le fond, du grand public par
10 opposition à des problèmes qui font la manchette
11 de façon quotidienne. On le voit quand il y a des
12 cas extrêmes comme Davis Inlet ou certaines
13 réserves au niveau de l'Ontario ou les vagues de
14 suicides, et caetera.

15 On a fait des consultations
16 spéciales sur le phénomène du suicide chez les
17 Autochtones en général, chez les jeunes en
18 particulier. On espère pouvoir produire assez
19 rapidement un rapport intérimaire sur cette
20 question-là. Ce n'est pas une question facile,
21 c'est une question qui n'est pas propre aux
22 Autochtones mais qui a contexte particulier.

23 Viola Robinson et moi-même étions
24 à Big Cove (PH) juste avant le début de la
25 dernière vague de suicides, en mai 1992. Il n'y a

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1 situation of the municipal institutions toward
2 making more room for Aboriginal people and to be
3 more culturally sensitive and also economically
4 sensitive and socially sensitive to Aboriginal
5 people living in cities. Do you have some plans
6 to improve? I know many cities are working on
7 that and trying to achieve a better situation, but
8 is there something more specific than what is in
9 your brief for the future?

10 TED CHOLOD, President,

11 Saskatchewan Urban Municipalities Association:

12 Commissioners, I come from the city of Regina. I
13 am an elected official there. The City of Regina
14 has deliberately put together a policy that tries,
15 as best it can, to bring the Aboriginal community
16 into the decision-making process.

17 We do have, for example, a five-
18 member Board of Police Commissioners, one of whom
19 at the moment is Native. We have other committees
20 of Council which we ensure look at the issue of
21 Aboriginal representation and, consequently, a
22 voice in the various activities of municipal
23 government.

24 I think the awareness is there.
25 Whether there is a need for improvement, I would

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1 personne lors des audiences publiques qui nous ont
2 vraiment fait part d'une préoccupation majeure par
3 rapport au suicide. Ça s'est déroulé le 7, 8 et
4 9.

5 Je vous retourne un peu la balle.
6 C'est sûr qu'il n'y a pas de solution unique. On
7 va pouvoir revenir sur les propositions sur le
8 plan de l'interface autochtone-non autochtone sur
9 le plan culturel. C'est clair que la langue et la
10 culture c'est fondamental. On nous l'a dit
11 partout, il n'y a pas de solution sans travailler
12 sur le renforcement d'identité.

13 Sur le plan proprement dit de la
14 façon pour une communauté qui a des problèmes
15 relativement endémiques, qui est souvent isolée
16 sur elle-même, comment est-ce qu'on fait pour que
17 l'étincelle de la prise en charge, que ça puisse
18 se faire?

19 On a eu à Montréal le groupe de
20 travail des femmes de Manwan chez les Attikameks.
21 On a fait des audiences un an auparavant et elles
22 ont vraiment fait une démarche très, très
23 importante de prise en charge sur le plan de la
24 question de violence. Donc c'est possible, et
25 c'est des débuts, et c'est fragile.

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1 probably be the first to admit "yes," because it
2 is not that easy to find people to sit on
3 committees. You are aware of the fact that the
4 Aboriginals are there, but it is not that easy to
5 encourage representation on these various
6 committees.

7 I think that is the type of
8 activity, it seems to me, that can get the
9 Aboriginals to be more influential.

10 If I might make just one comment
11 with respect to the self-government model within
12 urban centres, certainly if we can come up with
13 one that will work, I think we would encourage
14 that. I guess our urban communities are somewhat
15 concerned that we can't seem to come up with a
16 model that will work.

17 One of the difficulties is that
18 the self-government unit on a reserve within a
19 city would be really responsible to no one --
20 perhaps the federal government, but perhaps no one
21 -- while the surrounding municipal government is
22 responsible to the provincial government. You
23 have a concern in terms of how you deal with
24 stress and the pushes and pulls of various
25 decisions being made on the reserve as opposed to

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1 Est-ce qu'on prend ça cas par cas?
2 Souvent on a l'impression dans des cas extrêmes
3 qu'il faut presque momentanément ouvrir la
4 communauté. On sait que sur le plan canadien on
5 ne peut pas faire ça. Il faut que les communautés
6 elles-mêmes réagissent.

7 J'exprime un peu ce qu'on ressent
8 et l'ampleur des réalités qu'on a vues et que vous
9 connaissez sans doute, dans le nord-ouest du
10 Québec en particulier.

11 Vous avez regardé, par exemple, la
12 réalité de Alkali Lake. Comment est-ce qu'on fait
13 pour répercuter...évidemment c'est sûr que s'il y
14 avait le développement économique...

15 On sait que les problèmes sont
16 l'essentiel, l'éducation, de réussir à convaincre
17 les jeunes de poursuivre, et caetera. On a
18 souvent l'expression qu'on brasse la soupe. Je
19 vous retourne un peu la balle. De façon générale
20 vous avez certainement senti ça et réfléchi peut-
21 être aussi.

22 Vous nous avez fait part d'un bon
23 nombre de choses qui font sens et qu'on a
24 entendues peut-être pas toutes présentées comme
25 ça. Est-ce que vous avez une réflexion

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1 off the reserve, and that the whole group is still
2 part of a community.

3 JOHN LES: In our written
4 submission to the Commission at the end of August
5 there were a number of recommendations made. Some
6 seven or eight of those recommendations were to
7 municipalities themselves, as to how they could
8 better communicate and establish lines of
9 communication. That obviously has to be done
10 where it isn't being done already. Certainly our
11 Federation is willing to take a leadership role in
12 that way.

13 In my own municipality, until this
14 week, for the last six years has had an Aboriginal
15 representative on our Council. He was a past
16 Chief of one of the bands. I want to say that he
17 has made a number of very valuable contributions
18 to our decision-making process.

19 However, I have found that
20 Aboriginal people tend to prefer their own
21 institutions rather than getting involved in the
22 general city government, for example. It has been
23 a little frustrating to try to generate a good
24 level of interest in the Aboriginal community in
25 getting involved with various commissions and

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1 additionnelle à nous donner, sur la question du
2 suicide en particulier, comment les communautés
3 peuvent intervenir.

4 D' EMMANUEL STIP: Sur la question
5 du suicide, c'est vrai que pour l'instant il n'y a
6 pas beaucoup d'équipes de chercheurs qui ont des
7 réponses très concrètes à proposer.

8 Rien qu'en Abitibi dans la
9 population allochtone c'est un des taux les plus
10 importants. Je travaillais à Malartic (PH)
11 pendant sept ans. C'est deux fois le taux de la
12 province, qui est déjà élevé. Et ça c'est une
13 population qui est blanche, qui est, je dirais,
14 multi-ethnique aussi, celle de l'Abitibi.

15 C'est sûr qu'il y a sans doute des
16 facteurs qui sont prédisposants dans le mode de la
17 colonisation de l'Abitibi, des choses comme ça,
18 mais il n'y a pas pour l'instant de réponse
19 concrète, malheureusement. Je ne pourrais pas
20 vous dire ça.

21 On a au Centre de recherche
22 Fernand-Seguin une équipe qui travaille d'une
23 façon très sérieuse sur le suicide, et on en est
24 plutôt à des époques où on essaie de comprendre
25 plutôt que de proposer des solutions. Même s'il y

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1 committees that have been established by Council,
2 and the results have been somewhat sporadic.

3 Certainly, in the last number of
4 years in particular, we have tried very hard in
5 various community activities to get the Aboriginal
6 community involved. We have had, for example,
7 the B.C. Summer Games in our community. We were
8 very conscious of getting the Aboriginal community
9 involved. That has been successful, but not
10 always successful.

11 I do detect, in talking with
12 Aboriginal leaders a real desire on their part to
13 have their own institutions where they can do some
14 of these things in their own way and feel very
15 uncomfortable sometimes in a setting where it is
16 not the Aboriginal setting.

17 **RON HAYTER:** Also in the original
18 brief, at pages 40 to 43, it outlines some of the
19 initiatives that have been taken by some
20 municipalities across Canada -- and this is only a
21 listing of some of the municipalities that have
22 taken these initiatives.

23 Certainly, in my city of Edmonton,
24 it is a priority, and our experience has been a
25 good one in attracting involvement from the

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1 a des écoutes téléphoniques, S.O.S. Suicide
2 téléphonique, il n'y pas encore d'impact, on a
3 l'impression, sur le taux de suicides.

4 Ma réponse est peut-être
5 décourageante mais elle est dans la réalité
6 d'aujourd'hui.

7 Le deuxième aspect, j'ai été amené
8 à penser transgénérationnel parce que c'est vrai
9 que c'est déprimant pour un professionnel qui a
10 envie d'avoir des résultats immédiats sur un
11 problème d'alcoolisme, sur un problème de blessure
12 dans une famille, on a envie que les choses se
13 fassent vite.

14 C'est vrai qu'il faut qu'elles se
15 fassent vite. Ce qu'il faut qui aille rapidement
16 c'est de palier à l'urgence, à la gravité des
17 choses.

18 J'avais des périodes pas mal de
19 dépression quand on voyait l'ampleur du fléau et
20 que ce serait mauvais que des professionnels comme
21 moi ou comme d'autres baissent les bras et fassent
22 autre chose devant cette impuissance. Ce qui me
23 redonne l'espoir c'est que c'est vrai que c'est au
24 niveau de l'éducation, que les décisions qui
25 peuvent être prises, et ça je parle du niveau

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1 Aboriginal community in a variety of ways.

2 Earlier you were saying that there
3 seems to be a difference in the way Aboriginals
4 are treated in some municipalities compared to the
5 rest of the population. Also in the main brief we
6 indicate why that occurs in many cases. It is
7 because of this whole question of who is
8 responsible for whom, and it really causes
9 difficulties. Hopefully, through the process that
10 we are going through now, a lot of that will be
11 clarified and the problems will not be there.

12 CO-CHAIR RENÉ DUSSAULT: We
13 realize that the jurisdictional problem is a real
14 one. We have raised it in the introduction to our
15 report on the Urban Round Table. We are looking a
16 it.

17 Aboriginal people very often feel
18 that they fall between the cracks and that various
19 governments are sending them to the others. We
20 heard a lot about this situation.

21 We are concerned because we know
22 that, with the financial constraints that are
23 there, it is not going to be easy.

24 I think you are certainly right in
25 saying that Aboriginal people are looking for

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1 contextuel, c'est-à-dire tout le contexte de cette
2 réappropriation culturelle ou d'une transformation
3 culturelle.

4 Les résultats ne viendront pas à
5 cette génération-là maintenant. Peut-être que
6 c'est triste de le dire, mais c'est aussi joyeux
7 de le dire dans la mesure où si on fait ça pour
8 une génération qui viendra après, là on aura des
9 résultats, et ça je crois qu'on peut en avoir.

10 Ça me sort un peu de la dépression
11 de dire ça. Il y a bien des domaines dans
12 l'histoire de la santé. Quand on regarde les
13 écrits qui ont été faits sur l'histoire de la
14 santé ou de la médecine dans le monde entier où il
15 y a des résultats qui n'ont jamais été
16 appréciables à une génération ou même à deux ou
17 trois générations.

18 En général tout ce qui concerne
19 les grands problèmes de santé publique peuvent se
20 manifester comme ça. Je pense que ça c'est la
21 question de l'alcoolisme, de la violence, même de
22 la position par rapport à l'inceste. Peut-être
23 que les choses sont trop tard pour la génération
24 qui vient. Ça peut se faire dans une autre
25 génération.

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1 their own government. Once this is done, the
2 message we have is that they want to establish
3 links with neighbouring institutions and other
4 levels of government and also to participate in
5 those levels. It is not a message of returning
6 inward only; quite the contrary. Of course, it
7 takes time to work together, and that is why it is
8 important, I think, that those initiatives that
9 you list and others that might not be listed there
10 are encouraged and pushed. The more contact there
11 is, the more likely we are to succeed in getting a
12 formula that would fit both the concerns of
13 Aboriginal peoples and the municipalities, such as
14 harmonizing by-laws in cities and so on.

15 I would like at this point to ask
16 my colleague, Mary Sillett, to continue with a few
17 questions.

18 COMMISSIONER MARY SILLETT: Thank
19 you very much for coming here.

20 I would like to return to a
21 question that was previously asked by Mr. Dussault
22 on the whole issue of jurisdiction.

23 During our Urban Round Table in
24 Edmonton people said over and over and over again
25 that, when they come into the cities there is a

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1 Il faut que tout le processus
2 éducatif soit intégré à la problématique de santé.

3 Le troisième aspect est que les
4 structures mixtes, c'est-à-dire de la médecine
5 occidentale, de la médecine canadienne, est une
6 des meilleures du monde et il n'y a pas de raison
7 qu'elle ne donne pas de meilleurs résultats que
8 ça.

9 Ce qui compte dans les processus
10 de guérison c'est tout le contexte culturel dans
11 lequel on apporte une guérison. Et ça, s'il n'y
12 a pas des structures qui sont plus mixtes, s'il
13 n'y a pas une coloration autochtone au sein des
14 structures de soins pour prodiguer des soins à ces
15 gens-là, on passera à côté aussi d'un processus de
16 guérison.

17 Même si on les outils techniques,
18 des scanners, des grandes analyses sanguines, ce
19 ne sera pas au niveau de toutes ces analyses-là
20 qu'on arrivera à un processus de guérison. Il y a
21 autre chose. Il faut l'intégrer tout de suite
22 dans notre culture médicale, donc que ça se fasse
23 par l'enseignement à la Faculté de médecine, et
24 caetera. Là aussi c'est peut-être pas dans cette
25 génération-là mais dans la génération des futurs

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1 problem with jurisdiction. It is really
2 frustrating. We have often discussed this amongst
3 ourselves and said that, if there is one thing we
4 should really do, it is to look at this whole
5 issue seriously and considers ways it can be
6 resolved.

7 I was wondering if you have any
8 ideas as to how this whole issue of jurisdiction
9 could be resolved.

10 RON HAYTER: I think in the
11 remarks of Mayor Les he pointed out the one point
12 which I think is important, and it is also on page
13 43 of our brief. That is that the federal
14 government cannot draw a line separating
15 Aboriginal people on reserves and Aboriginal
16 people in urban areas. There has to be a residual
17 responsibility.

18 Right now what happens is that you
19 get caught in this situation where Aboriginal
20 people who do come to the urban areas are tossed
21 hither and fro because of this whole question of
22 who is responsible for whom, in areas of social
23 services, in health and matters of that nature.
24 Until there are very clear lines, there are always
25 going to be problems of interpretation.

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1 professionnels qu'on aura des résultats.

2 D' HUGUES CORMIER: Le suicide
3 chez les jeunes, il y a la question des individus.
4 Chaque personne a son histoire personnelle à
5 laquelle il faut accorder toute l'attention.

6 Si on parle dans un esprit plus
7 global, aussi simple que de dire il faut donner de
8 l'espoir. Il faut ouvrir de l'espoir. Il faut
9 que l'individu, face à sa vie, se dise: Ma vie a
10 un sens, ou n'en a pas. C'est aussi simple que
11 ça.

12 Il me semble que c'est là qu'on
13 peut faire le lien entre l'individu qui arrive à
14 dire "ma vie n'a plus de sens, j'y mets fin", ou
15 "je continue" s'il y a une lueur au bout du
16 tunnel.

17 Je crois que dans ce sens-là la
18 Commission et ce qui s'ensuivra est cruciale dans
19 le sens qu'il faut effectivement qu'il y ait de la
20 lumière au bout du tunnel de la capacité de la
21 vraie réalité de pouvoir se prendre en main, que
22 ce ne sera pas tout simplement des exhortations à
23 dire prenez-vous en main, mais qu'il y ait des
24 réalisations concrètes et des mécanismes concrets
25 où un individu va pouvoir donner un sens à sa vie

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1 JOHN LES: I think, when it comes
2 to the urban setting, if we are not talking about
3 reserves which we may well not be, the service
4 delivery aspects and institutionalized form of
5 service delivery to Aboriginal people that would
6 be recognized by everyone would be a potential
7 model that we could develop. We have many
8 examples of people obtaining social services not
9 always necessarily from the same agency. Perhaps
10 that is something that could be further developed
11 for Aboriginal people as well, so that they would
12 receive those services in a culturally sensitive
13 way, addressing specifically the needs of
14 Aboriginal people which may well be different in
15 some cases than it is for the population at large.

16 The implementation of self-
17 government in an urban setting is a very difficult
18 question. If it is not to be land-based -- and I
19 would suggest that being land-based would be very
20 difficult -- it certainly can be autonomous from a
21 service delivery point of view without a land base
22 from which to work.

23 COMMISSIONER MARY SILLETT: As we
24 were saying earlier, I think it is very difficult
25 for people with a land base to think about how

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1 parce qu'il va voir que ça peut mener à quelque
2 chose.

3 Je crois qu'on peut y aller
4 globalement mais on peut aussi, comme il y a des
5 expériences qui ont été évoquées, comme celle en
6 Alberta et tout ça.

7 Souvent en psychothérapie on parle
8 de l'expérience émotionnelle correctrice, c'est-
9 à-dire qu'après un traumatisme et des problèmes
10 c'est de vivre une expérience qui est correctrice,
11 qui est positive. Il nous faut des expériences
12 émotionnelles correctrices communautaires.

13 Ce sur quoi j'associe, il y en a
14 plein sans doute au Canada, mais entre autres
15 l'histoire de nos voisins états-uniens...il y a un
16 cas qui me vient à l'esprit. C'est une communauté
17 autochtone du Pacifique, près de l'Océan
18 Pacifique, où on a des indicateurs de santé
19 terrifiants au moment de la proclamation de ce qui
20 s'appelle le "Termination Bill" vis-à-vis des
21 Autochtones.

22 Devant l'aspect catastrophique de
23 la l'évolution de la désintégration des
24 communautés autochtones il y a eu pour cette
25 communauté, et je joindrais à notre rapport une

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1 self-government is possible without a land base.
2 We have heard from people who have been living in
3 the cities for a long time, and they have
4 discussed it. There is much more discussion about
5 the possibility of self-government without a land
6 base by groups who have expertise in that area --
7 for example, the Friendship Centres, groups who
8 have political representation for Aboriginal
9 peoples off-reserve who are not living in their
10 communities, and organizations like the Native
11 Council of Canada. There has been a lot of
12 discussion about that.

13 I think Aboriginal people, because
14 there are so many of them now in urban areas, are
15 saying, "We must have the ability to make our own
16 decisions and to run our own lives. We must have
17 our own institutions, and we must have our own
18 services."

19 Having said that, one of the
20 things I want to say is that I guess it is easier
21 in the west -- you are talking primarily about
22 Indians off-reserve, but I just want to repeat
23 that Aboriginal peoples who are in the cities are
24 many. There are Métis who really do feel that
25 they have been marginalized; there are Inuit who

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1 référence spécifique à cette expérience-là, la
2 mise sur pied d'une façon de redonner l'autonomie
3 à cette communauté, qui est aujourd'hui très
4 florissante non seulement en santé mais
5 économiquement.

6 Je ne sais pas si ça répond un
7 peu. Ça fait le lien aussi entre l'aspect suicide
8 de l'individu, l'aspect en plus psychiatrique je
9 dirais, mais c'est son lien avec l'aspect
10 politique aussi.

11 COPRÉSIDENT RENÉ DUSSAULT: Nous
12 sommes conscients que l'environnement politique,
13 l'environnement économique, donc les solutions à
14 moyen et à long terme, sont fondamentales.
15 Évidemment on a toujours l'espoir aussi de
16 commencer tout de suite.

17 Je voudrais passer la parole à ma
18 collègue, Viola Robinson.

19 COMMISSIONER VIOLA ROBINSON:
20 Thank you.

21 Your presentation has been very
22 interesting, and the things that you have told us.

23 One of the things that we hears as
24 we go to the communities, and I think it's
25 important what you say about integrating the

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1 have moved from their northern communities, and
2 there are other people not from reserves. I just
3 want to make sure that we all understand that. I
4 think, nationally, that is true.

5 When you were talking, I was just
6 thinking about what my own personal experience has
7 been with a town council. I think it is true
8 that, for the most part, they might be there in
9 your own city, but you never feel that you are a
10 part of it. So it doesn't surprise me when I
11 heard, for example, the speaker on your right
12 saying that Native peoples, although they know
13 they can run for municipal office in the big
14 cities, prefer to have their own institutions.
15 That doesn't surprise.

16 I guess, for the most part,
17 municipal council is something I have never heard
18 very much about. Now I hear, for example, that
19 municipal councils have many concerns. You have
20 concerns about land access; you have concerns
21 about zoning. You feel, for example, that any
22 land claim settlement or any self-government
23 negotiation may impact and, therefore, you feel
24 your interests should be represented.

25 Knowing that self-government and

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1 cultural ways and means of how Aboriginal people
2 are dealing, how they see themselves healing. I
3 think the style that's used has to be recognized
4 professionally in the medical world of society.

5 They talk about holistic values
6 and they talk about to heal means more, that you
7 have to heal from within. And also the support
8 system that they feel is so important and how in
9 the communities it means a lot more for one who is
10 struck with this kind of despair and illness to
11 have the support of you people, who will listen to
12 them and talk to them. It seems that's one way of
13 attacking this problem.

14 Going even to the point where we
15 went in to institutions, in penitentiary, penal
16 institutions. Aboriginal people in there, the
17 incarcerated people, were having lots of problems.
18 Using Elders I find that they've made a big
19 appeal. As well is the importance of using Elders
20 and their knowledge.

21 I think what has happened is that
22 a lot of the Aboriginal people in this generation
23 have lost a lot of their identity through, as you
24 said, authoritarian government, losing their
25 language and other styles and ways being imposed

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1 land claims are separate processes, what roles do
2 you see yourselves playing at the national,
3 regional or community self-government negotiations
4 and also in terms of the land claims negotiations?

5 **KATHY WATSON, President,**
6 **Association of Yukon Communities:** If I can speak
7 to that one, I am from Whitehorse in the Yukon
8 Territory and we are presently going through the
9 land claims process. It is happening as we speak.

10 I think it is important that
11 municipalities think of themselves as a service-
12 providing government, a very hands-on kind of
13 service. We provide the quality of living type
14 services to our people, and I don't see the
15 municipal role changing in this process.

16 I think, ideally, we work with
17 service agreements much like adjacent communities
18 do now where one community will provide
19 recreational services for the use of the next
20 community on a service agreement basis, a sort of
21 fee for service provision. I don't see that that
22 role has to change or deviate.

23 We in the north are very far
24 apart. Our communities are measured in hundreds
25 of miles distance from each other, so service

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1 on them. That has been lost, and especially if
2 they leave their communities they get a cultural
3 shock and then they don't know who they are then.
4 They're not accepted anywhere.

5 It's only the Elders now who can
6 come and give them the true meaning of who they
7 are -- that's through the language, through the
8 beliefs, through the culture and this type of
9 thing. They seem to think that this is very, very
10 important. They have a lot to contribute, the
11 knowledge that a lot of the older people have.

12 As you say about language,
13 language is on the point of extinction in Canada.
14 That has been proven over and over through a
15 number of studies. That's another point that we
16 hear. Language is an important part of being a
17 nation, an important part of culture. If you
18 don't have that, you don't have a lot, and that
19 really weakens your cultural identity.

20 When you think about that, we
21 heard it and we know that now. We also know the
22 importance of the work that you're doing as
23 professionals. How do you put these two together?
24 How do you integrate that?

25 It's important if medical

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1 agreements are something that are new to us. But
2 we certainly working very hard through our
3 community association to provide that.

4 We have asked specifically for
5 input from the band governments as well as the
6 Council for Yukon Indians to help us with that
7 process. Because of the sensitivity of the status
8 of our land claims at the time, there is a
9 reluctance to participate on behalf of the band
10 governments at that level at this point. However,
11 they have expressed interest, very much so, in
12 looking at our sort of footprints that we propose
13 for service agreements with our different
14 community groups, and we are hoping that that is
15 the solution.

16 **RON HAYTER:** I think inherent in
17 our presentation today and also the written brief
18 is an appeal for meaningful consultation.

19 In many cases land claims are
20 going to impact on municipalities. If you don't
21 have this process where municipalities are
22 involved in the discussions with those who are
23 making the claims, then you create an atmosphere
24 that is not very conducive to co-operation.

25 One thing that municipal

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1 professions are going to work, as you said, with
2 some of these people, to have that understanding.
3 How you get them together and bring them together
4 is something that has to be designed, has to be
5 developed yet.

6 In order to do that I guess we
7 need the support of the public and the support of
8 the whole governing structures and systems to be
9 able to recognize that and to make some effort in
10 making that possible.

11 It's really a major, major issue,
12 the whole topic that you spoke about -- the
13 language, the value system, the culture, the
14 suicide, and violence. I don't think we've gone
15 to a hearing anywhere in Canada where that has not
16 been brought up and raised as a major concern.

17 I did have one question for you.
18 In your work here in Montreal as a psychiatrist
19 and working for the homeless of Montreal and you
20 said 17 per cent of the women coming around are
21 Inuit, 17 per cent of how many? Is that a large
22 number?

23 D' EMMANUEL STIP: Every day
24 there are between 25 and 63 women who visit the
25 Centre. If we consider the number of different

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1 government does not want to be is an obstacle to
2 the process of self-government. But what happens
3 if you are not a player, if you are not at the
4 table where the discussions are going on and where
5 all the information is not being shared? Then
6 there is a tendency for fear to develop. Usually
7 what happens when you have fear is that it leads
8 to polarization, and polarization does not create
9 an atmosphere for good working relationships.

10 Municipal government has survived
11 in this country since the beginning of this
12 country, and it has survived very well despite
13 some unfair impositions by other levels of
14 government over the years. It has thrived and
15 prospered because it is a necessary form of
16 government. It provides the kinds of service that
17 people need at the grass roots.

18 That survival has meant a lot of
19 processes which involve agreements with different
20 parties, consultation, and we think it is a very
21 good model for success.

22 We think if we can be involved as
23 municipal government in the process of land claims
24 and in the process of self-government, we will be
25 able to work something out which will be

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1 persons during one year, we find that --

2 COMMISSIONER VIOLA ROBINSON:

3 Seventeen per cent of that. Around that.

4 D' EMMANUEL STIP: Seventeen per
5 cent of this frequentation are of Inuit origin.

6 COMMISSIONER VIOLA ROBINSON: We
7 have heard from other groups in Montreal who are
8 working to alleviate some -- they know there are a
9 number of Aboriginal people in Montreal, Inuit and
10 Cree and from other Aboriginal extractions. They
11 are having problems, especially the women.

12 Yesterday when the women appeared
13 and said there are so many women in Montreal who
14 are having problems accessing service delivery
15 agencies and getting access to hospitals and
16 whatever it might be.

17 This is something I think that we
18 would be interested in knowing how that could be
19 attacked now, what could be done now to sensitize
20 service delivery groups that need to be sensitized
21 to these issues and to be more open and more
22 understanding of the people who are coming in,
23 especially the people who are Aboriginal.

24 I think the lady yesterday said
25 something about they were used like a ping-pong

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1 beneficial to the Aborigines and also to the non-
2 Aboriginal community. But if you don't provide
3 for that opportunity for meaningful consultation,
4 then there is always a possibility that you will
5 be simply sewing the seeds of future problems.

6 **COMMISSIONER MARY SILLETT:** We
7 have heard from over 2,000 presenters, and some of
8 those groups have said, "We have a real interest
9 in the issues being discussed by land claims and
10 self-government. We want to be involved."

11 You are saying that, because you
12 are at a different level -- you are not a third
13 party. Your interest is higher than that. You
14 are another level of government, and you actually
15 want to be at the table. You don't necessarily
16 want an observer or third party status. Is that
17 what I am hearing?

18 **RON HAYTER:** That is correct. The
19 whole process of land claims and self-government,
20 in so many cases, impacts upon existing local
21 government. The federal government and the
22 provincial governments are a little further
23 removed from the outcomes of such decisions, but
24 municipal government is there and, in many cases,
25 the impact is on the citizens in that local

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1 and bounced back forth, from one service agency to
2 another, and were having great difficulty.

3 D^r EMMANUEL STIP: At Chedoris
4 (PH), the women who work there are very sensitive
5 to this problem. There is one professional who is
6 Autochtone who works in this aspect.

7 COMMISSIONER VIOLA ROBINSON: It
8 would be nice if that could be accommodated in
9 other service agencies as well.

10 D^r EMMANUEL STIP: Yes.

11 COMMISSIONER VIOLA ROBINSON:
12 Thank you.

13 COPRÉSIDENT RENÉ DUSSAULT: En
14 terminant je voudrais simplement indiquer...vous
15 avez mentionné que dans l'enseignement au niveau
16 de la santé mentale au Québec il n'y a pas de
17 facette autochtone propre à la réalité autochtone.
18 Vous êtes certainement bien placés pour pousser
19 pour que ça se fasse au niveau des programmes. On
20 ne peut pas faire autrement que de vous inciter à
21 le faire. Il y a effectivement un manque qui est
22 important qui devrait être comblé.

23 En terminant je voudrais vous
24 remercier encore une fois d'avoir fait cette
25 présentation. Si vous avez une remarque à faire

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1 government area.

2 By having a process which involves
3 local government, we are confident that you will
4 come up with a lot better solution.

5 CO-CHAIR RENÉ DUSSAULT: On this
6 very point, I think it would be useful if you
7 could forward to us a good description of the
8 impact that you have talked about, the practical
9 impact that land claims have on the cities. This
10 is said in your brief, but it would be of benefit,
11 certainly for the Commission and probably for
12 others, to have a concrete description.

13 For example, you are from
14 Whitehorse and the land claim is proceeding at
15 this point. What are the impacts?

16 Of course, in Saskatchewan the
17 treaty land entitlement has given money for
18 Aboriginal people to buy land in the market. They
19 came down to Saskatoon and they bought land, and
20 then they got the status of a reserve.

21 There are many kinds of possible
22 impact, and it would be useful if you could
23 document that for us as a supplementary.

24 RON HAYTER: We would be quite
25 pleased to do that. We can give you quite a

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1 suite à cette requête, d'une certaine façon, parce
2 que ça m'apparaît tellement évident, je vous cède
3 la parole, et par la suite on va conclure.

4 D^r HUGUES CORMIER: Justement, D^r
5 Stip a publié il y a quelques semaines un manuel
6 qui s'adresse aux étudiants du collège. Je vais
7 laisser le D^r Stip en parler.

8 Si vous permettez, je vais
9 reformuler quelque chose que j'ai dit auparavant
10 et Emmanuel va...on n'a pas le temps...

11 COPRÉSIDENT RENÉ DUSSAULT: Il
12 faut qu'on le fasse brièvement parce qu'on est
13 déjà en retard sur l'horaire.

14 D^r EMMANUEL STIP: Justement,
15 c'est ça qui doit être fait, je pense, dans les
16 pressions auprès des organismes d'enseignement de
17 la médecine, du nursing, et caetera, qui doivent
18 être sensibilisés à cette question-là.

19 J'ai écrit un manuel scolaire avec
20 un psychologue pour tous les CEGEPs du Québec,
21 avec le programme Psychologie et santé mentale.
22 Volontairement dans l'histoire de folie, puisque
23 le premier chapitre c'est "L'histoire de la
24 folie", il y a une place, justement, la façon dont
25 les Amérindiens, avant l'arrivée des Européens, se

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1 number of examples.

2 CO-CHAIR RENÉ DUSSAULT: Again,
3 discussing self-government in the cities, it is
4 totally obvious. We don't have to document that.
5 But the land claims present a variety of
6 situations, so I think it would clarify what you
7 have in mind and what you live through.

8 KATHY WATSON: I think there is
9 ample opportunity to provide many stories -- lots
10 of success stories and lots of frustrating
11 situations. We can certainly be specific and get
12 those back to you in an expedient fashion.

13 RON HAYTER: There are success
14 stories, and I think that is important. I think
15 they come about because of good communication and
16 good consultation. I think that is the keynote of
17 our request, that this be broadened so that it is
18 not on a hit-and-miss basis but accepted as a
19 general principle rather than just on a hit-and-
20 miss basis.

21 There are situations where
22 problems have arisen because of a lack of
23 consultation. I am sorry that Alderman Cholod
24 from Saskatchewan had to leave because he was
25 going to tell about the situation in Fort

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1 représentaient les dérangements de l'esprit, avec
2 leur approche aussi.

3 Donc ça c'est dans un manuel
4 scolaire et je pense que c'est important que dès
5 le CEGEP les gens puissent avoir accès à ces
6 données-là.

7 Dans les documents de travail
8 j'avais demandé à Richard Kistabish d'écrire la
9 façon dont il se représente la santé mentale et il
10 a fait un chapitre donc du livre.

11 C'est dans ces voies-là que je
12 pense qu'il y a comme une prévention. Avec cette
13 génération-là déjà ils vont avoir un accès à la
14 culture autochtone à travers un livre de santé
15 mentale. Je pense que ce sont de petites étapes
16 concrètes qu'on devrait tous généraliser.

17 COPRÉSIDENT RENÉ DUSSAULT: Très
18 bien.

19 Nous avons eu une présentation de
20 la part du D^r Augustin Roy et de la Corporation
21 professionnelle des médecins et encore une fois du
22 côté de la formation universitaire proprement dite
23 on vous incite, et je pense qu'on n'a pas à vous
24 inciter, vous avez vous-même exprimé la carence
25 qu'il y avait de ce côté-là.

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1 Qu'Appelle where there is quite a major
2 confrontation shaping up there. It could have
3 been avoided if the proper forms of consultation
4 had been followed.

5 CO-CHAIR RENÉ DUSSAULT: Thank
6 you.

7 My very last point is that the
8 policy issue within the cities is very sensitive
9 to cultural minorities and also to Aboriginal
10 people who are not a cultural minority but have to
11 be understood as being part of the nations of
12 Canada as First Peoples. I know you alluded to
13 some undertakings that are made for making the
14 police services and the police forces more
15 sensitive to the reality of Aboriginal people.

16 I would just like to stress that,
17 from our point of view and from what we have
18 heard, it is very important to proceed in that
19 direction. I know you are aware of that, but I
20 wanted to have the opportunity to share this with
21 you.

22 Time is running. In closing, I
23 know you have a copy of the brief that was given
24 to us by the Native Council of Canada earlier this
25 month -- or last month now; we are in December

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1 Encore une fois on vous remercie
2 d'être venus nous rencontrer et d'avoir échangé
3 avec nous sur ces questions difficiles. Je pense
4 que vous avez mentionné que vous nous feriez
5 parvenir un mémoire écrit. On est extrêmement
6 intéressé à ce que vous le fassiez dans les
7 prochaines semaines. Ça pourrait influencer le
8 travail de réflexion de la Commission. Merci.

9 Nous allons suspendre pour une
10 dizaine de minutes avant de reprendre avec une
11 présentation de M. Louis-Marie Ouellette,
12 professeur à l'Université de Sherbrooke.

13 --- Suspension de l'audience à 10 h 11

14 --- Reprise de l'audience à 10 h 39

15 COPRÉSIDENT RENÉ DUSSAULT: La
16 Commission va reprendre son audience publique avec
17 une présentation par M. Louis-Marie Ouellette,
18 professeur à la Faculté d'éducation de
19 l'Université de Sherbrooke.

20 LOUIS-MARIE OUELLETTE, Professeur,
21 Université de Sherbrooke: Madame, monsieur, je
22 tiens d'abord à remercier la Commission royale
23 pour l'invitation faite auprès de l'Université de
24 Sherbrooke en tant qu'institution éducative du
25 milieu québécois à participer à la discussion

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1 now. The Native Council of Canada gave us in
2 their presentation what is labelled as a Model of
3 Urban Self-government. Do you have those four
4 models? It was given to us for our information,
5 and I just want to be sure that you have that,
6 too.

7 RON HAYTER: We don't, but we will
8 get it.

9 CO-CHAIR RENÉ DUSSAULT: We are
10 really looking for models, wherever they come
11 from, particularly in this area, as it is
12 something new and a concept that is difficult to
13 tackle. I just wanted to be sure that you had
14 come across this document.

15 I would like to thank you for
16 coming and sharing with us and presenting this
17 brief to the Commission. As I said earlier, we
18 are going to keep in close touch in the coming
19 months. Meanwhile, perhaps you could provide us
20 with a supplementary and any other further
21 thoughts by the Federation of Canadian
22 Municipalities. We are anxious to get as much
23 information from your organization and all the
24 cities across Canada.

25 RON HAYTER: We thank you very

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1 publique visant à suggérer des éléments de
2 solutions pouvant faciliter l'établissement de
3 relations harmonieuses entre nos sociétés
4 respectives.

5 C'est sur la base d'une expérience
6 personnelle, à la fin des années 70, à la
7 direction d'une école primaire dans une communauté
8 Crie de nord de l'Abitibi, qu'un adjoint au
9 recteur de l'Université m'a demandé de participer,
10 à titre personnel, à vos travaux.

11 Bien que cette expérience
12 professionnelle ait été très satisfaisante, cette
13 seule expérience d'un an est insuffisante en elle-
14 même pour me présenter comme expert dans le
15 domaine des institutions scolaires mettant en
16 présence des communautés de cultures différentes.
17 Cependant, depuis plusieurs années j'agis comme
18 responsable dans la mise en oeuvre de programmes
19 d'études en éducation dont l'orientation est
20 fondée sur la responsabilité des intervenants en
21 éducation selon un modèle d'organisation basé sur
22 le partenariat.

23 Or, comme le mandat confié à la
24 Commission consiste à identifier les grands
25 paramètres d'un nouveau contrat social entre les

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1 much for this opportunity and also for the
2 opportunity to provide some additional
3 information. We will certainly get you that
4 information as soon as possible.

5 CO-CHAIR RENÉ DUSSAULT: Thank
6 you.

7 Nous allons suspendre l'audience
8 pour deux ou trois minutes. Nous reprendrons avec
9 la présentation de l'Association des Universités
10 canadiennes d'études nordiques.

11 --- Suspension de l'audience à 12 h 15

12 --- Reprise de l'audience à 12 h 30

13 COPRÉSIDENT RENÉ DUSSAULT: La
14 Commission royale sur les peuples autochtones au
15 Canada reprend son audience publique avec la
16 présentation du mémoire de l'Association
17 universitaire canadienne d'études nordiques.

18 Je cède la parole immédiatement à
19 M. Jules Dufour.

20 JULES DUFOUR, Directeur,
21 Association universitaire canadienne d'études
22 nordiques: Merci beaucoup, monsieur le Président,
23 et bonjour, madame la Commissaire.

24 Je tiens d'abord à vous remercier
25 au nom de l'Association pour cette possibilité de

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1 peuples autochtones et la société canadienne
2 pouvant conduire à la réconciliation et plus
3 précisément au partenariat, c'est donc sur la base
4 de mon expérience pertinente en tant que
5 planificateur de programmes ouverts en éducation,
6 ajoutée à ma courte mais enrichissante expérience
7 en milieu Crie ,que je viens aujourd'hui vous
8 soumettre mon point de vue sur le concept du
9 partenariat en éducation.

10 Dans nos sociétés modernes
11 l'éducation est assurée par des institutions dont
12 la fonction primordiale est d'organiser
13 systématiquement le développement intellectuel,
14 spirituel et social des individus. Un des
15 objectifs de l'éducation publique consiste à
16 préparer chaque individu, au moment de son
17 intégration à la collectivité, à participer
18 activement à la consolidation et à l'amélioration
19 des structures communautaires.

20 Or, lorsqu'il est question des
21 jeunes qui sont au début de leur formation
22 scolaire, le système éducatif doit prendre en
23 considération que ceux-ci seront "opérationnels",
24 pour ainsi dire, dans 10 à 15 ans, au moins.

25 Or, si on considère qu'on a

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1 présenter notre point de vue, et surtout notre
2 réalité, la réalité de l'Association universitaire
3 canadienne d'études nordiques.

4 Je vous remercie donc au nom du
5 Président, Roger King, et aussi au nom du conseil
6 d'administration. Le président s'excuse de ne pas
7 être avec nous aujourd'hui. Il n'était pas en
8 mesure de se présenter.

9 Je suis heureux, puisque j'ai
10 rencontré aujourd'hui l'ex-présidente, qui était
11 présidente il n'y a pas longtemps, D^r Marianne
12 Stenbaek, et elle a bien accepté mon invitation de
13 m'accompagner pour la présentation de notre
14 mémoire.

15 Je le fait non pas en tant que
16 directeur exécutif mais en tant que directeur ou,
17 si vous voulez, membre du conseil d'administration
18 de l'Association. Nous avons dans le passé un
19 directeur exécutif à temps plein. Nous n'avons
20 plus ce poste, ce poste a disparu et nous
21 essayons, les membres du Conseil, d'être plus
22 actifs depuis un certain nombre d'années.

23 Le mémoire a été préparé par les
24 membres de l'exécutif de notre association, les
25 officiers, et il reflète bien l'ensemble de notre

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1 tendance à faire référence au modèle
2 d'enseignement qu'on a déjà reçu, ce qui traduit
3 une attitude à caractère régressive, il devient
4 important de pouvoir identifier en quoi nos
5 systèmes actuels d'éducation prennent en
6 considération les réalités futures que nos jeunes
7 vivront. Dans cette perspective, de tels systèmes
8 éducatifs doivent devenir prospectifs.

9 La participation des individus aux
10 structures communautaires est réalisable dans la
11 mesure où ils ont la possibilité d'assumer des
12 responsabilités concrètes à l'intérieur des
13 organismes auxquels ils sont rattachés. Le
14 système d'éducation publique, en tant
15 qu'institution sociale, peut être défini comme un
16 organisme qui relie ensemble des individus ou,
17 pour utiliser l'expression de Gregory Bateson,
18 "pattern which connects".

19 Si un système d'éducation publique
20 et composé d'individus de cultures différentes, il
21 importe d'élaborer un modèle (pattern) qui relie
22 les cultures ensemble. De la sorte, toutes les
23 personnes impliquées dans la mise en oeuvre d'un
24 système d'éducation à caractère interculturel, que
25 ce soit les élèves, les parents, les

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1 réalité et traite aussi des principales
2 préoccupations que nous avons présentement et que
3 nous discutons présentement pour le développement
4 de la formation et de la recherche nordique au
5 Canada.

6 J'aimerais aussi, avant de laisser
7 la parole à Marianne, féliciter la Commission pour
8 le travail extraordinaire que vous avez consenti à
9 faire, puisque c'est une tâche extrêmement
10 difficile que de conduire une commission dans un
11 pays aussi large, aussi vaste, que le Canada, et
12 je vous félicite.

13 Ça répond à un appel du programme
14 Yawananchi (PH), un appel qui était pressant
15 auprès des gouvernements, et j'espère que les
16 résultats de votre Commission, j'en suis sûr, vont
17 nous permettre de trouver des solutions pour le
18 meilleur partage des ressources de ce pays.

19 Également j'avais vu dans le
20 traité mondial alternatif sur les peuples
21 autochtones que nous avons discuté à Rio l'année
22 dernière cet appel pour une recherche d'un
23 meilleur dialogue et d'une meilleure cohabitation
24 dans l'ensemble des pays pour les peuples
25 autochtones.

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1 administrateurs et les planificateurs, ont la
2 responsabilité d'identifier un modèle éducatif
3 conforme à leurs aspirations.

4 Cette responsabilité ou cette
5 implication personnelle concernant
6 l'identification des caractéristiques ou des
7 paramètres d'un modèle est essentielle car,
8 advenant que les individus soient empêchés ou ne
9 soient pas en position d'agir positivement et
10 concrètement sur leur modèle d'action, ils vont
11 devoir se référer à des modèles déjà tout
12 constitués, et si ces modèles en vigueur sont des
13 modèles conflictuels, les relations en seront
14 affectées.

15 Dans une vision prospective,
16 lorsqu'il s'agit d'analyser le système éducatif
17 comme un modèle de relations entre les individus
18 ou entre les groupes sociaux, on constate qu'il
19 n'existe pas de règles fixes et infaillibles qui
20 permettraient de gérer les difficultés inhérentes
21 aux changements des structures éducatives requis
22 par les transformations actuelles ou futures des
23 rapports sociaux.

24 De la sorte, l'ordre des priorités
25 nécessité pour l'adoption d'un nouveau modèle

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1 Brièvement, nous allons tout
2 simplement vous présenter une première partie de
3 notre mémoire et ensuite je vous lirai et on
4 pourra commenter aussi les 18 recommandations que
5 nous avons élaborées, et nous pourrons échanger
6 sur ce qui nous préoccupe présentement.

7 MARIANNE STENBAEK: Thank you.

8 I would like to give you a brief
9 overview of the Association.

10 The Association of Canadian
11 Universities for Northern Studies was founded at
12 Churchill, Manitoba in 1977 and was incorporated
13 in 1978. It is registered as a charitable
14 organization and is a voluntary association of 37
15 Canadian universities and northern colleges with
16 northern interests. The Association was
17 established because of the need for a
18 communications network to link university scholars
19 who have an interest in northern studies with each
20 other, with government and with other agencies
21 concerned with northern science and development
22 through education, professional and scientific
23 training and research

24 The purpose of ACUNS is the
25 achievement of northern scholarship through

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1 éducatif ressort d'un débat public dans lequel les
2 partenaires sont amenés à mettre en évidence les
3 caractéristiques culturelles relatives à leur
4 identité. Afin qu'un tel objectif soit réalisable
5 il est important que soit adoptée une perspective
6 générale fondée sur la souplesse et la diversité
7 culturelle car, comme on peut le remarquer dans
8 les conflits actuels, les hostilités éclatent
9 lorsque les individus se confondent si totalement
10 à leur culture qu'ils en deviennent aveugles à
11 l'égard de toute autre.

12 Ainsi, dans l'adoption de
13 paramètres pour les actions éducatives les
14 individus sont invités à mettre en évidence les
15 principes généraux dans la mesure où ils admettent
16 que d'autres principes sont enfouis dans des
17 cultures autres que la leur. S'il existe une
18 volonté d'établir un ordre des priorités ou des
19 paramètres qui rendent compte de l'association des
20 cultures, le dialogue, par l'échange d'idées qu'il
21 suscite, sert à alimenter la discussion préalable
22 à l'établissement d'un accord entre les
23 partenaires concernant les caractéristiques de cet
24 ordre nouveau, accord fondé sur la relation entre
25 les cultures et non sur la prédominance de l'une

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1 education, professional and scientific training
2 and research. More specifically, the mission of
3 ACUNS is to represent the interests of the member
4 universities and colleges by influencing
5 government and private sector policies and
6 practices related to the support of northern
7 scholarship. ACUNS also seeks to establish
8 mechanisms through which resources can be
9 allocated to member institutions and northern
10 scholars for the purpose of increasing knowledge
11 of the north and ensuring an appropriate number of
12 trained and skilled northern scientists, managers
13 and educators.

14 In addition, ACUNS strives to
15 enhance opportunities for northern peoples to
16 become leaders and promoters of excellence in
17 education and research important to northern
18 society, to facilitate through conferences,
19 seminars, research and other methods the
20 understanding and resolution of northern issues
21 and to co-operate with other public, private and
22 international agencies and organizations concerned
23 with the advancement, application and impact of
24 northern scholarship.

25 ACUNS publishes a bilingual

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1 par rapport à l'autre, accord fondé sur
2 l'équilibre mesuré entre les principes généraux du
3 modèle éducatif et les caractéristiques
4 culturelles des communautés.

5 Dans le contexte du partenariat la
6 question de la responsabilité individuelle et
7 collective constitue le facteur caractéristique de
8 l'établissement de l'ordre des priorités. Ainsi,
9 la responsabilité est un principe d'organisation
10 des relations dans un système prospectif
11 d'éducation publique.

12 Or, les choix que les partenaires
13 ont à effectuer au moment de la détermination des
14 paramètres du système éducatif peuvent être source
15 de controverses, de dilemmes ou de désaccords. Ce
16 sont là des questions éthiques incontournables.
17 C'est pourquoi il m'apparaît important d'orienter
18 et de fonder le choix des paramètres en fonction
19 d'une position éthique explicite.

20 Il est de plus en plus fréquent de
21 constater l'application du concept d'éthique à des
22 professions comme la médecine, le droit ou même
23 l'ingénierie. On peut remarquer que le concept
24 est utilisé souvent dans un sens déontologique où
25 il est question de règles de conduite à suivre;

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1 newsletter which Jules is going to show you,
2 "Northline/Point Nord", three times a year, which
3 is devoted mainly to contemporary issues and to
4 Canadian northern science. It has a circulation
5 of approximately 3,000 people, not only in Canada
6 but also internationally, and is published three
7 times a year. It is sent free of charge to anyone
8 interested in northern science.

9 ACUNS has also organized three
10 national student conferences and plans are now
11 under way to hold a third such conference in
12 Ottawa in October 1994. Undergraduate and
13 graduate students from all over Canada attend
14 these conferences and report on their work in the
15 Canadian north. In addition, ACUNS has also
16 sponsored a number of Regional Northern Studies
17 Student Workshops organized by students at which
18 students from a number of local institutions meet
19 to present papers and exchange information and
20 experience. To date, workshops have been held at
21 Trent University, the University of Alberta, and
22 Arctic College in Fort Smith.

23 The seventh edition of the popular
24 directory of polar specialists in Canada has been
25 published recently by ACUNS with the Circumpolar

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1 c'est là un aspect prescriptif.

2 Il est cependant possible de
3 comprendre le concept d'éthique comme un principe
4 formel indiquant à quels critères les actions
5 éducatives doivent être subordonnées. Les
6 pratiques restent à être conçues en fonction de la
7 responsabilité des individus selon les contextes
8 différents d'application du modèle éducatif.

9 Le concept d'éthique en éducation,
10 au sens de l'ensemble des critères ou des
11 recommandations orientant les pratiques
12 éducatives, rend compte de cet aspect de la
13 responsabilité dans les relations humaines. Alors
14 il me semble souhaitable de développer une
15 perspective éthique comme cadre de référence et
16 d'analyse à l'élaboration et à l'évaluation des
17 systèmes d'éducation publique interculturelle en
18 fonction des défis que pose l'affirmation de
19 l'autonomie des partenaires de cultures
20 différentes.

21 Cette perspective éthique concerne
22 l'aptitude à orienter les pratiques éducatives
23 dans le but de réussir les actions à entreprendre.
24 La capacité à déterminer les critères de réussite
25 correspond à la capacité de reconnaître les

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1 Scientific Directorate of the Department of Indian
2 and Northern Affairs.

3 ACUNS also publishes the booklet,
4 "Ethical Principles for the Conduct of Research in
5 the North." It has long been an essential
6 document for all scientific researchers in
7 northern Canada, and for many years the only
8 printed source of ethical guidelines for northern
9 research. I think it has set a precedent for many
10 other such booklets. This publication is
11 presently being revised prior to the publication
12 of the next edition.

13 The Canadian Northern Studies
14 Trust, the ACUNS Awards Program, established in
15 1982, raises funds for the granting of
16 Studentships, Special Awards, and other support to
17 persons interested in northern research and
18 education. These awards are granted to regular
19 university undergraduate and graduate students as
20 well as to northern residents wishing to further
21 their learning through shorter periods of training
22 at Canadian universities.

23 The Trust also offers a research
24 support opportunity in Arctic Environmental
25 Studies provided by the Atmospheric Environment

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1 limites de nos possibilités, premièrement du point
2 de vue de l'identité personnelle, sur le plan
3 l'estime de soi; deuxièmement, du point de vue
4 interpersonnel, sur le plan de l'ouverture face
5 aux autres; troisièmement, du point de vue des
6 institutions, sur le plan de l'intégration aux
7 structures sociales et des relations entre les
8 communautés. Le philosophe Paul Ricoeur a
9 analysé, dans un autre contexte, ces trois points
10 de vue.

11 Premièrement, dans un système
12 public et interculturel d'éducation, si on veut
13 que le critère éthique de l'estime de soi
14 représente un des paramètres des actions
15 éducatives il est important que chaque individu, à
16 quelque niveau que ce soit dans l'institution, ait
17 la possibilité de donner son point de vue
18 concernant les conditions de réalisation et de
19 réussite des apprentissages ou des comportements
20 souhaités.

21 À cet effet, chaque individu doit
22 être dans une situation où il peut intervenir dans
23 le choix des orientations à la base des pratiques
24 du système éducatif. L'estime de soi est reliée à
25 la capacité de pouvoir se comporter d'une manière

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1 Service and Caribou Research Awards on behalf of
2 the Beverly and Qamanirjuaq Caribou Management
3 Scholarship Fund.

4 ACUNS considers that it is through
5 a concerted and diverse approach that Canada's
6 north can be kept at the forefront of academic and
7 scientific initiatives and that northerners,
8 including Aboriginal peoples, should share the
9 resources and expertise in Canadian universities.
10 At present, the Canadian Northern Studies Trust is
11 the major polar scholarship program in Canada.

12 In its work the Trust is directed
13 and assisted by a Management Committee appointed
14 by the ACUNS Board of Directors. In 1992-93 this
15 committee was chaired by Professor Nelson, and it
16 consisted of Mr. Abrahamson, Guy Brassard, Jean
17 Fournier, Mr. Mackie, Professor Stager, Marianne
18 Stenbaek and Roger King representing the ACUNS
19 Board of Directors. The Management Committee
20 selects recipients for the awards, discusses
21 policy and is responsible for fund-raising. ACUNS
22 is registered as a charitable organization and
23 issue receipts for donations on behalf of the
24 Trust.

25 Since 1982, the Trust has raised

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1 intentionnelle.

2 C'est donc dire qu'une des étapes
3 dans la planification des programmes éducatifs
4 consiste à faire en sorte que tous les
5 intervenants aient effectivement la responsabilité
6 d'énoncer les points significatifs du processus
7 éducatif à entreprendre. Ces points significatifs
8 touchent les réalités quotidiennes dont il importe
9 de tenir compte, ce qui implique, en prenant un
10 simple exemple parmi tant d'autres, qu'au moment
11 du choix de l'adoption d'un matériel éducatif ou
12 pédagogique il faut s'assurer que chacun puisse se
13 reconnaître, dans ses différences culturelles,
14 linguistiques, spirituelles ou économiques.

15 Ainsi, à chaque contexte éducatif
16 particulier les questions touchant les objectifs
17 et les contenus des activités, le matériel
18 pédagogique, les modes d'enseignement,
19 d'encadrement, d'évaluation, sont à être
20 déterminées par les individus qui participent à la
21 situation éducative.

22 L'individu peut se reconnaître
23 dans la situation qui lui est proposée et y
24 trouver un lien avec ses préoccupations profondes
25 dans la mesure où il découvre une façon qui lui

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1 over \$1 million dollars. Over \$800,000 has been
2 directly disbursed as awards, and \$195,000 has
3 been put into endowments sufficient to fund one
4 Studentship in Northern Studies, one Special Award
5 for northern residents and one Co-operatives Award
6 annually. The endowments have been made possible
7 from major donations by the Donner Canadian
8 Foundation, the MacMillan Northern Canada Trust,
9 Arctic Co-operatives Ltd. and the Northwest
10 Territories Co-operatives Business Development
11 Fund.

12 The Aboriginal Economic Program of
13 the Government of Canada provided funds for a
14 program called the Native Economic Graduate
15 Scholarships Program from 1985 to 1991.

16 That gives an overview of some of
17 the activities of ACUNS.

18 JULES DUFOUR: Monsieur le
19 Président, madame la Commissaire, j'aimerais peut-
20 être aussi mentionné que nous aidons au
21 développement du programme de formation
22 scientifique dans le Nord. Depuis que
23 l'Association a été fondée nous aidons ce
24 programme du ministère des affaires indiennes et
25 du Nord pour aider les étudiants gradués qui

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1 est propre d'envisager son orientation. La
2 conséquence de cette aptitude à se comporter selon
3 ses intentions donne à l'individu la possibilité
4 de modifier le déroulement des situations, la
5 capacité, s'il y a lieu, de changer le cours des
6 événements, donc la faculté d'initiative. De ce
7 point de vue l'estime de soi est une conséquence
8 de la responsabilité de l'individu.

9 Deuxièmement, les critères de
10 réussite des systèmes d'éducation impliquent
11 l'adoption et le respect d'un mode de
12 fonctionnement dans les relations entre les
13 individus. Dans cette perspective le souci de
14 l'autre en tant que caractéristique éthique dans
15 les rapports interpersonnels constitue un des
16 paramètres.

17 Le lien entre les individus doit
18 reposer sur une symétrie relationnelle de base
19 spécifiant par là que le rapport n'est pas fondé
20 sur le pouvoir de l'un sur l'autre, ce qui ferait
21 en sorte que l'un puisse devenir victime de
22 l'autre.

23 La symétrie dans les relations
24 c'est l'ouverture vers l'autre, l'intérêt à
25 l'égard de l'autre, l'empathie pour ce que peut

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1 veulent poursuivre de la recherche et des
2 compléments de formation dans le Nord, et surtout
3 de la recherche dans le Nord, qu'on puisse les
4 aider à se déplacer sur le terrain, pour
5 l'hébergement et le transport.

6 Ce programme a connu un grand
7 succès, vous allez pouvoir le voir dans notre
8 mémoire, depuis le début de son existence.

9 Depuis 1962, 1963 il y a eu plus
10 de 12 millions de dollars qui ont été octroyés à
11 un grand nombre d'étudiants. Vous voyez que ce
12 programme s'est développé, et aujourd'hui, en
13 1991-1992, on a distribué plus de 748 000 \$ parmi
14 les 31 universités participantes.

15 Donc durant cette même année,
16 1991-1992, plus de 280 étudiants, répartis à
17 travers le Canada, ont profité d'une subvention.

18 C'est un programme extrêmement
19 important et nous allons peut-être échanger là-
20 dessus, si vous le juges à propos, après que j'aie
21 lu les différentes recommandations que vous
22 trouvez aux pages 11, 12 et 13 de notre mémoire,
23 si vous jugez que nous avons le temps de le faire.

24 Although there is a growing
25 appreciation among the scientific community that

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1 ressentir l'autre. En cela le mode de
2 fonctionnement doit favoriser l'engagement
3 personnel et la confiance réciproque à établir des
4 finalités communes à la fois au-delà des
5 différences et dans le respect des différences.

6 Concrètement, certaines activités
7 doivent être consacrées à ce partage entre les
8 partenaires d'un même organisme, lieu où il est
9 possible de faire part de ses difficultés dans la
10 poursuite des objectifs fixés afin de recevoir de
11 ses pairs le support nécessaire pour continuer
12 l'action, lieu où il est aussi possible de
13 partager les découvertes et les réalisations, non
14 dans un esprit de compétition mais pour démontrer
15 que les apprentissages effectués sont des indices
16 positifs de changement et d'évolution. Les grands
17 objectifs généraux des systèmes éducatifs doivent
18 favoriser des pratiques d'analyse assez fines afin
19 de pouvoir évaluer le climat dans les relations
20 interpersonnelles et quand cela s'avère
21 nécessaire, de suggérer des moyens concrets pour
22 améliorer la situation.

23 Troisièmement, les critères de
24 réussite concernent l'intégration des individus en
25 fonction du système éducatif, où il est question

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1 social purpose must drive scientific research,
2 there is still a need to increase the focus of
3 university research in the north into areas of
4 inquiry most relevant to Aboriginal peoples. At
5 the same time, this should not be to the exclusion
6 of the interests of other residents of the north.
7 This necessitates some form of national co-
8 ordination and a unified approach based on co-
9 operation at several levels -- federal,
10 provincial, territorial and among universities and
11 colleges.

12 Northern residents, including the
13 Aboriginal people, should play a greater influence
14 in the planning of northern research and
15 circumpolar or bipolar studies. This should be
16 done without detracting from the research needed in
17 light of broader national and international
18 interests.

19 Information dissemination between
20 northern researchers and the local communities
21 continues to be a problem. Attention needs to be
22 given to the availability of scientific
23 information to all northerners who need it in a
24 form in which they can use it.

25 There is a need to increase the

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1 du mode de partage de la juste répartition des
2 avantages et des devoirs et où il est aussi
3 question de l'initiation aux responsabilités
4 sociales comme moyen d'assurer l'adaptation des
5 institutions au gré de l'évolution des changements
6 à venir.

7 Il est important que chaque
8 individu puisse sentir qu'il a un actif rôle à
9 jouer dans le mode d'organisation de
10 l'institution. La manifestation des
11 responsabilités individuelles dans la gestion des
12 institutions, là où se concrétise pleinement le
13 partenariat, nécessite que le rôle assigné à
14 l'individu se définisse dans la perspective d'une
15 organisation fonctionnelle de l'institution et non
16 dans l'esprit d'une hiérarchie de valeurs là où il
17 y a départage entre les fonctions dites
18 supérieures et celles dites inférieures.

19 Les avantages que l'individu peut
20 retirer des institutions sont fondées sur les
21 investissements qu'il réalise en fonction de ses
22 possibilités et non à partir des prérogatives de
23 sa fonction. Le fait qu'un individu puisse
24 retirer trop de bénéfices en regard du peu de
25 travail crée un sentiment d'injustice.

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1 interests of the Aboriginal people in scientific
2 studies and for non-Aboriginal scientists to
3 become better informed about indigenous knowledge.
4 In short, there is a need for better appreciation
5 by all sides of the characteristics and
6 capabilities, including the limitations, of
7 indigenous knowledge and western science.

8 Aboriginal people must require an
9 academic qualification that will enable them to
10 participate at all levels in national and world-
11 class research on subjects important to them. If
12 northern Aboriginal peoples are to be made aware
13 of post-secondary education opportunities and to
14 be able to access these opportunities, northern
15 studies must be promoted, not just in the north
16 but throughout Canada.

17 Existing universities and colleges
18 need to increase courses and programs geared
19 specifically to northern studies and to Aboriginal
20 populations, especially in fields such as
21 medicine, engineering and social studies.

22 Northern programs and resources
23 available at universities and colleges should be
24 made more readily available to northern Aboriginal
25 peoples. Scholarship programs should be flexible

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1 L'exercice des responsabilités
2 amène à définir le fonctionnement de nos
3 institutions à partir de la recherche d'une équité
4 proportionnelle où chacun se voit attribuer ce qui
5 lui est dû par son action et non par son titre.
6 Les procédures administratives doivent cependant
7 être assez souples afin de pouvoir prendre en
8 considération les différences qualitatives
9 possibles dans les actions entreprises par rapport
10 aux différences culturelles.

11 Un dernier point permet de mettre
12 en évidence l'importance de se servir du cadre des
13 institutions éducatives comme tremplin pour
14 l'initiation aux fonctions que les individus
15 auront à remplir dans la société.

16 Les individus impliqués dans les
17 organismes à caractère éducatif, quel que soit
18 leur âge, quelle que soit leur fonction, vivent
19 des enjeux sociaux qui les concernent directement.
20 Qu'on pense au décrochage scolaire, à la violence
21 dans les écoles, aux affrontements inter-ethniques
22 ou aux transformations rapides du tissu social en
23 général.

24 Parce que l'institution éducative
25 peut représenter un lieu d'initiation à la

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1 enough to allow northern Aboriginal plus ordinary
2 students to take advantage of specific programs
3 and expertise at several universities rather than
4 necessarily spending all their time on one campus
5 enrolled in one degree program.

6 Due to the lack of adequate
7 planning, funding and provision of resources,
8 there is a very real danger of Canada becoming
9 dependent on the research, expertise, and
10 priorities of other countries. Canada needs to
11 increase scholarly attention on the study of
12 environmental, social, societal, economic and
13 political changes that are taking place in the
14 Canadian north and affecting Aboriginal peoples.

15 In spite of the creation of the
16 Canadian Polar Commission, there is still no co-
17 ordinated polar science program or even a polar
18 science policy in Canada which would be
19 responsible for managing government support of
20 universities and other non-government
21 organizations engaged in polar research.

22 Polar science in Canada continues
23 to be poorly managed, and this impacts adversely
24 on the Aboriginal peoples.

25 There are dangers inherent in the

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1 responsabilité individuelle, peut représenter la
2 place où les questions auxquelles peuvent
3 s'identifier les individus sont débattues, peut
4 représenter l'occasion de découvrir ses intérêts
5 et de stimuler ses initiatives; parce que
6 l'institution éducative, en même temps que la
7 poursuite d'objectifs d'apprentissages ou de
8 comportements, peut amener à développer des
9 solidarités et à favoriser le sens de
10 l'engagement; parce que l'éducation éducative peut
11 nous enseigner que, dans une perspective d'équité
12 distributive, les bénéfices sont proportionnels
13 aux efforts consentis, pour toutes ces raisons
14 l'institution éducative représente l'endroit
15 privilégié où tous les intervenants peuvent agir,
16 selon leur fonction, pour apporter les solutions
17 concrètes aux problèmes qui les préoccupent à leur
18 niveau.

19 De la sorte, les jeunes feront
20 l'expérience que leur actions, aussi minimes
21 soient-elles, peuvent avoir cette capacité de
22 modifier le cours des événements, cette aptitude à
23 devenir partenaire dans l'exercice essentiel de
24 valorisation de sa communauté, dans la mise en
25 place d'un ordre de priorités dans les relations

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1 present trend toward an increased fragmentation of
2 research activities and funding sources in the
3 Canadian north. This appears to be largely
4 attributable to the current policy of federal
5 government institutions of transferring programs
6 and jurisdictions to northern institutions in
7 response to demands for more local authority and
8 control. The research is likely to become less
9 focused, unco-ordinated, under-funded and of poor
10 quality.

11 Levels and continuity of funding
12 of university research, training and education
13 programs are presently inadequate. There is a
14 problem in Canada generally, but it is
15 particularly acute in the Canadian north because
16 of the relatively high cost involved. There
17 continues to be a need for more inter-governmental
18 support for northern, nationally-relevant post-
19 secondary initiatives such as conferences,
20 training programs and research assistance.

21 Continued funding of the Northern
22 Scientific Training Program and its efficient
23 management is essential to the health, vigour and
24 very future of scientific research in the north.

25 Lack of adequate funding and

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1 avec les autres, relations fondées sur la
2 reconnaissance et le respect des différences.

3 Je souhaite que ces quelques
4 réflexions que je vous adresse auront servi à
5 montrer que le concept d'éthique, bien que très
6 difficile à cerner, peut être de quelque utilité
7 comme point de référence dans la recherche de
8 cadres ou de modèles qui relient nos sociétés
9 différentes tel que l'institution éducative peut
10 en être un.

11 Conscient du caractère abstrait de
12 mon exposé, j'espère à tout le moins que mes
13 propos auront permis d'apporter au débat un
14 éclairage différent et, qui sait, de susciter des
15 questions nouvelles.

16 Merci.

17 COPRÉSIDENT RENÉ DUSSAULT: Je
18 voudrais vous remercier, monsieur Ouellette, de
19 cette présentation qui bien que, comme vous le
20 dites, abstraite, est certainement stimulante.

21 L'éducation, comme vous le savez,
22 est un point central du mandat de la Commission.
23 L'éducation chez les Autochtones, par les
24 Autochtones, mais aussi l'éducation dans les
25 systèmes publics où des Autochtones viennent

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1 increasing uncertainties for the future make the
2 current absence of a science policy for the north
3 even more critical.

4 Increased participation in the
5 control, planning and execution of university
6 research in the north by northern residents,
7 including the Aboriginal people, has become a
8 reality. However, the present licensing and
9 reporting procedures are too complicated, too
10 fragmented and time-consuming for those involved.
11 There is a very real danger that they are becoming
12 counter-productive.

13 It is important that the basis of
14 scientific licensing in the north be reviewed with
15 the aim of maintaining rigour and protecting the
16 interests of northerners while, at the same time,
17 making the review process more efficient so that
18 projects are not delayed unnecessarily and
19 arbitrarily. At the same time, there is a need
20 for greater co-ordination of procedures between
21 the various organizations involved.

22 The meeting of interested parties
23 being organized by the Science Institute of the
24 Northwest Territories and scheduled for early
25 December -- I think it is next week -- is

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1 chercher la formation. Donc il faut travailler
2 sur les deux plans, le plan des écoles autochtones
3 qui sont essentielles, certainement la maternelle,
4 davantage au primaire, pour bien asseoir
5 l'identité, les langues, mais aussi le plan de
6 l'interface avec les systèmes d'éducation
7 publique, souvent au niveau secondaire,
8 certainement au niveau collégial et universitaire.

9 Les Autochtones sont conscients
10 qu'ils doivent participer aux deux types de
11 systèmes. Il y un débat sur l'équilibre entre les
12 deux.

13 Ce sera un peu ma première
14 question. Est-ce que votre mémoire se situe aussi
15 bien dans un contexte d'écoles autochtones dans la
16 communauté autochtone largement sous contrôle
17 autochtone comme, par exemple, au niveau de la
18 commission scolaire crie dans le nord du Québec,
19 ou est-ce que ça se situe également dans le
20 contexte du CEGP de Sept-îles, qui reçoit bon
21 nombre de Montagnais, et je pourrais en énumérer,
22 et des écoles secondaires de la même façon.

23 C'est peut-être ma première
24 question, pour clarifier un peu la portée de vos
25 propos.

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1 undoubtedly a move in the right direction. In the
2 meantime, it is strongly recommended that a
3 similar workshop be planned for the Yukon and that
4 workshops in both territories be co-ordinated in
5 the future. It is vital to maintain a dialogue
6 between all the stakeholders involved in northern
7 research.

8 Thank you very much on behalf of
9 the Association and the Executive of the
10 Association.

11 COPRÉSIDENT RENÉ DUSSAULT: Merci
12 pour cette présentation. Je vais demander à ma
13 collègue, Mary Sillett, de commencer la
14 discussion.

15 COMMISSIONER MARY SILLETT: Thank
16 you very much. Thank you, Marianne, for coming at
17 the last minute.

18 I just want to say that Royal
19 Commission on Aboriginal Peoples has produced this
20 booklet -- and I am sure you are aware of it. I
21 just want to say that, as we have crossed the
22 country, we have heard many presenters saying, "We
23 have been researched to death," and I am sure you
24 hear that often as well.

25 What we have been told by our

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1 LOUIS-MARIE OUELLETTE: Puisque le
2 point de vue que j'ai adopté dans ma présentation
3 est un point de vue très général fondé sur le
4 concept de l'éthique, il m'apparaît que ce
5 concept-là est applicable dans les deux situations
6 que vous mentionnez.

7 À cet effet je pense que je suis
8 plus familier, cependant, dans les situations où
9 les deux cultures peuvent intervenir, mais je
10 crois que le concept d'éthique qui nous renvoie à
11 l'identité de l'individu, aux relations
12 interpersonnelles et aux structures de nos
13 institutions s'appliquent aussi bien dans une
14 société que dans une autre.

15 COPRÉSIDENT RENÉ DUSSAULT: Dans
16 l'esprit principal où vous êtes familier, c'est-à-
17 dire où les deux communautés peuvent intervenir,
18 si vous référez au système public d'éducation en
19 général, qui accueille des Autochtones, des jeunes
20 en particulier, il est évident que notre système
21 public est majoritairement non-Autochtone.

22 Est-ce que l'essentiel de votre
23 propos sur un concept d'éthique en trois volets
24 particuliers pour, dans le fond, éclairer la
25 gestion des écoles, éclairer le contenu du projet

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1 research staff is that what people are really
2 saying is, "We haven't benefited from that
3 research. We haven't seen any improvement to our
4 lives as a result of that research."

5 I was wondering if you could tell
6 us if that is what you think or don't think. Are
7 there any areas where research has been overdone?
8 Are there any areas, for example, where research
9 hasn't been done? Are there any areas where
10 enough research has been done?

11 JULES DUFOUR: We mention in our
12 memoire that there were specific fields where we
13 have succeeded in doing good research in
14 partnership with the northerners, especially in
15 land claim inventories. The Nunavut atlas is a
16 good example.

17 The Association is composed of
18 different universities, and they are free to do
19 what they want, but there is an increasing concern
20 to do research which is relevant to northern
21 issues, in partnership with the northerners. So
22 this is a growing concern among the members.

23 Especially, we try to use in a
24 better way the traditional knowledge. This is a
25 new trend in the Association. We have already had

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1 pédagogique, comme ça se produit dans un contexte
2 où en principe les institutions sont à majorité
3 non-autochtones, les professeurs sont
4 majoritairement non-Autochtones, donc c'est un
5 concept qui s'adresse essentiellement aux
6 institutions, au corps professoral, pour leur dire
7 vous devez tenir en compte tel et tel élément.

8 Il y a une éthique qu'il faut
9 avoir pour pouvoir être efficaces non seulement
10 pour la clientèle générale mais pour la clientèle
11 particulière, qui est la clientèle autochtone.
12 Encore que vos principes sont valables aussi pour
13 la clientèle générale, sans aucun doute.

14 Pouvez-vous élaborer un peu là-
15 dessus?

16 LOUIS-MARIE OUELLETTE: Je pense
17 qu'il y a une conception des structures
18 éducatives. Il existe une conception rigide de
19 nos institutions éducatives dans laquelle on s'en
20 remet à des experts pour décider des orientations.
21 Je prends par exemple le cas du développement des
22 contenus, le développement curriculaire entre
23 autres.

24 À mon avis, je pense que ce serait
25 important que les institutions, au lieu de s'en

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1 some workshops on the traditional knowledge, and
2 we are going to continue in that direction.

3 Perhaps Marianne can add some
4 comments.

5 **MARIANNE STENBAEK:** I was a little
6 hesitant to answer because, whatever one says, one
7 is going to step on somebody's toes here.

8 I think there is some research
9 that might not have been of very direct relevance
10 to the communities. I think there also has been a
11 lot of research that has been relevant. I think
12 one problem is that a lot of the research gets
13 taken back to the southern university and is never
14 really communicated to the communities.

15 We have talked about this for a
16 number of years. I don't know what the answer is
17 to it. Personally, I don't think sending big
18 reports to the communities is the answer. I think
19 some form, either over the radio as radio
20 programs, television programs -- I have talked to
21 TVNC on a number of occasions, and they have said
22 that their viewers would very much like science
23 programs. Maybe that is the kind of avenue that
24 southern researchers should explore. It should
25 certainly be made available in Aboriginal

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1 remettre exclusivement à des experts, puissent
2 laisser la place, laisser du temps, et ça à mon
3 avis c'est important de le faire, de le structurer
4 d'une façon formelle, de laisser la place à des
5 intervenants qui peuvent être en minorité pour
6 exposer des points de vue. L'important c'est de
7 faire en sorte que les points de vue qui sont
8 exprimés, on puisse en rendre compte dans
9 l'élaboration, par exemple, de curriculum ou de
10 programme scolaire précis.

11 C'est peut-être une activité, par
12 exemple, en début d'année ou comme je peux le
13 vivre à l'université lorsqu'on rencontre des
14 groupes qui veulent profiter d'un programme.
15 C'est de les rencontrer, d'avoir une période
16 précise où les gens déterminent leurs besoins,
17 indiquent leurs orientations, et s'attendent à ce
18 qu'on puisse en tenir compte dans la mise sur pied
19 du programme par après.

20 C'est un point très simple il me
21 paraît mais je ne crois pas que c'est un point qui
22 est mis en pratique fréquemment à tout le moins.

23 C'est comme si on avait une idée
24 de l'autorité qui doit décider pour tout le monde.
25 Je pense que c'est important que chacun de nous

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1 languages also.

2 The Danish Polar Institute
3 publishes a scientific periodical in Greenlandic
4 and in Danish which is widely disseminated amongst
5 Greenlanders. Something like that might be very
6 useful.

7 There is an awful lot of research
8 there, and a lot of it is useful, but it kind of
9 stays in the south very often -- obviously not all
10 the time, but maybe far too often.

11 JULES DUFOUR: I would like to add
12 that the Association, as a whole, has tried, I
13 would say in the last 10 years, to have better
14 links between the researchers and the people
15 dealing with the real issues in the north by
16 having in our Association Yukon College and Arctic
17 College as full members of the Association. We
18 meet every two years in the north. We try to have
19 forums and workshops, and we have set up an adult
20 committee on the northern colleges, on northern
21 training. The committee is still working on
22 different issues in order to improve research and
23 to have a better involvement, which I would say is
24 the key for the future, of northern residents in
25 the research process.

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1 ait sa part des décisions, comme je disais tantôt,
2 aussi minimes soient-elles.

3 Par exemple, lorsque vous parlez
4 des institutions éducatives qui s'adressent en
5 général à un certain type de communauté, par
6 exemple, au niveau de l'adoption d'un matériel
7 scolaire je pense que ce serait important de
8 pouvoir faire en sorte que chacun des individus,
9 même si on fait partie d'une minorité, on ait de
10 la place pour s'identifier. Autrement c'est
11 difficile à pouvoir s'identifier à notre culture
12 quand on ne la voit nulle part.

13 COPRÉSIDENT RENÉ DUSSAULT:

14 Évidemment au niveau des principes, pour faire en
15 sorte que le contenu du programme scolaire
16 favorise l'estime de soi, pour faire en sorte
17 qu'on ait un mot à dire, que ce soit symétrique et
18 non pas asymétrique dans le sens où véritablement
19 les groupes aient leur mot à dire, et caetera,
20 qu'on développe un sens des responsabilités par
21 une participation concrète et des bénéfices
22 correspondant, et que ça peut rejaillir sur la
23 communauté.

24 C'est bien de l'exprimer comme ça
25 mais je vais vous faire part, par exemple, M^{me}

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1 That is the way the Association
2 tries to be more aware of what are the real
3 concerns of the northerners.

4 **MARIANNE STENBAEK:** I might add to
5 that that, in the conferences we have had -- I was
6 President until October 1 this year. In the last
7 four years we did always try to have Aboriginal
8 peoples and students at our conferences. We tried
9 to include traditional knowledge to the extent
10 that we could.

11 If I were to sum up what I learned
12 about that in the four years I was there it is
13 that the main problem is the dissemination
14 problem, how to get it to the communities in a
15 forum that is useful to the communities.

16 The other thing that came up time
17 and again was that researchers from southern
18 universities were looking for some cross-cultural
19 training. There is a lot of goodwill, I think, in
20 southern universities. Some people just don't
21 know how to go about it, but they would be very
22 willing to learn. Many researchers have spent
23 long times in the communities and have learned to
24 speak a little bit of the Aboriginal language and
25 have learned how to behave.

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1 Robinson et moi étions à l'Université de Concordia
2 il y a deux semaines où on avait stimulé la
3 présence d'un colloque avec des jeunes Autochtones
4 et non-Autochtones. Il y avait des professeurs
5 d'un certain nombre de CEGEPs de Montréal, dont le
6 CEGEP John Abbott.

7 Parlant avec des membres du corps
8 professoral on nous disait, écoutez, nous on est
9 totalement interpellé sur le plan interculturel
10 par une situation où cette année en première année
11 de CEGEP on a 50 jeunes Cris et on a pas loin de
12 50 jeunes Inuits. Il y a cinq ans on en avait
13 quatre ou cinq. On ne nous a pas préparés à les
14 recevoir, et caetera.

15 Évidemment on descend un peu sur
16 le plancher de l'action telle qu'elle se produit
17 mais c'est quand même frappant parce qu'on voit
18 venir ce qui s'en vient, et on le voit venir
19 depuis un bon nombre d'années, et ça ne fait que
20 commencer du côté des jeunes Autochtones.

21 Je sais que votre réflexion se
22 veut une réflexion qui stimule la conception des
23 programmes. Vous avez vécu un an chez les Cris,
24 comment est-ce qu'on peut, dans un contexte comme
25 Montréal ou Sherbrooke ou des villes qui ont des

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1 It might be a good idea to have
2 some formalized cross-cultural training of
3 researchers so that, when they go to a community,
4 they avoid at least some major mistakes.

5 **COMMISSIONER MARY SILLETT:** Thank
6 you. I feel in a way that I am having a
7 discussion with the converted. You have really,
8 on record, proven that you are very sensitive
9 especially to the needs of the northerners with
10 respect to doing research in the north.

11 You said earlier that you have
12 found ways of incorporating traditional knowledge.
13 As you know and as I know, Native people have been
14 very concerned that the research capability, the
15 wisdom, the knowledge of people in their
16 communities sometimes is under-utilized with
17 respect to research projects. There is a
18 recognition that we don't have enough hard
19 scientific researchers. What we are saying is
20 that we do have a knowledge to contribute. We
21 have a contribution to make in this area, and that
22 contribution should be recognized and should be
23 used.

24 One of the things we understand
25 very well is that the way information is

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1 clientèles autochtones, comment est-ce que les
2 commissions scolaires peuvent faire passer le
3 message à la fois de se préparer et activement
4 qu'il y ait des actions qui se prennent.

5 LOUIS-MARIE OUELLETTE: J'aurais
6 un cas bien précis ou d'une action concrète qui a
7 été entreprise justement concernant le problème de
8 la multi-ethnie à Montréal.

9 À l'Université de Sherbrooke on
10 offre un programme de perfectionnement des maîtres
11 au CEGP et à cet effet on a rencontré les gens du
12 Collège Vanier, même si c'est un collège
13 anglophone, demander à l'Université de Sherbrooke
14 de venir offrir son programme de perfectionnement
15 des maîtres. C'est un programme de maîtrise.

16 Comme je vous disais, une des
17 activités qui m'apparaît importante c'est qu'avant
18 de mettre sur pied un programme on a une activité
19 précise où tous les profs qui sont impliqués dans
20 le programme doivent définir les problèmes qu'ils
21 ont à vivre et quelles sont les activités qu'ils
22 aimeraient avoir pour améliorer leurs pratiques.

23 Un des points qui est ressorti de
24 la part de ces professeurs-là c'est leur
25 difficulté à gérer les problèmes multi-ethniques

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1 communicated in many Aboriginal communities is
2 orally. Many Aboriginal communities have very
3 strong oral histories, a very strong tradition of
4 oral history.

5 When we were thinking about how to
6 get certain information from the Inuit who had
7 been relocated from northern Quebec to the High
8 Arctic in the early 1950s, one of the things that
9 we recognized was that there had been a lot of
10 information written about these people by non-
11 Aboriginal people. There had been a lot of
12 information written about these people from a non-
13 Aboriginal viewpoint. We felt we had a
14 responsibility, in the name of fairness, to allow
15 people to tell their story by themselves in a way
16 that they were comfortable. So we gave the
17 opportunity in a public forum for those Inuit to
18 tell their side of the story.

19 I was really proud that the Royal
20 Commission did this. I don't know if there is any
21 other Royal Commission that has recognized that
22 there is a different way of giving information.

23 Yes, we have been preoccupied with
24 the question of information dissemination. We
25 feel that, in principle, it is our responsibility,

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1 dans leurs classes. Alors la solution ça a été
2 de prendre en considération leurs objectifs et
3 leurs besoins et de trouver une ressource qui leur
4 donnerait une activité de 45 heures pour leur
5 permettre d'abord de réfléchir à ce problème-là et
6 de trouver des solutions dans leur milieu, le
7 milieu des CEGEPs.

8 Je pense que c'est un exemple où
9 parce qu'on a cru à la nécessité d'impliquer les
10 gens dans la détermination de leur besoin de
11 formation, je pense que c'est un exemple qui nous
12 permet de voir que c'est possible. Mais faut-il
13 au préalable avoir la conviction que ces choses-là
14 sont possibles?

15 COPRÉSIDENT RENÉ DUSSAULT: On a
16 eu l'occasion plus tôt cette semaine d'avoir une
17 présentation justement par les gens de votre
18 université, Fernand Ouellette et José Lopez
19 Arellano, qui sont maîtres de conférences, qui
20 nous ont réexposé le programme au niveau de la
21 maîtrise pour la formation des maîtres sur le plan
22 interculturel avec le volet autochtone. Est-ce
23 que c'est à ça que vous réferez?

24 LOUIS-MARIE OUELLETTE: Non.
25 C'est vraiment un programme dans le cadre du

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1 if not our duty, to give the research results back
2 to the community. But, you are right: Who wants
3 volumes and volumes of books? We are told this is
4 a society where people read very rarely; they
5 watch television, and there is not a lot of time
6 any more. That is a challenge that you have to
7 face and that we have to face with respect to our
8 research projects.

9 I would like to congratulate you
10 on the work that you are doing.

11 CO-CHAIR RENÉ DUSSAULT: I would
12 like to get back to the ethical guidelines that
13 the 37 university members of your organization
14 adopted in 1982. Of course, the concern is with
15 the north.

16 At the outset, very early, our
17 Commissioners had to face the larger issue that
18 is, in fact, exactly the same issue but covering
19 the south also. There is a huge debate across the
20 world, in a way, under the heading of decolonizing
21 research. We are certainly quite aware of it.

22 Of course, being a Commission on
23 Aboriginal peoples, the first message we got was
24 that, if we were to base our recommendations on a
25 research program, it would have to be seen as

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1 perfectionnement des professeurs de CEGEP.
2 Puisque c'est une problématique que les
3 professeurs de CEGEPs ont à vivre, je pense que
4 c'était important d'être à l'écoute de ces
5 questions-là et d'essayer, dans nos moyens,
6 d'apporter une solution.

7 Ça améliore, je pense, leurs
8 compétences professionnelles.

9 COPRÉSIDENT RENÉ DUSSAULT: Est-ce
10 qu'il y a un volet autochtone dans ce projet de
11 perfectionnement et pas uniquement interculturel?

12 LOUIS-MARIE OUELLETTE: Non.

13 COPRÉSIDENT RENÉ DUSSAULT: Il n'y
14 a pas de volet propre autochtone?

15 LOUIS-MARIE OUELLETTE: Non.

16 COPRÉSIDENT RENÉ DUSSAULT: C'est
17 évident que les communautés culturelles il y a des
18 enfants de façon très importante dans les écoles
19 du Québec et que ça apporte un défi additionnel,
20 mais quand je mentionnais la situation de John
21 Abbott, le CEGP, et qu'il y a 50 jeunes Cris en
22 première année de CEGP, autant du côté inuit et où
23 les professeurs sont très intéressés mais
24 interpellés et dans le fond où la préparation ce
25 n'est pas fait de longue main, il y a un besoin,

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1 valid by both non-Aboriginal people and Aboriginal
2 people, and that normally research had been done
3 on Aboriginal people by southerners, by non-
4 Aboriginal people who made their career and
5 published in their own universities, but with
6 cultural bias because of the different world
7 views.

8 What we did as a Commission was
9 that we organized two research symposiums where
10 both Aboriginal and non-Aboriginal researchers,
11 joined by Aboriginal leaders, came to Ottawa and
12 to Alberta to discuss that very issue. It was a
13 tough discussion, and we realized that we had to
14 do as much as we could during the life of the
15 Commission and for our own research program, but
16 that this debate would go on long after we were
17 gone.

18 Nevertheless, we have looked
19 around to see if this question had been tackled.
20 We came across your Code of Ethics and some other
21 documents, but frankly we didn't find much. So we
22 decided to publish our own Code of Ethics. We
23 discussed this with the Federation of Social
24 Sciences in Canada, and they were quite interested
25 in it, I must say. This Code of Ethics is

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1 et très particulier, parce qu'il y a une
2 distinction importante, comme vous le savez, entre
3 les Autochtones premiers habitants et les
4 minorités culturelles.

5 Est-ce qu'il y a une discussion
6 dans le cadre de l'Université de Sherbrooke sur
7 l'addition d'un volet plus particulier propre aux
8 Autochtones pour mieux préparer les professeurs de
9 CEGP à appliquer d'une certaine façon un certain
10 nombre des principes d'éthique dont vous venez de
11 faire état?

12 LOUIS-MARIE OUELLETTE: La ville
13 de Sherbrooke est située en périphérie. On n'est
14 pas confrontés d'une façon bien précise avec ces
15 problèmes-là. C'est pour ça que le débat n'est
16 pas formalisé.

17 Les préoccupations qui sont vécues
18 sont des préoccupations vraiment personnelles et
19 je dirais en fonction de cas très particuliers.

20 COPRÉSIDENT RENÉ DUSSAULT: Alors
21 c'est moins institutionnel que ça dépend de
22 l'intérêt de professeurs qui à un moment donné
23 décident de...

24 LOUIS-MARIE OUELLETTE: Voilà.

25 COPRÉSIDENT RENÉ DUSSAULT: On a

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1 attached to all our research contracts and is part
2 of our process. It is not always easy; we are
3 breaking new ground on many aspects.

4 What struck me the most is that we
5 didn't come across much written literature on the
6 whole subject. It seems to me that it is a field
7 of study, as such.

8 My question is: Are you aware of
9 publications that address that large debate about
10 decolonizing the research and the way to conduct
11 research on Aboriginal peoples with Aboriginal
12 people to make sure that there is no bias put into
13 it and that the reading is there. Of course, it
14 is more spontaneous when you have a case study in
15 a community, but it gets more tricky when you move
16 to economics or law, as such.

17 I would like to know, because you
18 are a group of 37 universities, whether we have
19 missed something that is available. If not, I
20 would like to know if the Canadian Association of
21 Universities for Northern Studies has ever
22 envisaged really addressing that issue in a more
23 formal fashion as a field of study, and to publish
24 on that. There is a lot of people across not only
25 this country, but across the world, who are

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1 eu un peu sur un autre plan le même son de cloche
2 du côté de l'Université McGill hier qui, en raison
3 de l'invitation que la Commission a faite de venir
4 présenter un mémoire institutionnellement, a fait
5 une démarche pour la première fois qu'elle n'avait
6 pas fait encore, de regarder ce que chacun
7 isolément faisait, et de le mettre ensemble.

8 Je vais demander à ma collègue,
9 Viola Robinson, de poursuivre à ce moment-ci.

10 COMMISSIONER VIOLA ROBINSON:

11 Thank you.

12 I think your approach to dealing
13 with these issues is quite refreshing. It's not
14 one that we've heard before.

15 As my co-chair has said yesterday,
16 McGill University does not have any policy to deal
17 with -- I guess they're working on policies there.

18 I wonder, when you talk about
19 ethical guidelines on developing teachers I guess
20 to be prepared for an influx of Native students,
21 which could happen probably more and more now as
22 we move along because education is becoming more
23 of a priority, in preparing teachers I heard it
24 said once -- I'm from Nova Scotia and they had an
25 education forum, which was national, from the

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1 wrestling with this issue.

2 JULES DUFOUR: I don't know,
3 personally, of research projects dealing with this
4 issue specifically. I am sure, with the growth of
5 some specific programs in ethics in universities
6 -- for example, in my own university, which is a
7 very small university, we have a very short
8 program on ethics, and I know some other
9 universities do. But this issue of ethics for
10 scientific research or involvement of researchers
11 in other areas I am sure has been addressed, but
12 maybe not in a formal project such as you have
13 mentioned, with specific definition and all the
14 usual ways of doing research.

15 We have a committee working on
16 that now. Like the last recommendation of our
17 report, we are going to deal with that during the
18 next year more deeply.

19 I take note of your concern. I
20 would like to share in the next year the
21 experience you have, and maybe we can help with
22 any specific request you have for the Association.
23 We would be very pleased to come to the next
24 meeting and talk about it.

25 CO-CHAIR RENÉ DUSSAULT: That is

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1 Assembly of First Nations dealing with Indian
2 education.

3 One of the suggestions, and I'd
4 like to hear what your reaction might be, and
5 maybe it's one you've heard of or thought of, and
6 that is, the Faculty of Education in institutions
7 perhaps should have a compulsory course for
8 teachers who are learning to be teachers, I guess,
9 to sensitize them to, this was particularly to
10 Aboriginal issues and Aboriginal culture, history,
11 so that they would be prepared.

12 We would say maybe not compulsory
13 straight across the board, but certainly for those
14 who already have a sense of sensitivity towards
15 Aboriginal people and maybe have a desire
16 somewhere to teach Aboriginal people.

17 What would your comments be to
18 something like that? It's something that has been
19 thought about I know in the past.

20 LOUIS-MARIE OUELLETTE: If we're
21 thinking of principle I do agree with such an
22 issue, but as far as the university institution is
23 concerned, I think that there is specialties that
24 universities have as far as teaching issues are
25 concerned.

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1 good news. We would have liked to have had some
2 feedback on this Code of Ethics from the academic
3 community and other circles. Frankly, we haven't
4 had much, if any, so far. We think we have put a
5 rolling ball somewhere, and that it is
6 perfectible.

7 It is crucial because it is part
8 of your brief.

9 JULES DUFOUR: I would just like
10 to add that next week there is a very important
11 meeting for two or three days in Yellowknife
12 dealing with that issue. We recommend another
13 meeting in Yukon. So this is also something which
14 concerns us at this moment.

15 MARIANNE STENBAEK: If I could add
16 something, there is a number of ethical guidelines
17 for dealing with northern research and Aboriginal
18 research. In the States the Arctic Research
19 Commission as well as the National Science
20 Foundation has put one out. The Nordic countries
21 have put one out also; it came from the University
22 of Umayo (ph), which groups all the Nordic
23 countries together.

24 This coming spring, I think in
25 April, the Greenlandic government is putting on a

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1 I think that l'Université du
2 Québec has the mandate to deal with these issues.
3 At the University of Sherbrooke, like I said, so
4 far it doesn't seem to be the place where it is
5 being done.

6 I do agree with the fact that
7 there should a place, a forum in the university
8 where we can exchange our ideas and try to find
9 solutions. Since one of my work had to deal with
10 pedagogical -- du matériel didactique. Comment
11 est-ce qu'on peut dire ça en anglais? Didactic
12 material? I've been working on it.

13 I think it would be very important
14 in a university that we have specific courses to
15 work with that issue of how to construct
16 pedagogical material that is appropriate to
17 different cultures. And I think it is very
18 important.

19 I know that from the Ministère de
20 l'éducation in Quebec that when people want to
21 write pedagogical material they have certain
22 rules. I think it would be important that now we
23 can take this issue and have it in our matériel
24 pédagogique. It would be one solution, simple,
25 but it would be one solution.

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1 conference on traditional knowledge in Iceland. I
2 know that in their preparation for that meeting
3 they are trying to look at some of these issues
4 also. You probably already know about that.

5 I think one could also look at
6 specific individual universities to study their
7 particular models of community-based research.
8 Arctic Institute at Calgary is a good example.
9 Tomorrow, when we come back with McGill, we are
10 going to show you some different models that we
11 have used.

12 So there are models out there, but
13 very little has been written about it.

14 CO-CHAIR RENÉ DUSSAULT: We are
15 aware that it is a growing concern in many areas,
16 because the trend of the future -- and one of the
17 messages in your brief is to say it is very
18 important to continue to do good research in the
19 north. One of the problems that is happening
20 right now is this difficulty to work with
21 Aboriginal researchers. The relationships are
22 strained, so we have to adjust our ways of doing
23 things.

24 That is the reason I wanted to say
25 that we understand exactly what you mean, that it

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1 COMMISSIONER VIOLA ROBINSON:

2 That's interesting.

3 The other issue I guess would be
4 to somehow incorporate cross-cultural -- I suppose
5 you already do that.

6 LOUIS-MARIE OUELLETTE: Yes.

7 COMMISSIONER VIOLA ROBINSON: I
8 don't have any other questions. Just to say that
9 it's a very interesting concept that you bring
10 forward. I'm sure it will contribute to the work
11 that we're trying to accomplish here, your ideas.

12 Thank you.

13 COPRÉSIDENT RENÉ DUSSAULT: En
14 terminant, est-ce que vous êtes au courant de
15 matériel qui est publié sur le thème de l'éthique
16 dans le projet éducatif interculturel et
17 particulièrement adapté...évidemment le volet
18 autochtone est moins spontané sans doute que
19 l'ensemble de la réalité interculturelle.

20 LOUIS-MARIE OUELLETTE: J'ai été
21 mis dernièrement au courant de ce matériel-là mais
22 je ne le connais pas. Je vais m'assurer d'en
23 prendre bonne note.

24 COPRÉSIDENT RENÉ DUSSAULT: En
25 fait la préoccupation est un peu égoïste de notre

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1 is important for the future.

2 It is also important to get funds.
3 It will certainly be easier if Aboriginal people
4 and non-Aboriginal researchers work together than
5 if they fight each other as to the ways of doing
6 things, to get funding from institutions.

7 We certainly were quite pleased to
8 hear your concerns and to share with you. We hope
9 that you are going to continue in that direction.
10 We are available to discuss with you. We feel
11 that, if there is to be a legacy from our
12 Commission, it is that. There are all kinds of
13 legacies for royal commissions, but that is
14 certainly one of them. It is a growing reality
15 and it is going to continue.

16 We have tried to do our share, and
17 we are living the experience of going through the
18 implementation of such a code of conduct. We are
19 available to share with your organization on this.

20 JULES DUFOUR: Thank you. I would
21 like to mention my own personal experience in the
22 last two years. I am involved in the review
23 process of the Great Whale Hydro Project. It was
24 a concern all the time for us, as members of the
25 commission and committees, to have the local

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1 part. Si vous aviez en annexe dans votre
2 présentation ce matin...si à un moment donné vous
3 constituez une bibliographie, même si elle est
4 courte, sur des choses qui pourraient être plus
5 centrales au thème, on serait intéressés à ce que
6 vous nous la fassiez parvenir pour compléter
7 l'information.

8 LOUIS-MARIE OUELLETTE: D'accord.

9 COPRÉSIDENT RENÉ DUSSAULT: Encore
10 une fois, comme le disait ma collègue, il y a des
11 pistes intéressantes pour éclairer la démarche du
12 côté du projet pédagogique.

13 Merci, monsieur Ouellette.

14 LOUIS-MARIE OUELLETTE: Merci
15 beaucoup.

16 COPRÉSIDENT RENÉ DUSSAULT: Nous
17 allons suspendre l'audience publique pour quelques
18 minutes avant de reprendre avec le prochain
19 groupe.

20 --- Suspension de l'audience à 11 h 22

21 --- Reprise de l'audience à 11 h 31

22 COPRÉSIDENT RENÉ DUSSAULT: S'il
23 vous plaît, nous allons reprendre l'audience
24 publique.

25 I would like to ask your

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1 people involved in research and involved in the
2 whole process, even in the formal research. We
3 tried to have the views of all local community
4 people in the process.

5 That is a concern for northern
6 Quebec, and I am sure for other projects in Canada
7 in the northern parts of the provinces and in the
8 Northwest Territories and Yukon.

9 CO-CHAIR RENÉ DUSSAULT: Thank
10 you. Mary Sillett has one last question.

11 COMMISSIONER MARY SILLETT: Thank
12 you, Mr. Dussault.

13 I am thinking about the issue of
14 justice. I have always been struck with the
15 question: Do I, myself, know very much about what
16 the traditional justice system looked like in
17 Labrador, for instance? I have some idea of that
18 from the stories that my grandfather and
19 grandmother told me, but my grandfather didn't
20 have his whole life to tell me stories. He had to
21 make a living. You can't touch on every issue.

22 What resource do we have to look
23 back and find that information? We have limited
24 literature that is done by probably Qadlanaut
25 anthropologists, and I question the validity of

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1 presenters to identify themselves and their
2 organization for the record. Please proceed when
3 you are ready.

4 **STEVE MISSABIE, Ma-Komin-ising**
5 **Anishinawbeg:** I am Steve Missabie from Ma-Komin-
6 ising, better known as Bear Island and Lake
7 Temagami in northeastern Ontario.

8 The reason we are down here today
9 is that there is a big land claim up in that area.
10 I don't like using the word "land claim" because
11 we already know whose land it is. The land is in
12 question because the Ontario government has lots
13 of interests in that area up there.

14 Just three weeks ago there was an
15 agreement-in-principle that was proposed to the
16 people of Bear Island and Temagami. This
17 agreement-in-principle ended a 20-year land battle
18 that went on in the courts over development. In
19 1989, I believe, the Supreme Court of Canada ruled
20 against us, that we had no Aboriginal title, but
21 we still carried on. One way or another the
22 Ontario government signed an MOU with the TAA, the
23 Teme-Augama Anishnabai.

24 That MOU is where it came to two
25 or three weeks ago, with the agreement-in-

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1 the research they have done more and more, as I
2 get more and more information.

3 In Labrador, for example, they do
4 have ways of documenting oral knowledge. This is
5 a woman's personal project; "Them Days" it is
6 called. It is a Labrador magazine. They
7 interview many Labrador Elders and older people,
8 and they get an idea. They document their
9 stories.

10 One of the real problems with that
11 magazine -- the idea is good. It is very good at
12 preserving information, knowledge and having that
13 written for future use, but it is about
14 everything. It can be about someone freezing
15 their leg. You have to go through maybe 30 or 40
16 magazines to find what you want.

17 Have you considered ways of
18 capturing oral knowledge, ways of making sure that
19 the knowledge of the people somehow survives?

20 **MARIANNE STENBAEK:** I think that
21 is something that maybe the Commission could help
22 with. Really, it ought to be a national project.
23 It really needs to be something that the
24 government or the Commission sets into motion in
25 every Aboriginal community in this country before

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1 principle. The agreement-in-principle got voted
2 down by a narrow two votes, but besides all that
3 the agreement-in-principle should never have come
4 to be.

5 When our Chief, Gary Potts, first
6 started this in 1973, there were three main points
7 that we were going to answer once and for all in
8 Canada. Those were: Native sovereignty; how to
9 put in Native self-government; Aboriginal title;
10 and existing Aboriginal rights -- four points that
11 somehow or other over the last 20 years just got
12 whitewashed with everything else.

13 Last year, first there were three
14 families and then it went to six families that
15 broke away from the band. The things that they
16 were arguing for in 1973 totally left their
17 vocabulary. To this day, you will never hear
18 those words coming out of our Chief and Council
19 who are supposed to be protecting our land. Those
20 words come out of their mouths any more.

21 Our main point right now is that
22 the agreement got shot down. Now the families
23 want to have a greater say and greater control
24 over their traditional family grounds. That is
25 how we got started in 1973, with traditional

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1 it is too late. A lot of it is very time-
2 sensitive, and for some of it, unfortunately, it
3 is already too late. They should go out and spend
4 the money to collect all of these stories and
5 legends, and whatever, and do it now -- not in 20
6 years, but now.

7 Then, once we have collected, we
8 can worry about how to systemize it and analyze
9 it. I understand that the Canadian Polar
10 Commission is setting up a data base on
11 traditional knowledge. That is a very worthwhile
12 initiative, but we need to collect it now and we
13 need to do it before it is too late.

14 I think, if we did that, Canada
15 would really become quite a leader in that, and it
16 would become a project, or whatever you want to
17 call it, that would set a model for many other
18 countries. I think, in my ways, in our
19 relationship between Aboriginal and non-Aboriginal
20 in research and other things, we are really far
21 ahead of other countries. We are modest about it,
22 but we could capitalize on it.

23 COMMISSIONER MARY SILLETT: I
24 think, if this initiative is taken, it is taken
25 because of individuals like Doris Saunders in

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1 family grounds. Before the Indian Act came upon
2 us, it was traditional family heads that governed
3 these lands. Now what a lot of people want to do
4 is to get back to that. Yet, the ones that are in
5 power, the TAA under the Indian Act, they want to
6 stay with the Indian Act so they can keep that
7 power and be like any other -- you might as well
8 say like a municipality, where you have a town and
9 councillors. That is why there is a lot of
10 fighting on every reserve, because they play off
11 the families against each other. Whichever family
12 gets in control, that family and the ones that get
13 along with that family mostly get all the good
14 benefits, and the smaller families are just left
15 right out. That is where you get all the major
16 squabbling.

17 If we go back to that traditional
18 style of governing, where we have family heads and
19 every family has the same equal voice, then you
20 would eliminate family squabbling. To do this we
21 would have to get rid of the Indian Act.

22 Our thing right now is getting rid
23 of the Indian Act, getting rid of the TAA because
24 that is just a corrupt form of government for us.
25 The Ontario government has pumped \$4.8 million

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1 Labrador, for example. Pauktuutit has been very
2 good about doing those kinds of thing. In fact,
3 they, more than anyone else, have said that there
4 is a vast knowledge in the Elders with respect to
5 traditional midwifery, and we have to document
6 that information -- not tomorrow, but today. We
7 have to do that fast because it is invaluable
8 information. Once these people go, you will never
9 have that information again.

10 I just wanted to say that surely
11 there must be a standardized way of getting this
12 information. What we have are sort of sporadic
13 initiatives, depending on someone's interest and
14 depending on the political will and too dependent
15 on funding.

16 MARIANNE STENBAEK: To a very
17 large extent on the funding.

18 The Research Councils have
19 something called strategic grants. Maybe one
20 thing the Commission could do is recommend to the
21 Research Councils that this should be a priority.
22 You are absolutely right that it is now or never.

23 COMMISSIONER MARY SILLETT: Thank
24 you.

25 CO-CHAIR RENÉ DUSSAULT: In

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1 over a three-year period into TAA to negotiate
2 this Treaty of Co-existence; the Province pumped
3 in \$4.8 million. There are no people on Bear
4 Island that see it; it is just a few close-knit
5 group of this TAA Executive that sees all this
6 money.

7 The bottom line here is that what
8 Ontario was doing was shoving big bucks at our big
9 wheels in order to buy them out, and then what
10 they were going to do was more or less turn around
11 and try shoving it on the so-called third class
12 citizens of the island so they would be more or
13 less forced into this treaty. But that never
14 happened. It was out-voted.

15 Three years ago, we took a vote on
16 the island. I will just give you one little
17 example here before I go on to something else.

18 We took a vote three years ago on
19 the island regarding Chief Gary Potts' salary.
20 This is after the MOU came in. He put himself at
21 \$125,000 a year, and a lot of community people
22 felt that wasn't right. So we took a vote on it
23 in General Assembly, and he was voted down to
24 about \$75,000 to \$80,000. Even that was too high,
25 but the vote went through. It was decided that

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1 closing, I don't want to open a whole can of
2 worms, but the definition of the north is not an
3 easy thing. The Commission has to wrestle with
4 it, of course. There is Labrador, the Northwest
5 Territories, Eastern and Western Arctics, and also
6 the northern parts of the provinces.

7 By definition, you focus on the
8 north and you must have your own definition as to
9 what is the north. We would be interested in
10 sharing that with you in the coming weeks. If you
11 have information or documents, we would be happy
12 to receive them.

13 JULES DUFOUR: I will answer this.
14 There has been a long discussion, since the
15 beginning of the existence of the Association,
16 especially for the special training program when
17 the students were requesting money: Are you
18 really going to the north? Are you too close to
19 your university. It was a very crucial question.

20 For sure, there is no problem when
21 we are talking about the Arctic that we are
22 talking about the north. When we are dealing with
23 the natural resources, we are dealing with small
24 communities, even in the northern parts of
25 provinces. We are talking about the psychological

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1 his salary would be cut away down to \$80,000.

2 The TAA Council were supposed to
3 do a grid scale of some kind to look at everyone's
4 salary. After that MOU was signed, everyone's
5 salary jumped unbelievably.

6 It was voted on and Gary's salary
7 was to come down. The next day Gary had a private
8 meeting with just his Executive Council, and he
9 ignored the people's vote and he put himself back
10 up automatically just like that to \$125,000 a
11 year. That day he called them a bunch of
12 radicals. He said, "Oh, you just killed us." We
13 have a big statement on what he said that day, and
14 I don't know if we have it here today. He said,
15 "You've killed us. You've just killed us." All
16 we did was just cut down the salary; I don't see
17 how we really affected him.

18 We later found out -- I am getting
19 off track here because I am getting into the money
20 scene, where I don't want to go. That is what led
21 us all into this big mess in the first place. If
22 Ontario hadn't pumped in millions of dollars, we
23 would be okay. We would start wanting to govern
24 our land ourselves. That is what the Ma-Komin-
25 ising Anishinawbeg, the families that broke away,

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1 distance and the social problems.

2 Most of the time, we refer to the
3 definition of the north by the different
4 classifications of the north. I will just give
5 you an example of the debate we had in the last 10
6 years.

7 We decided in 1986 to form in the
8 Association a sub-association of four sub-Arctic
9 universities, mid-north universities. We have the
10 two in Quebec, Abitibi Temiskamingue and
11 Chicoutimi, Lakehead, and Laurentian, and then we
12 added Memorial University in dealing with
13 Labrador, to try to have more links. We are not
14 in the south, but we are not in the north. We are
15 in the sub-Arctic region, and that was a concern
16 for us.

17 I think you are dealing with
18 degrees of north when you travel. Now we would
19 consider that, when you are dealing with the
20 resources and the social problems of small
21 communities in northern provinces and in the
22 Arctic, we are dealing with the north. That is
23 the "mental north" that was talked about many
24 years ago.

25 We mention in our report, too,

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1 have stated over and over. We don't want any
2 handout from the Ontario government. Under this
3 treaty, that's all it is -- a \$2 million handout
4 every year for the next 10 years. If we were to
5 govern our own land and have a say in the
6 development of our lands, I am sure we would be
7 one of the better off reserves in the future.

8 Right now there are articles in
9 the North Bay Nugget and in Toronto that the
10 mineral potential up there is just enormous. We
11 found out on our own that there are big mining
12 corporations, big financial holders -- you
13 wouldn't believe the big wheels that are involved
14 in the land up there. If this AIP had gone
15 through, there would have been thousands of people
16 in the bush up there right now. They say, "Oh,
17 there's going to be economic growth and there's
18 going to be a boom in the area here." But
19 everyone on the island felt, "It won't be a boom
20 for us. We're just going to be shoved on the side
21 and given \$2 million that the TAA is going to
22 administer."

23 When it comes right down to it, I
24 and my friends or anyone else that is not tied in
25 with that TAA body will never get ahead. But if

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1 that we are still developing this conscience of
2 the north in southern universities. The
3 involvement of university researchers and
4 professors in the development of the conscience of
5 the north is very important, and the special
6 reality of the north.

7 COPRÉSIDENT RENÉ DUSSAULT: Merci.

8 COMMISSIONER MARY SILLETT: I just
9 want to mention that we should never forget that
10 the people who are in the room are very hungry,
11 and I don't want them to be really mad at me for
12 the rest of their lives, but I do want to know one
13 thing.

14 The Makivik Corporation did make a
15 presentation to us the other day, and they gave us
16 very specific figures on the cost of living, for
17 example, in northern Quebec communities. Could
18 you very quickly tell me how that compares, for
19 example, with Grise Fjord or the cost of living in
20 other parts of the northern provinces. Is it
21 equally as expensive to live in the northern parts
22 of the provinces as it is in Nunavik or Nunavut?

23 JULES DUFOUR: To make a
24 comparison of the cost of living in Yukon with
25 that in the northern parts of the provinces, such

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1 we start governing ourselves and every family
2 starts governing their land the way it was before,
3 then, one, it would eliminate the fighting; two,
4 it would give everybody work; three, it would make
5 everybody want to work toward self-government.
6 The way we go right now, it's just one big sell-
7 out.

8 The land claim consisted of 4,700
9 square miles. Under the treaty we would only have
10 110 square miles. What we say now is that we
11 don't need to sign a treaty with the Ontario
12 government. If we are going to lose 90 per cent
13 of our land and just have one-third say in the
14 land development, that will never work for us.

15 The NDP just signed a document two
16 years ago in Thunder Bay saying that they are
17 going to leave it more or less up to the Natives
18 to have self-government. Some day I would like to
19 ask Bob Rae if we can go ahead and just implement
20 self-government ourselves, because right now we
21 can do it. As soon as we voted down that AIP, all
22 the power shifted back to us. If that AIP had
23 gone through, Ontario would have 90 per cent of
24 our lands, and the caution would have been lifted.

25 As the AIP didn't go through, all

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1 as Quebec?

2 COMMISSIONER MARY SILLETT:

3 Northern Saskatchewan.

4 JULES DUFOUR: I would say that
5 maybe in the prairies there are more links between
6 north and south. In Quebec, for example, or in
7 the eastern part of Canada, there are less links,
8 so it is very expensive for communication, for
9 transportation, for everything. Even coming from
10 a southern university -- we call it University of
11 Quebec at Chicoutimi -- we have to pay \$500 to
12 \$600 for the fare. So we are in the north in that
13 sense.

14 MARIANNE STENBAEK: Mary, in terms
15 of what we have been talking about today, it also
16 means that doing research in the north is
17 extremely expensive. As money is becoming less
18 and less, we are seeing researchers who would
19 really like to go Grise Fjord, but they just
20 cannot manage it, so they go to Sudbury or Quebec
21 City and they do something somewhat different. It
22 means that you lose out on a lot of potentially
23 wonderful researchers because the cost is
24 astronomical.

25 COMMISSIONER MARY SILLETT: Thank

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1 the ground, 4,700 square miles, is still under the
2 caution, so it's all still under the families.

3 Now our intentions are: one,
4 getting all the families together and having
5 family heads instead of councillors. Under the
6 Indian Act, it depends on the population. You are
7 only allowed so many councillors depending on the
8 population. The way we want to govern ourselves
9 is that, if there are 14 families, then we have 14
10 family heads. It's just that simple.

11 DUANE PAUL, Ma-Komin-ising
12 Anishinawbeg: Just for the record, I am Duane
13 Paul, also with the Ma-Komin-ising Anishinawbeg.

14 I think what we are saying here is
15 that we would like the traditional families to
16 govern themselves. The bottom line is that,
17 instead of handouts from the government, as Steve
18 was mentioning, we would intend to get some
19 royalties from these developments, whether it be
20 mining or logging.

21 I just wanted to add that.

22 STEVE MISSABIE: I was just going
23 to go on to that.

24 I will give you an example. On
25 the Missabie tribal lands, we have been nosing

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1 you.

2 CO-CHAIR RENÉ DUSSAULT: It is
3 always interesting to be in Quebec City.

4 Je voudrais vous remercier de
5 votre présentation, qui a été très utile. Nous
6 espérons pouvoir garder un contact sur un certain
7 nombre de questions.

8 Merci, monsieur Dufour et madame
9 Stenbaek.

10 La Commission royale sur les
11 peuples autochtones suspend son audience publique
12 jusqu'à 14 h 15, où nous allons reprendre avec la
13 présentation du mémoire du Comité canadien des
14 ressources arctiques.

15 --- Suspension de l'audience à 13 h 25

16 --- Reprise de l'audience à 14 h 27

17 COPRÉSIDENT RENÉ DUSSAULT: La
18 Commission royale sur les peuples autochtones au
19 Canada reprend son audience publique avec la
20 présentation du Comité canadien des ressources
21 arctiques.

22 Je voudrais sans plus tarder
23 demander aux représentants du Comité canadien des
24 ressources arctiques de procéder à leur
25 présentation.

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1 around at the Land Registry Office and places like
2 that, and we found out that there -- my
3 grandfather knew there was gold up there, but he
4 never really pointed out to us where. We decided
5 to go and nose ourselves, and it just so happens
6 that these other companies got in there somehow in
7 1989. They heard about us up in the bush up there
8 in June when we did a little bit of logging -- or
9 we tried to do some. That's another big story
10 itself.

11 We got hold of this mining company
12 that we found out had already staked it or bought
13 it out from somebody else in 1989. Then they
14 found out about us, and they went and put a 50-
15 year lease on it just this summer, right in the
16 heart of this area. I phoned them up and told
17 them what our intentions are, that, to us anyway,
18 the TAA is no longer our negotiating unit.

19 To this day Gary is telling
20 different newspapers and different articles up
21 there and at the same time the Ontario government,
22 Howard Hampton and Bud Wildman and all these guys
23 are telling the media, "Yeah, we're going to leave
24 the doors open to this AIP, agreement-in-
25 principle." At the same time, Gary's on the other

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1 I would like to welcome the three
2 of you and ask you to proceed whenever you are
3 ready.

4 NIGEL BANKES, Chairperson,
5 Canadian Arctic Resources Committee: Thank you,
6 Mr. Dussault and Ms Sillett. It's a pleasure and
7 an honour to be here today on behalf of the
8 Canadian Arctic Resources Committee to present our
9 brief.

10 My name is Nigel Bankes, and I am
11 the Chairperson of the organization. With me, on
12 my right is Mary Crnkovich, who I think is known
13 to both of you. She has already appeared before
14 this Commission in her capacity as legal counsel
15 to Pauktuutit. Mary is also a member of the Board
16 of the Canadian Arctic Resources Committee.

17 On my left is Terry Fenge who is
18 the Executive Director of the organization.

19 CARC has been in existence for
20 over 20 years. From its inception the
21 organization has argued for environmentally-
22 sustainable development in the north and for
23 development that benefits the people of the north,
24 especially its indigenous inhabitants. We have
25 argued, as an organization, for a balance between

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1 end saying, "We're going to have another vote."
2 So he is trying for another vote, and Ontario is
3 keeping the door open. So you can see that these
4 two guys are just working hand in hand. They want
5 to get this AIP through.

6 In that AIP it says that all
7 liabilities, all obligations -- and the bottom
8 line is that it says you can never bring this back
9 to court, even if you find evidence that can turn
10 the decision around. The Supreme Court of Canada
11 decision says that, even if you can find evidence
12 to turn that around, you are not allowed to bring
13 that back. Once this AIP is signed, that's it.

14 It was already voted down once;
15 yet, Ontario is keeping the door open. Gary says
16 he's going to have another vote on it. To me,
17 they both just want to cover their behinds. They
18 just want to cover each other up.

19 The only way they can lift that
20 caution right now is if Ontario comes back to the
21 Land Registry Office and the District Court, and
22 that means back into the courts. The Ontario
23 government doesn't want to do that. The only way
24 they can lift that caution is if this AIP goes
25 through. If they go back to the courts, they know

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1 the renewable and non-renewable resource economies
2 and, from the time of the Mackenzie Pipeline
3 Inquiry to the present, we have argued that
4 settlement of land claims is a national priority
5 and should precede non-renewable resource
6 development.

7 Our brief today is concerned with
8 comprehensive land claims and the extent to which
9 they have, and may in the future, served as a
10 vehicle for reconciliation between the peoples of
11 Canada and for fostering reciprocity and sharing.

12 As you will have noted, our brief
13 is divided into two parts. The first part
14 contains our basic submission, and the second part
15 contains six appendices which are designed to
16 provide supporting argumentation for the main part
17 of the brief. We have also made available to you
18 today a short list of rather more precise
19 recommendations. The heart of the brief, I think,
20 is found in the first 27 pages.

21 Like the Commission itself, we
22 have been searching for some sound, principled
23 basis on which to ground an appraisal or critique
24 of modern land claims agreements and the federal
25 government's land claim policy. We believe that

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1 we are waiting there. The only way we are going
2 to lift it is if we have some kind of say in the
3 development of the area, not just whitewashed
4 right off the face of the earth and have no say in
5 the area whatsoever. Do you see what I mean?

6 The AIP would only leave us with
7 about 7 or 8 per cent say, and then 93 per cent
8 would have been all Ontario's say. But the AIP
9 didn't go through, so right now we have 100 per
10 cent say. That is where I say we are holding all
11 the cards. Ontario knows this, and the TAA knows
12 this.

13 Right now that is why we want to
14 do two things: put in a traditional style of
15 government. That is what everyone on the island
16 is looking toward now. Right now we have two
17 identities up there, and we have two chiefs. We
18 have the Teme-Augama Anishnabai Chief which is
19 Gary Potts, and then we have the Temagami Indian
20 Band Chief. We are not that big. Wikwemikong is
21 a bigger First Nation than us, and they only have
22 one Chief. For some reason we have two.

23 I can tell you why we have two,
24 but I don't want to get into that. Ontario told
25 Gary a long time ago that he didn't have the high

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1 the principles of sustainability, informed by
2 modern feminist writings, provide one such basis,
3 and we develop that argument in the brief and in
4 our recommendations.

5 We are attracted to the principles
6 of sustainability as a touchstone against which to
7 measure land claim agreements and federal policy
8 for a number of reasons. Not only are those
9 principles consistent with the philosophy of our
10 own organization, but they have achieved
11 international recognition and support from a
12 number of sources. There is, therefore, a sense
13 in which they constitute an internationally-
14 recognized standard against which to measure
15 Canadian achievements or the lack thereof.

16 Perhaps most important, though, is
17 the sense in which the principles of
18 sustainability force us to set goals for the
19 future. Rather than concentrating on the
20 historic, but real, injustices suffered by the
21 Aboriginal peoples of Canada, they force us
22 instead to direct our attention to the question:
23 How can we, as non-Aboriginal Canadians, in
24 partnership with Aboriginal Canadians, ensure a
25 sustainable future for the Aboriginal peoples of

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1 numbers for such a big land area. The Indian Act
2 defines status, non-status, Métis and all this and
3 that. But if we go the traditional way, I would
4 say that eventually status, non-status and Métis
5 -- there will be no more of those words. If a
6 person is living on the outside, say in Sudbury or
7 Toronto, and they come up to Bear Island, they
8 would go to their family head and say, "What's
9 happening in this area?"

10 Right now, the way it goes is that
11 they come up to a General Assembly and they are
12 given a bunch of pamphlets like this, and it looks
13 like it's all juicy -- "Yeah, TAA is doing real
14 good." But they are just given pamphlets almost
15 on the same day as the Assembly sometimes, and
16 they don't really know what is going on.

17 If we had a traditional style of
18 governing there where family heads are right on
19 top of everything all the time, especially
20 regarding their family lands, then whichever
21 family is on the outside and comes back to visit
22 just goes and visits the head of that family and
23 says, "What is happening here?" and they would
24 know everything in the matter of one or two days.

25 This AIP, the weekend we were

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1 northern Canada? This, I think, is a tremendous
2 challenge, but it is a challenge that we have to
3 meet.

4 In introducing the brief today, I
5 would first like to indicate how we define the
6 principles of sustainability and then present a
7 few examples of how that analysis might work. We
8 will then be able to try to respond to your
9 questions. We don't have all the authors of our
10 submission here, but we will do our best.

11 Our usage of the term
12 "sustainability" has four components: economic;
13 environmental; socio-cultural; and political and
14 institutional. Each of those components overlaps
15 with the others.

16 On the economic side
17 sustainability requires that renewable resources
18 be managed to ensure their continued productivity
19 over time. Non-renewable resources must be
20 managed in such a way as to minimize environmental
21 damage while providing for the needs of all
22 members of affected communities, including women.

23 Environmental sustainability is
24 provided by insisting upon the preservation of
25 genetic diversity and the protection of

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1 voting on it, didn't look too good. There were
2 some misconceptions out there, that I guess Gary
3 and Doug put out, that the people didn't have time
4 to look at this agreement-in-principle. That's
5 not true. Ontario sent this package to the TAA in
6 late August; yet, a lot of us didn't get this
7 package until the end of October. That's two and
8 a half months. Some of us didn't get it until
9 November. The Assembly was cancelled twice. I
10 don't know what the real plan was there.

11 When the Assembly took place, it
12 was bad weather, really cold in November. You
13 have to cross the lake to get to Bear Island.

14 What I am getting at is that on
15 Saturday morning there was a vote taken in our
16 General Assembly, and the vote was this: Do we
17 want to vote on this agreement-in-principle this
18 weekend or do we want to vote on it in two months'
19 time so the people can look at it some more and
20 ask questions and study it some more? That was
21 what my friend, who was supposed to be coming down
22 here, proposed on Saturday morning.

23 That was shot down by a vote of 49
24 to 21. They wanted to vote on it this weekend. I
25 can still hear some of those comments: "I came up

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1 functioning ecosystems.

2 Socio-cultural sustainability can
3 only be achieved by insisting upon social justice,
4 gender equality, respect for cultural and
5 linguistic diversity and by according to
6 indigenous peoples the opportunity to self-
7 determine their future.

8 Finally, governmental and quasi-
9 governmental institutions, including institutions
10 established by land claim agreements, will only
11 meet the tests of sustainability if they govern
12 themselves in accordance with principles of
13 transparency, openness, accountability and gender
14 equality.

15 How, then, do model land claim
16 agreements and current federal policy measure up?
17 Do they make provision for these different
18 elements of sustainability? Do they value equally
19 the roles and values of men and women?

20 We argue in the brief that they
21 fall short. This is not entirely surprising, for
22 it is evident that federal land claim policy was
23 developed in a much narrower policy environment
24 than the more holistic approach demanded by the
25 principles of sustainability. To make that

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1 here this weekend to vote on it this weekend, and
2 I'm going to vote on it this weekend." And they
3 had the manpower. You could just see it in that
4 hall there. People who you don't even see on Bear
5 Island are up on Lake Temagami, and all of a
6 sudden they are in one of our General Assemblies,
7 and they are voting on our future and our kids'
8 future. Yet, they're just totally blinded because
9 they are just given a few statements and a few
10 pieces of paper: "This is what we're doing; we're
11 doing real good at it," and they go, "Oh, yeah, it
12 looks really good," and they vote "yes" for it.
13 Deep down they don't even know what is going on.
14 It was just unbelievable.

15 Anyway, the vote went 49 to 21 in
16 favour of voting on it that weekend, two weeks ago
17 when the Assembly took place. When I was sitting
18 in there, I didn't feel good at all. I felt
19 really awful, because it looked like they were
20 just going to ram this down our throats.

21 I don't know what happened, but I
22 am really glad it happened. Some of us got
23 together and said, "Do we really want this to go
24 through?" We called up some other ones who felt
25 the same way, and one way or another we all made

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1 assertion a little more concrete, I would like to
2 provide some examples.

3 Take, first, the question of
4 balance that is at the heart of the different
5 elements of sustainability -- balance between the
6 renewable and non-renewable sectors of the
7 economy; balance between economic and socio-
8 cultural considerations; and balance between the
9 different roles and values of men and women.

10 We do not see that need for
11 balance and that need for the preservation of
12 options reflected in a rigorous way in the federal
13 government's land claim policy or in modern land
14 claim agreements. Modern land claim agreements
15 all but ignore issues of justice, language,
16 culture, education and housing. They focus
17 instead on creating complex administrative regimes
18 within which non-renewable resource development
19 will be able to occur. Much of the provisions are
20 taken up with detailed statements as to the terms
21 and conditions pursuant to which developers will
22 have access to Aboriginal land and the
23 circumstances under which expropriation will be
24 able to occur.

25 By implication, the contributions

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1 it over there for Sunday. The vote came out 60 to
2 58. But I can tell you, when that vote was read,
3 it was just pure silence. On Saturday they were
4 all gung-ho that this vote was going to go
5 through.

6 Even the NDP government -- that's
7 a real strange one. Bob Rae was up in Red
8 Squirrel at our blockade back in 1989, and I found
9 out that he never got charged that day, but that's
10 beside the point. He got pictured and he was in
11 the newspapers and everything, trying to preserve
12 our treaties and forests. Yet, this is the
13 government now that is negotiating with the TAA
14 that more or less wants to strip us of 90 per cent
15 of our land and have a voice over the land. I
16 don't know how Bob Rae can be on both sides of the
17 fence. At the same time, his is the government
18 that signed a thing that Natives can Native self-
19 government.

20 That is all we are saying at Ma-
21 komin-ising. We feel we have the capability and
22 the people to do this, if Ontario would just give
23 us a chance. We don't want any \$2 million a year
24 from the, because I know for a fact that we can do
25 a hell of a lot better than that ourselves. Once

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1 of the renewable resource sector are devalued.
2 Also devalued are the social and cultural
3 preconditions necessary for people to live
4 meaningful and fulfilled lives of dignity.

5 A more specific example arises in
6 the context of wildlife. The modern land claim
7 agreements do create co-management regimes for the
8 management of wildlife. But, with the exception
9 of the James Bay and Northern Quebec Agreement,
10 they do not provide, through hunter income support
11 programs and the like, an economic means for
12 people to stay on the land. In our view, that is
13 a significant omission.

14 Our Appendix on hunter income
15 support programs illustrates that these programs
16 have the potential to fulfill a broad range of
17 health and social objectives, including the
18 support of family units and the reinforcement of
19 traditional knowledge.

20 The failure of governments to
21 support these programs is not only short-sighted
22 but also illustrates the extent to which the land
23 claim negotiation agenda is driven by government,
24 not by community needs.

25 We recommend that the range of

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1 we start negotiating with different companies and
2 everyone like that, we will be away past \$2
3 million a year.

4 Right now, if this AIP had gone
5 through, that is where we would be at -- \$2
6 million a year. We who don't see things Gary's
7 way -- none of us would see any of that.

8 There is another thing. There are
9 such big companies and big wheels in this, and
10 lawyer firms. Borden and Elliott took over for
11 our case in 1985, and that's when everything
12 really changed, you might as well say. Bruce
13 Clark was the lawyer for the TAA before that; from
14 1973 to 1985 he was the lawyer. Then he got
15 fired, and Gary brought in Borden and Elliott,
16 Ross Murray. That's when everything changed.
17 That's when Native sovereignty was dropped; that
18 is when Aboriginal rights issues were all dropped
19 from their vocabulary, and that is when they
20 started leaning toward some kind of Treaty of
21 Co-existence.

22 Ross Murray says he is fighting
23 for Aboriginal rights in Ontario, but at the same
24 time the same firm is out in British Columbia
25 arguing against Aboriginal rights. That's a big

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1 issues that can, and should, be negotiated as part
2 of a land claim agreement be expanded to reflect
3 the full range and balance of sustainability
4 principles, as well as the full range of concerns
5 of all members of Aboriginal communities. We
6 recommend that specific attention be given to
7 hunter income support programs.

8 Second, let's take the issue of
9 financial compensation. Lying at the heart of
10 sustainability is the ideal of social justice and
11 the observation that no society will be
12 sustainable if there are members of that society
13 whose basic needs are not being met. Needs, then,
14 might form a basis for measuring the adequacy of
15 federal compensation payments; yet, there is no
16 evidence that this is in fact the case. Instead,
17 the adequacy, or otherwise, of payments seems to
18 be determined by reference to a per capita formula
19 arrived at on an entirely arbitrary basis and
20 applied to modern settlements across the board.

21 If anything, these compensation
22 payments, as the name implies, look to the past
23 rather than to the future for their justification.
24 We understand that factors such as past injustices
25 and alienations of land to third parties ought to

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1 conflict of interest there. If we had the money
2 ourselves, we would be doing a hell of a lot more
3 than what we are doing right now.

4 We are really pleased that we got
5 accepted to speak here and have an opportunity to
6 voice our concern. If we had more money and more
7 places that we could go and more people that we
8 could see, I know we would be more organized. We
9 just started off. We are pretty organized as we
10 are, but I know, if we had the bucks pumped into
11 us like the TAA -- Ontario keeps pumping them with
12 millions. If we had that kind of money on our
13 side, it would really be clear sailing. Our self-
14 government would be in place in no time.

15 The way we are going right now is
16 that we are knocking Ontario right out of the
17 discussions. We know you can't make a treaty in
18 Canada with a province. The province doesn't have
19 the capability to make a treaty; the federal
20 government has to come in to make a treaty. So,
21 for one, we are not going to negotiate with the
22 province.

23 Number two, I imagine somewhere
24 down the line we will have to negotiate with the
25 federal government. Right now we have taken steps

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1 be taken into account in determining compensation
2 but, equally, we need to look to the future and to
3 the satisfaction of needs.

4 Similar observations, I think, can
5 be made about the quantum of land and resources
6 that remain in Aboriginal hands after settlement
7 agreements. Quantum seems to be arbitrary rather
8 than based upon an assessment of present and
9 future needs of the Aboriginal peoples concerned.

10 Third, and finally, take the
11 related issues of finality and certainty.

12 We acknowledge that government has
13 a legitimate interest in creating conditions in
14 which the respective legal entitlements of the
15 crown and of the Aboriginal people concerned are
16 clarified or rendered certain. It is less clear,
17 however, that this same claim can be made for
18 finality or, indeed, that the principle of
19 finality is at all consistent with principles of
20 sustainability.

21 In fact, we would suggest
22 otherwise, for the adaptability of physical and
23 social systems is an important part of ensuring
24 sustainability. So, too, is the idea of learning
25 by doing and incorporating the lessons of the past

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1 to by-pass them and go right to the companies that
2 are involved in the land. Once we start doing
3 that, I imagine other First Nations are going to
4 look at us and say, "We can do that, too."
5 Eventually, both levels of government will be non-
6 existent on reserves. As soon as you stop taking
7 that handout from the federal and provincial
8 governments, then you are no longer under them.
9 You are more or less even with them. But, first,
10 you have to stop taking their money. That is a
11 real hard one to do when everyone is so used to
12 that money just flowing every week -- not
13 necessarily every week.

14 I am sure everyone has the picture
15 here of what I am trying to say.

16 CO-CHAIR RENÉ DUSSAULT: Thank
17 you. Have you conveyed the essentials that you
18 wanted to share with us? Can we enter into a
19 discussion now?

20 STEVE MISSABIE: Sure, that sounds
21 good. Something else will come to me after.

22 CO-CHAIR RENÉ DUSSAULT: First of
23 all, thank you for presenting us with your
24 concerns. We were happy to enable you to do that
25 and to be on the public record.

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1 into future practice.

2 This suggests to us that land
3 claim agreements should provide for a regular
4 review in accordance with agreed-upon principles
5 that include reference to the attainment of
6 sustainability. It also suggests to us -- and
7 this is addressed in detail in one of the
8 appendices. It also suggests to us that
9 implementation is just as important as the
10 agreements themselves and, as our analysis of the
11 implementation negotiations of the Nunavut
12 Agreement demonstrates, deserves a much higher
13 priority than it currently receives.

14 At present, implementation
15 negotiations seem to be treated more as an add-on
16 than as an integral part of creating a better
17 future.

18 These are just a few specific
19 examples of how the sustainability analysis that
20 we propose might be applied. Our most fundamental
21 recommendation is simply that the principles of
22 sustainability provide an important touchstone
23 against which to measure current government policy
24 as well as existing agreements. These principles
25 ought to be explicitly incorporated into both, and

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1 Of course, many things crossed our
2 minds as you spoke. You are certainly aware that
3 the Royal Commission cannot step into an internal
4 discussion within the communities or even between
5 the leaders of the communities and the Ontario
6 government. But, on the other hand, we are
7 looking for a road map for the future that would
8 avoid some of the things happening that are
9 happening now.

10 My first question is about the
11 size of your community. You mentioned that there
12 are 14 families on Bear Island, and a vote of 60
13 to 58. Is that about the number, 120?

14 STEVE MISSABIE: It's closer to
15 200 with kids and people that come up there mainly
16 from the spring to the winter.

17 CO-CHAIR RENÉ DUSSAULT: And you
18 are a band, as such?

19 STEVE MISSABIE: Yes. Right now
20 we all are.

21 DUANE PAUL: We are band members.

22 CO-CHAIR RENÉ DUSSAULT: For Bear
23 Island. For the sake of the negotiations, the
24 Temagami organization was formed by the band, as
25 an arm for entering into negotiations with the

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1 we recommend that the government comprehensive
2 land claims policy be amended to that effect.

3 As I mentioned at the outset, we
4 tabled with you this afternoon a more precise
5 statement of our recommendations than is contained
6 in the full brief.

7 With those introductory remarks,
8 we are available to try to answer your questions.

9 Thank you.

10 CO-CHAIR RENÉ DUSSAULT: Thank you
11 very much for presenting us with your brief. As
12 we were just forwarded your recommendations, we
13 haven't had an opportunity to read them
14 beforehand.

15 Because your brief is raising
16 major issues, of course the question is always
17 what is the best route to implement them. I am
18 just a bit uncomfortable because I didn't have the
19 opportunity to read your recommendations at
20 length.

21 Do you feel you have given us the
22 summary that is necessary?

23 NIGEL BANKES: I think the
24 recommendations that we tabled today are drawn
25 from the first 27 pages of the full brief.

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1 Ontario government, was it?

2 I just want to be clear as to the
3 status. The negotiation was done by the Band
4 Council itself?

5 STEVE MISSABIE: No, no. In the
6 beginning, from 1973 to 1978, it was done by the
7 Temagami Indian Band Council. Then in 1978 Gary
8 created this other identity, the Teme-Augama
9 Anishnawbai, a bigger identity which included
10 status, Métis and everything. That number grew
11 right up to something like 2,500.

12 CO-CHAIR RENÉ DUSSAULT: But this
13 entity that negotiated --

14 STEVE MISSABIE: The TAA is the
15 one that negotiated with Ontario, but the Temagami
16 Indian Band didn't.

17 CO-CHAIR RENÉ DUSSAULT: Who
18 signed the MOU?

19 STEVE MISSABIE: Gary.

20 CO-CHAIR RENÉ DUSSAULT: But for
21 the band.

22 STEVE MISSABIE: I guess at the
23 time he figured he was signing on behalf of the
24 band. Even when he signed that, there was a big
25 uproar in the community. He never brought that

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1 CO-CHAIR RENÉ DUSSAULT: So there
2 is nothing additional.

3 NIGEL BANKES: I will let Terry
4 speak to that, if I may.

5 TERRY FENGE, Executive Director,
6 Canadian Arctic Resources Committee: What I could
7 do, perhaps, is recount for you some of the
8 recommendations, and then I would hand the
9 microphone on to Mary to talk about some of the
10 additional recommendations.

11 You have in front of you two and a
12 half relatively short pages. We have tried to
13 distil a number of our thoughts and ideas on two
14 and half pages, and we have organized it under
15 three headings: Principle and Process;
16 Negotiating Agenda; and then the crucial question
17 of Implementation.

18 Nigel has already given you the
19 background on our fundamental recommendation,
20 which is that the current land claim policy needs
21 to be reformed, and we are suggesting that the
22 principles of sustainability be used as a
23 touchstone in which to do so.

24 Let me mention a few things on the
25 negotiating agenda on page 2 -- two things. First

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1 back. He never mentioned the MOU at all in 1990.
2 All of a sudden we saw him on Canada AM, and
3 that's how some of us found out about the MOU. He
4 never brought that back to the community.

5 This is where the MOU took us, to
6 this day right now, the AIP. If he had never
7 signed that MOU, then we probably would have been
8 down some other path.

9 CO-CHAIR RENÉ DUSSAULT: I think
10 it raises an issue that we have heard about quite
11 a lot during our four rounds of hearings, about
12 accountability and circulation of information
13 within Aboriginal communities from Band Councils.

14 Your Assembly took some votes, so
15 the General Assembly is functioning in a way. You
16 have said that they don't listen to the results of
17 the vote on the salaries, for example, or other
18 aspects --

19 STEVE MISSABIE: Again, they won't
20 listen. If they pull off another vote, then they
21 won't be listening to the people's decision again.

22 I will give you a short story. On
23 Saturday, when it was voted 49 to 21 in favour of
24 voting on it that weekend, Joe Capp, the one who
25 proposed that resolution, brought it back up about

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1 of all, on the land quantum, we found that, if one
2 looks at the land claim agreements that have been
3 negotiated to date, the amount of land that
4 Aboriginal peoples retain under land claim
5 agreements roughly falls within a quantum of 15 to
6 25 per cent. The James Bay situation is
7 significantly underneath that.

8 We don't believe that is an
9 equitable situation.

10 Second, if you look at the whole
11 question of Aboriginal peoples sharing in the
12 generation of revenue from the development of
13 crown land and resources within Settlement Areas,
14 I think this is a rather interesting topic. When
15 the federal land claims policy was reformed in
16 1986, amidst great fanfare, the federal government
17 announced that it was prepared to share royalties
18 derived from oil, gas and mineral development with
19 Aboriginal peoples. The share of those royalties
20 that has been provided to Aboriginal people
21 through the northern land claim settlements is
22 very small.

23 However, there is another side to
24 this issue. The federal government in the north
25 uses other tools and techniques to capture

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1 an hour after the vote was taken. Doug Mackenzie,
2 the head negotiator, got up there and said, "The
3 people have just voted. Can't you abide by their
4 vote? Can't you just let it rest? Can't you just
5 go with the way they voted?" Now he is
6 contradicting himself. Now he is trying to pull
7 off another vote, after the vote didn't go in his
8 favour.

9 CO-CHAIR RENÉ DUSSAULT: That is
10 the way Newfoundland got into Confederation in
11 1949, after three referenda. I understand that,
12 and that is a problem.

13 STEVE MISSABIE: The question now
14 is: Say he has another vote and he loses by three
15 or four or, to turn it around, say we lose by two,
16 do you think they are going to allow us to have
17 another vote? I don't think so.

18 If the TAA had won by two votes,
19 this thing would be just rushed right through.
20 Ontario and TAA would be just rushing this.
21 They're not looking back. If they won by two
22 votes, you would think they would say, "Okay,
23 people, let's have another vote; it was so close."
24 No way! They would be long gone. They would be
25 in Toronto signing documents galore right now.

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1 economic rent rather than royalties.
2 Unfortunately, the land claim agreements do not
3 provide the ability for Aboriginal people to share
4 in those tools and techniques. Aboriginal peoples
5 are restricted to sharing royalties.

6 If one is to abide by the
7 principle of fiscal equity, one would need to
8 broaden the range of tools and techniques which
9 Aboriginal people can use to gain a fair share of
10 the revenue and rents that the crown receives from
11 development within Settlement Areas.

12 A third area we would suggest you
13 look at is the whole question of the ownership and
14 management of sub-surface resources. We find that
15 in the northern land claim settlements,
16 notwithstanding the term "land claim," Aboriginal
17 peoples are provided with, in essence, a marginal
18 role in the disposition of rights to use the sub-
19 surface and an inability to own portions of the
20 sub-surface.

21 We think this is entirely
22 inequitable and is a major sin in the land claim
23 policy to date. It is something that we would
24 suggest that you turn your attention to.

25 Nigel has already mentioned at

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1 CO-CHAIR RENÉ DUSSAULT:

2 Obviously, we can't do much on this specific issue
3 right now. It tells a lot of things for the
4 future.

5 One of the things that many people
6 stress is the lack of accountability mechanisms
7 for a democratic process within the Band Councils.
8 This is something that we are certainly going to
9 look at very carefully. Even with moving outside
10 the ambit of the Indian Act to self-government and
11 returning to traditional forms of government, that
12 remains a concern. It was expressed by women for
13 particular purposes; it was expressed by men for
14 all kinds of things. You have mentioned the
15 salaries, and so on.

16 We are, of course, interested in
17 hearing about the basic principles. We know there
18 is a variety of situations. There is a tradition
19 on Bear Island with the 14 families and the heads
20 of each forming the Council, and so on.

21 It is part of the difficulty we
22 are facing. We want to come up with some key
23 principles for the organizations of future
24 Aboriginal self-governments. I understand that
25 you are focusing on the immediate problem, and

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1 some length the whole question of renewable
2 resource development and our position in favour of
3 programs and other means to bolster and support
4 hunting, fishing, trapping and gathering
5 economies, so I won't speak to that.

6 Lastly is the whole question of
7 implementation, a very important question. I
8 would invite Mary to make some comments on that.

9 **MARY CRNKOVICH, Canadian Arctic**
10 **Resources Committee:** Thank you, Terry.

11 In our recommendations we have
12 called upon you to consider recommending that the
13 guidelines currently in place for comprehensive
14 claims be discarded. These are guidelines that
15 were developed in 1991 by the federal government.
16 They were not part of the comprehensive claims
17 policy that was developed in 1986, and that policy
18 development was the result of ongoing discussions
19 with a number of the claimant groups.

20 Unlike that, the guidelines
21 themselves are something done very internally and,
22 as you can well imagine, have a direct impact on
23 the effectiveness of any land claim agreement.
24 These guidelines are inappropriate and do not
25 reflect any of the Aboriginal claimant groups'

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1 rightly so. What I am saying is that your
2 representation is another example of the
3 difficulties that are in existence under the
4 present system.

5 Also we have had a lot of
6 discussion about resorting to courts and the
7 judicial system to settle issues. That is also a
8 good example where sometimes it works and
9 sometimes it fails, for whatever reason. When it
10 goes to the Supreme Court of Canada, then it makes
11 it very difficult.

12 I can't help but be impressed by
13 what you are telling us, that you will never
14 accept the result of this decision, and so on.

15 It is a case where you have both
16 the judicial route and the political route through
17 negotiations, and both bring their own problems.

18 STEVE MISSABIE: I think there was
19 some kind of deal struck here. It all happened so
20 close together. The Supreme Court decision
21 happened in 1989; the MOU happened in the spring
22 of 1990, and at the same time I found out -- and
23 this is another cruncher. All the Natives that
24 were charged in the blockade up in Red Squirrel
25 went to court for two or three months. Just

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1 viewpoints and, in our view, should be discarded.

2 As well, in discarding them, we
3 are proposing that you recommend that
4 implementation is an integral part of the land
5 claims process and, therefore, should be part of a
6 new comprehensive claims policy, that it should
7 not be separated and isolated as an additional
8 after-the-fact matter.

9 We have said that the
10 implementation contracts that exist -- the Nunavut
11 Land Claim Agreement is discussed at length in an
12 appendix to this brief. That implementation
13 contract is negotiated by the parties, but it is
14 done at the end of a process, after many, many
15 years of negotiating a land claim. It is our view
16 that these plans to implement and give life to the
17 meaning of the agreement should be done at the
18 same time, by the same people and at the same
19 negotiating table, not done after the fact by
20 people who have had no involvement in the
21 development of the comprehensive claim agreement.

22 These plans that do get developed
23 should have legally-binding commitments in them.
24 They should be given contractual status so that
25 the Aboriginal claimant group, once they have

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1 before the MOU came out, all the charges against
2 the Natives were dropped.

3 I found out that Gary wasn't going
4 to sign that MOU unless Bob Rae dropped all the
5 charges against the Natives. Nobody will admit to
6 this, but that's how all the charges against the
7 Natives got dropped. Gary told Bob Rae, "If you
8 don't drop the charges, I don't sign this MOU."

9 There are backroom dealings going
10 on all through this whole thing.

11 What we would like to see is a
12 judicial inquiry into this whole issue, pretty
13 well ever since 1985 up to the present day. There
14 are backroom deals; there is big money changing
15 hands here; and God knows what else. We have only
16 been fishing around for a year, and we found out
17 quite a bit. If we fish around for another year,
18 I bet you money we find out a lot more.

19 DUANE PAUL: Another point is that
20 if the TAA can't reach a consensus with the
21 members -- the vote was turned down. They already
22 tried to push it through once, and they are going
23 to have a second vote. Maybe we can, with the
24 method we propose, going back to the traditional
25 family heads and governing by that method.

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1 completed an agreement, have some commitment to
2 knowing that their agreements will be implemented
3 as agreed to.

4 Another important recommendation
5 we felt should be made is that the implementation
6 plan, since it is an integral part of a
7 comprehensive agreement, should be made available
8 to the Aboriginal claimant group and the community
9 that is represented in the agreement prior to
10 their ratifying any agreement. They should have
11 an opportunity to review it and fully understand
12 not just the agreement but what the contract
13 entails. Without that, they are not being fully
14 informed, and it would be unfortunate for them not
15 to have that opportunity.

16 Generally, in the principal
17 section of our recommendations another important
18 aspect to implementation was the recommendation
19 that land claim agreements be regularly reviewed.
20 What we recommended here was that perhaps every
21 five years there would be a review.

22 Under the Nunavut Land Claim
23 Agreement, there is a commitment to review every
24 five years, but it is only review as to how the
25 legal contract, the implementation plan, is being

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1 STEVE MISSABIE: I will just go
2 back to what I was saying earlier.

3 You have a little map there, and
4 Misa'bi is about in the middle somewhere. There
5 is a road built all the way up through this land,
6 and the road ends right at the big stand of red
7 pine. There is red pine for miles, and that is
8 where this road ends. MacMillan Bloedel, Goulard
9 Lumber and the Ontario government built this road.

10 When my grandmother saw those
11 bridges cross the Wakemakanabobica (PH) River, she
12 said, "Holy man, those bridges aren't just there
13 for trees. They have to be there for mining."

14 We dug around, and I found out,
15 bang, where my grandpa said there was gold, sure
16 enough there are people who already have that
17 patented. I phoned them up and got in touch with
18 them. I told them what our intentions are, that
19 the family heads are going to become the
20 negotiating unit in this area. The TAA bought
21 back their mandate -- and their mandate changed,
22 let me tell you. It changed from 1985, to a
23 treaty of co-existence. They bought back their
24 mandate, and the people rejected it.

25 Now, to us, they are done. Their

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1 implemented. There is not a general review of how
2 the land claim itself is succeeding in its
3 implementation.

4 It is our view that that type of
5 five-year evaluation of the agreement could be
6 done by some party outside of the two parties who
7 sign the contract and also sign the land claim
8 agreement. We have recommended that one group
9 that could be considered could be the Claims
10 Commission which was the commission proposed by
11 the Liberal Party in its October 8, 1993 paper.

12 I will stop there and leave you to
13 your questions. Thank you.

14 CO-CHAIR RENÉ DUSSAULT: Thank you
15 again. I would like to thank the Canadian Arctic
16 Resources Committee for presenting us with a very
17 informative brief. Obviously, a lot of thought
18 and effort has gone into the provision of this
19 brief. It is certainly going to be very useful
20 for the Commission. I would like to thank you
21 very much for doing this.

22 It is always good for us when out
23 of our Intervenor Funding Program support -- and I
24 know that it was not all that was needed for the
25 preparation of this report -- good results flow.

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1 mandate is over. People are looking right now at
2 how can we get rid of that TAA. It's just one big
3 corrupt forum. Right now everyone is looking at
4 how can we get rid of that. This is what everyone
5 is looking toward now, a traditional style of
6 governing where every family looks after their
7 ground. The other way just won't work.

8 CO-CHAIR RENÉ DUSSAULT: Just for
9 information, how many people do you represent?
10 There are seven signatures on the declaration that
11 you have given us.

12 STEVE MISSABIE: Six families, but
13 they occupy seven traditional grounds. We
14 represent about -- do you mean the land or the
15 people?

16 CO-CHAIR RENÉ DUSSAULT: You are
17 speaking for -- this is not only your personal
18 view.

19 STEVE MISSABIE: No.

20 CO-CHAIR RENÉ DUSSAULT: That is
21 my question. You are presenting the view of how
22 many people?

23 DUANE PAUL: There are more coming
24 on our side all the time.

25 STEVE MISSABIE: Yes. That's the

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1 That being said, you described the
2 structure of your organization. I believe you
3 have 14,000 members. You are not federally-
4 funded; you are privately funded by your members.
5 What is the process in your organization when you
6 present a brief like this one? Is it a committee
7 report? Is it a report that has the support of
8 the Board of Directors?

9 Could you expand a bit on that.

10 **NIGEL BANKES:** I can speak to
11 that.

12 We have, as an organization, a
13 committee composed of some 20 individuals who are
14 selected to serve on the committee because of
15 their background in northern issues. They are
16 drawn from all sorts of professions and from
17 across the country.

18 In addition to the formal
19 committee members, we have members who support the
20 organization through actually joining the
21 organization and subscribing to the organization.
22 The process that we go through for preparing a
23 brief such as this is to internally, within the
24 Executive Committee of the Board, thrash around
25 what sort of position we wish to take and then to

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1 good thing about it right now. We started small.
2 We were only three families when we first started.
3 Three months later three more families joined in.

4 On that Assembly weekend -- they
5 are not anywhere on paper, but we know in their
6 hearts they are with us. Some more families have
7 joined in now. Just by the way the vote went, you
8 can tell.

9 CO-CHAIR RENÉ DUSSAULT: So the
10 thrust of your presentation is that you would like
11 -- assuming you have to resort to a traditional
12 route --

13 STEVE MISSABIE: When you ask how
14 many people we represent, are you going just by
15 the Temagami Indian Band list which is the Indian
16 Act?

17 CO-CHAIR RENÉ DUSSAULT: You are
18 the one who knows.

19 STEVE MISSABIE: We feel we
20 represent a good 70 to 80 per cent of the people.
21 There is anywhere from 20 to 30 that is with TAA.

22 CO-CHAIR RENÉ DUSSAULT: Thank
23 you.

24 I would like at this point to ask
25 my colleague if she has questions or thoughts to

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1 have different members of the Board and others
2 contribute to the preparation of that submission.

3 Drafts are then circulated to
4 interested Board members for their comment and
5 input.

6 It would be misleading to say that
7 14,000 members or 5,000 members had signed on to
8 this brief. Those members support the
9 organization and the general goals of the
10 organization, which I think are well-known to our
11 supporting public. We remain consistent with
12 those general goals which, no doubt, evolve over
13 time.

14 CO-CHAIR RENÉ DUSSAULT: Thank you
15 for that clarification. It is useful.

16 There are two main issues I would
17 like to raise with you. The first one is about
18 the whole question of extinguishment.

19 You say in your brief that to
20 achieve certainty and clarity of title -- and you
21 agree that this should be achieved, that it is not
22 a necessary step to include the extinguishment
23 clause in whatever form it has evolved in the last
24 few years, that it is not necessary to do that to
25 achieve this end. I know you have appendices to

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1 share with you.

2 COMMISSIONER VIOLA ROBINSON: Just
3 a very few questions.

4 In 1978 TAA was formed, the Teme-
5 Augama Anishnawbai. Prior to that it was the Bear
6 Island Band? What was it before that?

7 DUANE PAUL: The same thing. Bear
8 Island is the community. Teme-Augama Anishnawbai
9 is the name of the band, or Temagami Indian Band.
10 In Ojibway it's Teme-Augama Anishnawbai.

11 STEVE MISSABIE: We pointed that
12 out to our Chief when they created this TAA.
13 Anishnawbai is only one individual. We pointed
14 that out to him over and over. You're not talking
15 about people here; you are only talking about one
16 person. We told him to change that to Anishnabek,
17 or something, where it refers to people. He still
18 hasn't changed it.

19 COMMISSIONER VIOLA ROBINSON: You
20 said you have two Chiefs there now.

21 STEVE MISSABIE: Yes.

22 COMMISSIONER VIOLA ROBINSON: Who
23 is the other Chief?

24 STEVE MISSABIE: Holly Cranna.

25 COMMISSIONER VIOLA ROBINSON: Who

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1 your brief.

2 As you know, we hope to be able to
3 come up with an interim report on the whole issue
4 of extinguishment -- an interim report because we
5 feel that, if it would help to create some
6 movement, it is never too soon. It has been one
7 of the problems in the way of many settlements.

8 But it is easier said than done.
9 Of course, since the Coolican report in 1985, many
10 people have been looking at alternatives to
11 achieve that certainty and clarity of title
12 without having to go that far, in terms of
13 surrender, release and on and on.

14 Do you have additional technical
15 documents that you could share with us to support?
16 Many people say that and, of course, we were
17 really looking for technical solutions. We feel
18 that a small step is a big step in this area, and
19 it would be very useful.

20 Could you tell us a bit more as to
21 the ways and means to achieve the goal that is
22 shared by many people in this country while
23 meeting the necessity for certainty and clarity of
24 title?

25 NIGEL BANKES: It is clearly a

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1 is he?

2 STEVE MISSABIE: Chief of the
3 Temagami Indian Band or Bear Island. It's the
4 same thing.

5 COMMISSIONER VIOLA ROBINSON: It's
6 the same people and the same thing; yet, you have
7 two Chiefs.

8 DUANE PAUL: She is the Chief of
9 the status members. Gary Potts is the Chief of
10 TAA which encompasses the non-status and the Métis
11 as well. It's an entirely different body.

12 STEVE MISSABIE: I might as well
13 start at the beginning. Gary was the Chief of
14 Temagami Indian Band. He was losing his support
15 on the island, and then he created this other
16 entity, the TAA. He appointed himself Chief of
17 that entity.

18 Then people started complaining,
19 "Now he is Chief of two different entities. Why
20 don't we get a Chief over here to look after our
21 concerns?" Gary didn't want to bother running in
22 that one, so he just let that one go vacant.
23 There were elections for a Chief on Bear Island,
24 so that is how there came to be two Chiefs.

25 COMMISSIONER VIOLA ROBINSON: His

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1 very difficult issue -- not just a difficult issue
2 but a tremendously emotional issue given the
3 connection that Aboriginal peoples feel to the
4 land. Extinguishment of title to land is, in some
5 sense, extinguishment of them as people.

6 We have given a lot of thought to
7 this problem. A number of the members of the
8 Board are lawyers who have worked for and with
9 Aboriginal organizations and have thought about
10 the problem in that context.

11 We don't have a formal, technical,
12 legal brief that we could share with you at this
13 stage.

14 In terms of alternatives to
15 extinguishment that actually might provide the
16 required certainty, it seems to us that the basic
17 problem that one has to be concerned with is that
18 people will go to court based upon an
19 unextinguished title and, therefore, threaten the
20 security of third party title. If that is the
21 problem, then that is the specific issue that
22 needs to be addressed.

23 We perhaps discussed two
24 solutions, if they can be called solutions. One
25 is to suggest that the rights contained within a

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1 group is the one that is doing all the
2 negotiating.

3 STEVE MISSABIE: We are now. We
4 started this summer.

5 To prove that we have jurisdiction
6 over the land, we went ahead and did some logging.
7 We cut some trees. The next thing you know the
8 MNR and the Attorney General said they were going
9 to come and charge us. They never did. Instead,
10 they went after the truck drivers who hauled our
11 logs, and they went after the mills in the area
12 and told them not to buy our logs.

13 COMMISSIONER VIOLA ROBINSON: The
14 only thing that I raise here is the fact that -- I
15 am quite familiar with your band. I have been to
16 Bear Island once, and I know some of the people
17 there, and Gary Potts.

18 Your claim on this land went all
19 the way to the Supreme Court of Canada, and you
20 lost. You were defeated in that case.

21 DUANE PAUL: Yes, but there are
22 still negotiations to take place.

23 STEVE MISSABIE: There was stuff
24 discovered in 1987 and 1989, evidence. Some of us
25 wanted to be heard at the Supreme Court level.

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1 land claim agreement constitute an entire
2 statement of rights to land, thus making it
3 extremely difficult for anyone to sue on the basis
4 of another interest in land. So define the rights
5 in the agreement and state that the agreement
6 provides an exhaustive list of rights in relation
7 to land.

8 A second possibility is to look at
9 the sort of thing that was being talked about at
10 the time of the Charlottetown Accord last year,
11 when discussions were focusing on the inherent
12 right to self-government and the entrenchment of
13 that in the Canadian Constitution, but also a
14 significant discussion focusing on when that right
15 should become justiciable and a clause being put
16 into the Accord, either in the text or in the
17 political accord, indicating that the right would
18 be non-justiciable for a number of years.

19 I don't think we have thought this
20 through every precisely, but maybe that which
21 seemed to be politically acceptable to both
22 Aboriginal organizations and to the provincial
23 governments and the federal government last year
24 could be looked at as a way of dealing with the
25 issue of certainty.

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1 Ross Murray decided all by himself, I guess, that
2 it wasn't worthwhile putting it in.

3 We said this in Haileybury. If we
4 could only have another chance at the Supreme
5 Court of Canada, I know we would win.

6 COMMISSIONER VIOLA ROBINSON: I
7 just wanted to raise this. I am not a lawyer, but
8 I know that the Supreme Court of Canada is the
9 last resort, and I am not sure that the same thing
10 can be brought back again. I don't know how that
11 works.

12 STEVE MISSABIE: It can't.

13 COMMISSIONER VIOLA ROBINSON:
14 Going back to the negotiations that are going on
15 now and those that were acquitted, I guess once
16 that decision came down, it wasn't an accepted
17 decision by the people in any way, and then you
18 were charged.

19 STEVE MISSABIE: What do you mean?

20 COMMISSIONER VIOLA ROBINSON:
21 After that decision was handed down, it wasn't
22 accepted by all your people. Why were you
23 arrested?

24 STEVE MISSABIE: For the blockade,
25 you mean?

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1 CO-CHAIR RENÉ DUSSAULT: Just to
2 be sure I hear you correctly on the second one,
3 the rights recognized or defined in the agreement
4 and the issue of justiciability, it would not be
5 justiciable for Aboriginal people for a length of
6 time to secure security to third parties, or is it
7 the reverse? What do you have in mind?

8 NIGEL BANKES: Sir, what I was
9 suggesting is that the rights contained in the
10 agreement certainly would be justiciable and they
11 would need to be enforceable. The land claim
12 agreement would be recognized under section 35 of
13 the Canadian Constitution, and constitutional
14 rights would flow from that and would be
15 justiciable.

16 I think other rights outside the
17 agreement, based upon Aboriginal use and
18 occupation, might not be justiciable.

19 Maybe the second option is nothing
20 more than a technical way of expanding on the
21 first option.

22 CO-CHAIR RENÉ DUSSAULT: That
23 makes it clear.

24 The second point concerns the
25 royalty on resources and sharing the economic

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1 DUANE PAUL: No, this past summer
2 for the logging. We weren't arrested; we were
3 just issued an injunction to stop cutting.

4 COMMISSIONER VIOLA ROBINSON: But
5 you went in to cut.

6 STEVE MISSABIE: Yes.

7 DUANE PAUL: The lands are still
8 under caution. We were just out there to prove a
9 point.

10 STEVE MISSABIE: To all of us, the
11 area up there is still all Indian uncaded land.
12 There has never been a treaty. That is what we
13 want to bring back to the Supreme Court level, too
14 -- that we never participated in any treaty,
15 especially the Robinson-Huron Treaty.

16 They know, if we bring up that can
17 of worms, the Robinson-Huron Treaty, then they're
18 looking at the whole North Shore Tribal Council
19 and all those other bands out there. The whole
20 Robinson-Huron Treaty could be affected.

21 There is no way that the Canadian
22 government will want to try tackling that issue.
23 So the best thing to do is just to put a lid on
24 it, and that's what they did -- put a lid on it.

25 COMMISSIONER VIOLA ROBINSON: I

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1 rent. One of the things that struck us while
2 touring the country and meeting with many groups
3 in the resources field -- forestry, mining,
4 electricity, and whatever -- is that in many land
5 claims Aboriginal peoples are not made partners or
6 given compensation. They remain largely
7 spectators to the development of the resources
8 that happened on their ancestral territories.

9 We feel that the whole idea of
10 trying to make Aboriginal people, through those
11 settlements, partners in the development of the
12 resources is an interesting idea.

13 Of course, if you are a
14 shareholder, it brings you to another level of
15 discussion. You have some say in the management
16 of the enterprise.

17 Do you have some thoughts on the
18 whole idea? I know you say in your brief and in
19 your recommendations that there should be capital
20 transfers also. When you addressed the whole
21 issue of economic rent and royalties, did you give
22 some thought to the ways and means to use those
23 land claims agreements to really make Aboriginal
24 people partners in the development of the
25 resources -- not only to get their authorization,

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1 just wanted to clarify in my own mind and get the
2 whole picture of what was going on. I think I
3 know now what you are saying.

4 DUANE PAUL: Negotiations are
5 ongoing. At least, they tried to come up with an
6 agreement-in-principle and pass it through. It
7 was not accepted, so negotiations are still
8 ongoing. We can still negotiate. The way we want
9 to negotiate is through the traditional family
10 lands.

11 If the TAA cannot have the people
12 accept their --

13 COMMISSIONER VIOLA ROBINSON: It
14 is still possible under what you are doing now.
15 You are not finished yet.

16 DUANE PAUL: Yes.

17 STEVE MISSABIE: Our biggest
18 concern is that agreement-in-principle. We know,
19 if that went through, the province can pretty well
20 do anything to any other band across Canada. It
21 is that simple and that clear.

22 I don't know why other bands out
23 there aren't voicing this, because it is really
24 clear.

25 CO-CHAIR RENÉ DUSSAULT: I don't

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1 but taking into account some of their concerns?
2 They would be part of the development process.

3 **TERRY FENGGE:** You raise an
4 important, but complex, question. Let me take a
5 first stab, and then I will pass the microphone
6 along.

7 The first thing to note is the
8 actual language used in the 1986 land claims
9 policy. I think, if you go back to that policy,
10 you will see that much of the rhetoric behind that
11 policy is very similar to the concepts that you
12 were espousing and rather similar to your own
13 remarks in the press release that you published
14 earlier this year in relation to reciprocity and
15 sharing.

16 I think perhaps the problem was
17 that the 1986 policy, when it was reformed, did
18 not go far enough to actually reflect the rhetoric
19 involved.

20 Secondly, I think it is fair to
21 suggest that nobody who is sitting down and facing
22 a bevy of lawyers and government people on the
23 other side of the table would have all the
24 answers. Therefore, surely it is important that
25 Aboriginal peoples have the opportunity to try to

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1 want to prolong this too long. Of course, each
2 situation is historical and unique. The
3 difficulty is with the Supreme Court of Canada
4 case. That is there and, of course, had a big
5 impact on the negotiation process.

6 That is why we have had a lot of
7 discussion during the last two years about
8 resorting to courts. Many people ask us to put in
9 our recommendations a recommendation to the
10 federal government to refer directly to the
11 Supreme Court all kinds of issues. We always try
12 to point out that it is an exceptional way of
13 doing things, and that it could be risky.

14 We had a lot of discussion with
15 the national organizations a month ago in Ottawa
16 about the whole question of whether the inherent
17 right to self-government is covered under section
18 35 of the Constitution Act, 1982. We came up
19 with views on that, but obviously it could be
20 litigated.

21 It is like the spending powers of
22 the federal government and the provinces where we
23 have shared-cost programs. For 50 years the
24 provinces never really decided to put up a
25 challenge to the federal government on that

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1 design perhaps a variety of tools and techniques
2 to enable them to become partners in economic and
3 social development. These might through Inuit
4 Impact and Benefit Agreements, through the Nunavut
5 Agreement; it might be through participation
6 agreements in the Inuvialuit Agreement.

7 We think, through sharing in
8 royalties and sharing through rents and other
9 mechanisms that are used to cream off economic
10 rent, by sharing management rights for sub-surface
11 as well as surface -- all of these things build
12 Aboriginal peoples into partnership with
13 government.

14 Therefore, we should perhaps not
15 concentrate on one or two tools or means; we
16 should be expansive in thought here and seek to
17 free negotiators to think expansively, to see what
18 they can design, rather than being limited
19 arbitrarily by the limits of the land claims
20 policy.

21 NIGEL BANKES: I am not sure that
22 I have much to add to that, other than that I
23 distinguish, I suppose, in my own mind between an
24 opportunity to participate in a project in terms
25 of its job opportunities, management

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1 because they were afraid of losing. So both
2 governments decided instead to negotiate those
3 shared-cost programs.

4 Again, what could be achieved
5 through your presentation today was to state the
6 situation as far as Bear Island is concerned and
7 to put it on the public record. It is useful for
8 us because it gives us a better understanding of
9 the problems and also the difficulty within
10 communities. We are aware of many situations.

11 We hope to benefit from that to
12 exemplify the need for changes and to come up with
13 sound principles that would be acceptable to
14 Aboriginal people and also to the larger public.

15 At this point I think that is the
16 most we could do with this presentation this
17 morning. I would like to thank you very much for
18 coming and sharing this with us. We wish you well
19 in the coming days and weeks.

20 STEVE MISSABIE: Thank you for
21 giving us this chance. There is just one last
22 thing that I forget to mention.

23 We feel we are going to run into
24 problems within the next month. The big question
25 up there in the north is caution. Ontario is

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1 opportunities, training opportunities and the
2 right to economic rents. I sort of sever out
3 almost as a third question this issue of whether
4 or not Aboriginal people wish to actually invest
5 in a project that is occurring on their
6 traditional lands.

7 It seems to me that the latter is
8 a very risky option which clearly needs to be
9 evaluated on a case-by-case basis with great care.

10 CO-CHAIR RENÉ DUSSAULT: Let me be
11 a bit more specific.

12 Two weeks ago in Montreal we had a
13 discussion on this very issue with the Grand
14 Council of Crees. Mary and I were in Montreal
15 earlier last May, and one of the things that
16 struck us was that the Crees in James Bay told us
17 that to see the young Crees going to work for
18 Quebec Hydro, for them and for the community
19 leaders, was to see them as a kind of traitor.

20 There is a training centre with 50
21 positions in James Bay to get the training in the
22 electricity techniques. They said, "Because we
23 don't feel we have a partnership in Quebec Hydro,
24 it is kind of an adversarial relationship."

25 It seems to me, at least, that

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1 going to court to see if they can have the caution
2 lifted, but I know they can't. They're going to
3 run into problems there, and they're going to run
4 into us.

5 As I said earlier, we want to take
6 steps to negotiate. There are three things,
7 especially with mining companies. One, we want to
8 have a say in how big the development is. We
9 don't want anything like Kirkland Lake. Two, we
10 want to have a share. Three, we want to have
11 people employed there, not short-time but long-
12 time, so that eventually they can move and start
13 another mineral thing somewhere else on our land.

14 Say, we and the mining company or
15 the lumber company do this and we come to an
16 agreement within the next month. Where we are
17 going to have problems is if we turn around and
18 want to lift caution. We want to lift the caution
19 because we came to an agreement. There are three
20 names on those cautions: Gary Potts, Maurice
21 Mackenzie, Jr. and Bill Twain.

22 One question that came to us is:
23 How do we get those names removed so that we can
24 put our names there, so that, when the time does
25 come to lift the caution in an area, we can do it.

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1 there is something wrong there. There are jobs
2 available in the Cree territory in the north.

3 That is why the whole issue of
4 being a partner in the development of the resource
5 seems to be so important. Otherwise, people get
6 cash payments, and they resist development and
7 then get other cash payments, but they never feel
8 part of what is happening on their own land. The
9 process was not made to make them partners. "We
10 give you money, and we do what we feel is
11 necessary to do on the territory." It is the same
12 with the forestry industry, and so on.

13 That is the kind of thing that we
14 would like to address: What are the means to
15 bring partnerships, a feeling that there is an
16 interest in the development of the resource, not
17 only in terms of receiving cash payment but a
18 longstanding interest of the Aboriginal people
19 involved?

20 I don't know whether that
21 clarifies what I had in mind in putting that
22 question, but it seems to me to be pretty
23 fundamental.

24 **NIGEL BANKES:** It certainly is a
25 fundamental issue. I think, if one looks at the

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1 Right now that is all you hear up there in the
2 north: "Oh, those Indians never agreed with the
3 AIPs and caution is going to stay on there for
4 another 20 years." That is how some of the
5 mentality and thinking is up there. They think it
6 is going to stay on for another 20 years.

7 If we get on the ball real fast
8 and negotiate right now, we can start lifting
9 caution in different parts. The main thing is
10 that we want to have a say.

11 In the other way we weren't going
12 to have a say. You can't draw a line there. Even
13 we have a say or we don't, and we want to have a
14 say.

15 CO-CHAIR RENÉ DUSSAULT: But you
16 are not the only ones who have decided to
17 negotiate directly with the companies and leave
18 the government aside, in the forestry industry in
19 particular.

20 STEVE MISSABIE: That is where it
21 gets pretty tricky. What you are assuming there
22 is that Ontario has jurisdiction over those lands.
23 We are saying Ontario doesn't have jurisdiction
24 over those lands. Those are still Indian unceded
25 lands, so they belong to us.

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1 two northern agreements that I am most familiar
2 with, the Nunavut Agreement and the Inuvialuit
3 Agreement, it would seem to me that the
4 participation agreements that are provided for
5 under the Inuvialuit Agreement actually seem to
6 have been quite successful in bringing people on
7 side and in developing partnerships with Imperial
8 and Shell in the development of oil exploration in
9 the Delta area.

10 In the context of the Nunavut
11 Agreement, I think there was an important
12 opportunity missed in the negotiations there
13 because of an attempt by the federal government,
14 between the agreement-in-principle stage and the
15 final agreement, to severely restrict the ambit of
16 what are called the Inuit Impact and Benefit
17 Agreements. They were initially designed to apply
18 very broadly to any developments occurring
19 anywhere within the Nunavut territory.

20 As the agreement was finalized, it
21 really only applies to developments occurring
22 where Inuit land is directly affected, where
23 mineral exploration, for example, is occurring
24 under Inuit land or in relation to hydro projects
25 anywhere within the Nunavut territory.

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1 We govern those lands, not
2 Ontario.

3 CO-CHAIR RENÉ DUSSAULT: We could
4 enter into a whole new area. I would like at this
5 point to thank you for joining us and having this
6 discussion.

7 Meegwich and good luck.

8 --- (Une courte pause)

9 COPRÉSIDENT RENÉ DUSSAULT: Nous
10 allons compléter l'ordre du jour de la journée
11 immédiatement.

12 Vu que la dernière présentation de
13 M. François Larose, Professeur à l'Université de
14 Sherbrooke, doit être annulée pour des raisons de
15 maladie, la Fédération québécoise des
16 gestionnaires de zecs, par l'entremise de Suzanne
17 Saint-Amour, qui est Secrétaire du Conseil, a bien
18 voulu accepter de procéder à la présentation
19 immédiatement. Alors, Madame Saint-Amour, si vous
20 voulez venir nous rejoindre.

21 --- (Une courte pause)

22 Madame Saint-Amour, nous vous
23 souhaitons la bienvenue. Nous sommes très heureux
24 que la Fédération des zones d'exploitation
25 contrôlée du Québec ait accepté de venir faire

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1 I think there was an opportunity
2 there to provide a basis for negotiating
3 partnerships which might provide jobs, training
4 and economic opportunities for people, and there
5 was a pull-back.

6 COMMISSIONER MARY SILLETT: I am
7 really sorry that I am not Mrs. Wilson because I
8 know you had hoped that she would be here. I will
9 tell her that when I see her.

10 I just have one question because I
11 am very conscious of the time factor, although I
12 have a number of questions I can privately pursue
13 with both Terry and Mary because I have known you
14 for a very long time.

15 I am encouraged that this document
16 addresses gender equality issues. That is
17 something I don't see very often in terms of the
18 discussion of land claims and the discussion of
19 self-government. I guess we have Mary to thank
20 for that.

21 This morning we heard from the
22 Canadian Municipalities, and they said very
23 clearly that the land claims and self-government
24 are issues they are very interested in. They say,
25 for example, that land claims do have an impact

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1 cette présentation devant la Commission.

2 Je vous cède la parole.

3 **SUZANNE SAINT-AMOUR, Secrétaire du**
4 **Conseil de la Fédération québécoise des**
5 **gestionnaires de zecs:** Il me fait plaisir, au
6 nom de la Fédération québécoise des gestionnaires
7 de zecs, de vous tracer un peu le vécu du terrain
8 que les chasseurs et les pêcheurs vivent, si vous
9 voulez, avec la communauté autochtone.

10 Ce mémoire va traiter uniquement
11 des difficultés qui nous ont été signalées par nos
12 membres. Il relate aussi la démarche entreprise
13 pour essayer de contrer la montée de violence qui
14 s'exprime par différents gestes individuels.

15 Des moyens concrets, plutôt
16 simples, sont suggérés pour améliorer le climat
17 tendu actuellement.

18 Concernant notre organisme, pour
19 vous le présenter quelque peu parce qu'on sait que
20 nous ne sommes pas très, très connu, l'inspecteur
21 général des institutions financières, sous la
22 partie III de la Loi sur les compagnies, a accordé
23 des lettres patentes à la Fédération québécoise
24 des gestionnaires de zones d'exploitation
25 contrôlée le 4 mai 1983.

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1 upon the issues they are responsible for, issues
2 such as zoning or land access or taxation, and
3 that in future they would very much like to be a
4 party at the table -- not an observer but an
5 actual party. They feel they have a legitimate
6 request. They say they are not a third-party
7 interest; they are a level of government that has
8 actual responsibilities and actual jurisdiction
9 and, therefore, they should be sitting at the
10 table with Aboriginal groups who are negotiating
11 land claims.

12 I know that you have primarily
13 concentrated your work on land claims and self-
14 government in the north, but I was wondering
15 whether you have come across those kinds of issues
16 -- requests from groups such as municipalities or
17 hamlet councils or, in the case of northern
18 Quebec, hamlet settlement councils or third-party
19 interests, and how have they been addressed in the
20 land claims settlements to date?

21 NIGEL BANKES: I am not sure that
22 I have much to offer you there. I think, because
23 there is a much greater congruence between the
24 people who sit on municipal councils and the
25 beneficiaries under a land claim agreement,

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1 Celle-ci est gérée par 11
2 administrateurs bénévoles. Huit d'entre eux sont
3 élus en région alors que trois autres le sont en
4 assemblée générale lors du congrès annuel. Le
5 siège social de la fédération provinciale est
6 situé à Québec. Notre fédération emploie trois
7 personnes.

8 Cette corporation a été mise sur
9 pied par les administrateurs de zecs pour être
10 représentés auprès des organismes gouvernementaux
11 et autres; promouvoir une gestion adaptée aux
12 cadres géographiques et démographiques du
13 territoire; favoriser une accessibilité accrue des
14 Québécois à leurs ressources fauniques; promouvoir
15 les politiques d'aménagement faunique et
16 d'exploitation rationnelle; promouvoir les
17 activités de chasse, de pêche et de plein air;
18 défendre les droits des chasseurs, pêcheurs et
19 amateurs de plein air; étudier les lois, les
20 règlements et le protocole d'entente conclu avec
21 le Ministère du loisir, de la chasse et de la
22 pêche (MLCP); fournir divers avis à ses membres;
23 et assurer une présence auprès des médias.

24 La FQGZ recrute ses membres parmi
25 les 80 zecs du Québec. Je vous ai envoyé une carte

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1 perhaps the issues of conflict are not as severe
2 in many northern areas as they might be in the
3 south.

4 The analogous situation in the
5 north almost is the question of: To what extent
6 do the territorial governments get to sit at the
7 land claim agreement negotiation table as a
8 separate party? If one looks at the northern land
9 claim agreements being handled quite differently,
10 in the Nunavut Agreement very clearly the position
11 that was taken was that the territorial government
12 was an arm of the federal government, could sit as
13 part of the federal negotiating team, but was not
14 technically a party. That was important in terms
15 of the enforceability of the agreement and against
16 whom one might be suing in the event of a dispute.

17 My understanding is that in the
18 Yukon, the Yukon government is actually a party to
19 the land claim agreement.

20 I think there is some experience
21 in dealing with those issues in the north, but it
22 is primarily at the party level rather than the
23 question of whether or not somebody else gets to
24 sit at the table. It would be my understanding
25 that no other parties, other than the governments

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1 qui date de quelques années mais qui peut...la
2 carte provinciales des zecs, pas celle-ci. Celle-
3 ci c'est plutôt l'exemple d'une réserve à castors.
4 Elle n'est pas à jour parce que s'est ajouté
5 plusieurs zecs depuis la dernière année. Je pense
6 qu'on était autour de 70. Maintenant c'est passé à
7 80.

8 En date du 3 mars 1993 nous
9 comptons 53 membres sur 80. Les 80 zecs se
10 divisent en 3 catégories: les zecs faune, qui
11 couvrent près de 48 000 km²; lez zecs sauvagine,
12 12 km²; et les zecs saumon, 1 287 km².

13 La répartition par région est la
14 suivante -- alors vous avez la liste de la
15 répartition du nombre de zecs dans chacune des
16 régions.

17 Le Québec est divisé en régions et
18 les regroupements des associations régionales ça
19 correspond, je dirais, aux divisions territoriales
20 du Ministère Loisirs, Chasse et Pêche. Elles
21 regroupent les zecs en régions et leur mandat est
22 à peu près le même que celui de la Fédération,
23 mais qui traite plutôt de problèmes locaux ou
24 régionaux.

25 Les zones d'exploitation

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1 including the territorial government, have been
2 able to sit at the table in northern land claim
3 negotiations.

4 MARY CRNKOVICH: I think it is an
5 interesting note to add that in the Nunavut Land
6 Claim Agreement, the municipalities did
7 participate but that they participated to the
8 extent that during the land selection negotiations
9 the Inuit included members of the Hamlet Council
10 to participate with them. They were asked to
11 participate, and members of the Hamlet Council
12 came with the Inuit negotiators, and they
13 collectively negotiated for the lands.

14 In some cases lands were selected
15 in the municipalities. While the federal
16 government was clearly the ultimate nay- or
17 yeasayer for government, they did work closely
18 with the municipalities. But, again, that was the
19 choice of the Aboriginal claimant group in that
20 case. They were not given status to come in.

21 COMMISSIONER MARY SILLETT: I
22 think the answer to my question is very different
23 in the north from the south. You are very right,
24 in that, when we were meeting this morning, I
25 thought about the situation, particularly in

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1 contrôlées sont des territoires de chasse et de
2 pêche créées par décret du gouvernement du Québec
3 en 1978 -- c'était pour remplacer les anciens
4 clubs privés -- et confiées à des associations
5 sans but lucratif par le ministre du Loisir, de la
6 Chasse et de la Pêche pour fin d'administration en
7 son nom.

8 Un règlement du Conseil des
9 ministres balise les règles du jeu entre les
10 utilisateurs et l'association gestionnaire. Un
11 protocole d'entente définit les règles entre le
12 MLCP et l'association. Le délégation de pouvoirs
13 du ministre est précisée dans la Loi de la
14 conservation et de la mise en valeur de la faune.

15 Alors le concept zec repose sur
16 les quatre grands principes suivants: la
17 conservation, l'accessibilité à la ressource, la
18 participation des usagers, et l'autofinancement
19 des opérations.

20 Vous avez en annexe tous les
21 documents je dirais du cadre législatif, à titre
22 d'information.

23 Environ 1 000 administrateurs
24 gèrent bénévolement ces organismes au profit de la
25 collectivité québécoise et du gouvernement du

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1 Labrador, where people are on the community
2 councils. The composition of the communities is
3 that the majority of the people are Inuit.
4 Usually the mayor is an Inuk, and that mayor is
5 probably involved in the land claim negotiation.
6 There is a lot of communication.

7 For example, the mayor might not
8 sit at the land claim negotiations in his capacity
9 as mayor, but certainly he has the interests at
10 heart, so that there is a lot more representation;
11 whereas, the situation in the south is completely
12 different. Municipal governments are almost alien
13 to the reality of the life of an Aboriginal
14 person.

15 Thank you very much.

16 TERRY FENGGE: I would like to draw
17 your attention to our first recommendation. While
18 we have talked about the need for further reform
19 of the land claim policy, we have quite purposely
20 in our recommendations put, I think, a fairly
21 significant burden -- at least, we are
22 recommending that you assume a fairly significant
23 burden.

24 We are suggesting that, in light
25 of the variety of briefs and recommendations that

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1 Québec.

2 Tout citoyen peut devenir membre
3 d'une zec, qu'il fréquente le territoire ou non.
4 Il est aussi possible de fréquenter le territoire
5 sans être membre. Le réseau compte environ 55 000
6 membres et 250 000 utilisateurs.

7 Le prix maximum qui a été fixé par
8 décret du gouvernement du Québec pour adhérer
9 comme membre c'est de 20 \$.

10 Maintenant nous allons passer aux
11 problèmes.

12 Lors de la tenue de son congrès
13 annuel, entre autres, la Fédération est
14 sensibilisée aux principaux problèmes de ses
15 membres dont celui des relations avec les
16 Autochtones.

17 Suite aux problèmes qui nous ont
18 été signalés nous sommes allés rencontrer le
19 ministre Sirros pour lui faire part de l'urgence
20 d'essayer de solutionner des conflits. Je suis
21 allée à ce moment-là à titre de Secrétaire de la
22 zec Normandie et j'étais accompagnée par M. Pierre
23 Duchaine de la Fédération.

24 Au cours de l'année 1992 le
25 ministre du Loisir, de la Chasse et de la Pêche a

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1 you have received and in light of the rather
2 significant research that you have contracted, you
3 may be in a position to publish before the release
4 of your final report a draft land claims policy.
5 We are suggesting that you might want to get such
6 a document into the public realm to see what might
7 fly in advance of the presentation of your final
8 report.

9 We would, furthermore, suggest
10 this in light of recent political changes in
11 Ottawa and in light of published statements by the
12 Liberal Party indicating that they are amenable to
13 looking again at the land claims policy.

14 If I may be colloquial, strike
15 while the iron is hot.

16 Thank you.

17 CO-CHAIR RENÉ DUSSAULT: Thank
18 you. As I mentioned, we hope to be able to come
19 up with an interim report on the issue of
20 extinguishment and the land claim policy. Whether
21 we could commit ourselves to come up with a full
22 draft in all aspects is something else, but the
23 top priority is to address that issue in an
24 interim fashion, as we did in "Partners in
25 Confederation" in order to have the benefit of

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1 mis sur pied une table sectorielle à laquelle j'ai
2 participé comme représentante de notre Fédération.

3 Présidée par le sous-ministre à la
4 faune, M. Georges Arsenault, nous avons exploré
5 les irritants de part et d'autre. Pour la
6 première fois les organismes de la faune, sous la
7 tutelle de MLCP, rencontraient les Autochtones.
8 Bien qu'enrichissante et ouvrant la porte à une
9 meilleure connaissance les uns des autres, pour
10 moi il est bien clair que plusieurs problèmes
11 n'ont pas été clairement identifiés par les
12 participants, possiblement par respect mutuel.

13 De la table sectorielle nous avons
14 retenu deux recommandations, c'est-à-dire, créer
15 des tables régionales sous la responsabilité des
16 directions régionales du MLCP pour résoudre des
17 problèmes ponctuels à caractère local ou régional;
18 maintenir une table provinciale pour discuter de
19 problèmes ou de sujets plus généraux.

20 À ce jour, à titre d'expérience,
21 le Ministère du Loisir, de la Chasse et de la
22 Pêche a tenu dans une région, que nous préférons
23 ne pas identifier, une rencontre préliminaire avec
24 chacune des parties en vue de préparer une
25 rencontre conjointe.

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1 feedback for our final report.

2 As you know, we hope to be able to
3 finish with our deliberations at the end of 1994,
4 a year from now, so that gives us the possibility
5 to do that. Obviously, time is running short, and
6 we have to honour the priorities.

7 We share the concern that is in
8 your first recommendation. Whether we could go
9 all the way, as you suggest, is interesting. It
10 is an idea that we are certainly going to look at.

11 We could go at it for quite a long
12 time. You have some very interesting
13 recommendations on the implementation side. We
14 are going to look at them.

15 For the time being, I would like
16 to thank you for coming and sharing with us these
17 thoughts and recommendations. We hope to keep in
18 touch in the coming weeks and months. I think
19 your brief will be influential in the work of this
20 Commission.

21 Thank you. Merci.

22 La Commission royale suspende ses
23 travaux pour deux ou trois minutes. Nous allons
24 reprendre avec la présentation de l'Alliance
25 Autochtone du Québec Inc.

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1 Les participants gestionnaires des
2 zecs ont identifié les problèmes suivants:

3 Non-respect de la réglementation.
4 Ça c'est seulement nous. Du côté des Autochtones
5 ils ont fait la même démarche pour aussi
6 identifier les problèmes qu'eux rencontraient avec
7 nous.

8 Refus de s'enregistrer; refus
9 d'enregistrer les prises; refus de payer pour
10 circuler; refus de payer pour pratiquer les
11 activités; pêche au filet; chasse sans dossard;
12 chasse à l'original hors-saison; chasse au Bec-
13 scie au mois d'août; pêche sur des lacs fermés
14 même si le quota est atteint; chasse à bord d'un
15 véhicule; appropriation du territoire.

16 Ensuite on fait face à une autre
17 catégorie de problèmes. Non respect de la
18 propriété: utilisation de chaloupes sans
19 autorisation; vol de poissons; vol d'essence;
20 vandalisme dans les chalets allant jusqu'à tout
21 beurrer d'excréments humains -- je dirais en toute
22 fidélité à la mode d'Oka. C'est depuis ce temps-
23 là qu'on voit ces problèmes-là. Vandalisme dans
24 les véhicules sur les terrains de camping; vol de
25 pièges; déchets de poissons jetés dans des

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1 --- Suspension de l'audience à 3 h 22

2 --- L'audience reprend à 15 h 37

3 **COPRÉSIDENT RENÉ DUSSAULT:** La
4 Commission royale sur les peuples autochtones au
5 Canada reprend son audience publique avec la
6 présentation d'un mémoire par l'Alliance
7 autochtone du Québec Inc. Je voudrais sans plus
8 tarder demander à M^{me} Racette, la présidente, de
9 procéder à la présentation du mémoire et la
10 présentation de son groupe.

11 Madame Racette.

12 **GINETTE RACETTE, présidente et**
13 **grand chef, Alliance autochtone du Québec:** Je
14 pense que je vais procéder en français.
15 Malheureusement, M^{me} Sillett doesn't speak French,
16 but I will do my best to give a little bit of my
17 presentation in English.

18 Before starting my presentation, I
19 want to introduce the members who are with me
20 today. To my left is Mrs. Catherine Cheezo; she
21 is a member of the Native Alliance of Quebec and
22 she is status from the Cree Nation. Beside her is
23 Mrs. Nancy Doucet; she is the Director of the
24 Habitat Métis du Nord Program. At the end of the
25 table is Mr. Gilles Bérubé, who is the President

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1 toilettes de camping. J'ajouterais ce que j'avais
2 oublié de mettre, extorsion d'argent pour
3 surveiller des véhicules. Quand je dis extorsion
4 c'est-à-dire qu'on propose de payer tant pour
5 qu'ils prennent soin du véhicule qui est sur
6 place.

7 Non-respect de l'environnement:
8 déchets lancés volontairement de la boîte d'un
9 camion; rebuts laissés aux endroits fréquentés.

10 Ensuite, toute une série de gestes
11 de provocation: menace avec des armes;
12 utilisation de mitraillettes pour pratique de tir
13 ou chasse; circulation sans plaque
14 d'immatriculation; vol d'essence; vandalisme et
15 vol sur les terrains de camping; coups de feu
16 tirés à quelques pouces de la tête; bagarre entre
17 gardiens et Autochtones; vol de poissons;
18 circulation avec des armes -- je pense que c'est
19 la deuxième fois qu'on le dit, alors on peut
20 l'annuler celui-là; utilisation d'une masse par un
21 gardien forestier. Ça a passé à la bagarre puis
22 il y a eu utilisation de masse.

23 L'impunité: Les utilisateurs de
24 zecs constatent que les règles du jeu ayant trait
25 à la récolte faunique et à l'environnement ne sont

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1 and General Manager of Waskahegen Housing
2 Corporation in Quebec. Behind me is Mr. André
3 Ladouceur, who is a volunteer worker with Native
4 Alliance of Quebec and who is a Métis. Then is
5 Mrs. Lilas Durocher; she is working with CUIC in
6 Campbells Bay for native people. Mr. Pierre
7 Veilleux is Community President in Saint-Jean-sur-
8 Richelieu and he is also a Métis.

9 Dear Members of the Commission, it
10 is a real pleasure for me to be here to present to
11 you the memorandum of the Native Alliance of
12 Quebec on the role that it is going to play within
13 the Canadian Confederation. As President and
14 Grand Chief, I am really happy about the Royal
15 Commission's interest in all organizations, off
16 reserve particularly. I would like to thank all
17 the people who joined me today to help me present
18 the memorandum of the Native Alliance of Quebec.

19 I will not go through the whole
20 memorandum; you have it. I don't know if you have
21 had a chance to translate it, because, with the
22 small amount that we received and the short
23 time -- it was translated? All right. We didn't
24 have the time or the budget to do the translation.

25 CO-CHAIR RENÉ DUSSAULT: In fact,

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1 pas respectées. Mais plus grave encore, les
2 poursuites relatives au vandalisme et à sa
3 provocation meurent sur les tablettes ou du moins
4 c'est la perception que nous en avons.

5 Un climat de violence s'installe
6 sournoisement. Dans au moins quelques cas les
7 opposants sont passés aux actes. L'on peut
8 s'attendre à une progression de cette violence,
9 car les uns et les autres voudront se faire
10 justice. Les membres des différents conseils
11 d'administration ont réussi jusqu'à tout récemment
12 à limiter les dégâts, mais nous avons atteint
13 notre limite d'influence et de tolérance.

14 Nous tenons particulièrement à
15 mentionner que les exemples cités sont reprochés à
16 des individus et non aux communautés autochtones.
17 Nous faisons donc appel aux communautés
18 autochtones pour nous aider à enrayer ce climat de
19 violence.

20 J'ajouterais ici, ce qui n'est pas
21 noté, qu'en termes de gestionnaires les
22 utilisateurs qui fréquent ces territoires, pour se
23 ressourcer, retrouver une paix intérieur, sont
24 confrontés à des agressions qui les font ou bien
25 fuir ou à une réaction qui est différente, c'est-

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1 summaries were done in English but not the whole
2 thing.

3 GINETTE RACETTE: Not the whole
4 thing. I will do my best to have it translated
5 and send it to the Commission later.

6 About self-government, we didn't
7 make recommendations because, for the moment, our
8 association didn't have the time and the budget to
9 work on it, and for many reasons.

10 First, the large majority of our
11 members declare themselves as Métis and most of
12 them are living in rural communities. Many of
13 them are living in urban areas, but it is not
14 clear whether we are going to proceed with self-
15 government in rural communities.

16 Second, there is a very important
17 point: We are going to start negotiations with
18 the Quebec government for the enumeration and the
19 registration of natives not recognized by the
20 Indian Act.

21 Finally, our people off reserve
22 have to live with discrimination in different
23 programs, like CUIC, where we don't receive
24 services for people off reserve if they are
25 farther than the third generation. So we have to

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1 à-dire que le seuil de la tolérance va être
2 dépassé et ça va engendrer, si vous voulez, de la
3 violence. Et bien sûr ça occasionne une perte
4 financière qui, au lieu de nous aider à mettre
5 plus de ressources, ça va nous priver.

6 Les solutions suggérées:
7 Poursuivre les démarches entreprises par le MLCP;
8 rencontrer les conseils de bande; mettre sur pied
9 une table de concertation impliquant tous les
10 intervenants dont les Services de conservation de
11 la faune et les corps policiers; maintenir et
12 accroître les services de conservation de la faune
13 de la sûreté du Québec dans les secteurs
14 névralgiques. Vous savez qu'on est situé à trois
15 ou quatre heures de route très souvent des
16 centres, alors ça donne à peu près rien de dire
17 venez faire ci ou venez faire ça. C'est
18 impossible, ils ne se rendront pas. Donc il y
19 aurait peut-être lieu dans certains cas d'affecter
20 du personnel là où il n'y en a pas.

21 Diffuser des directives claires
22 aux intervenants sur les règles à respecter de
23 part et d'autre; exiger l'immatriculation des
24 véhicules. Ça ça cause un vrai problème parce
25 qu'on ne peut pas les identifier. On ne sait pas

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1 fight against that.

2 We are not really safe in Quebec,
3 if I can use that word, because we don't know in
4 the nearest future what kind of government we are
5 going to have in Quebec. We don't know if we will
6 be part of Canada in a year or two, because some
7 people want to separate Quebec from our country.
8 So when we talk about self-government and land
9 claims, it is really hard to deal with, because we
10 don't know where we are going in the nearest
11 future.

12 On the economic development, there
13 is a new program with ISTC that really works for
14 native people off reserve. Many people from my
15 association and other associations can receive
16 benefits from this program. So we are really
17 happy about that.

18 On the Indian Act, we made
19 recommendations because it is the strong idea of
20 most of the people off reserve that the Indian Act
21 separated many families and brothers and sisters,
22 because some are living on reserve, which is their
23 choice, and some other people are living off
24 reserve in urban centres; it is their choice too,
25 but they still are Indians.

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1 qui circule sur le territoire. Alors c'est le
2 moyen qui est utilisé couramment par certains
3 groupes, pas par tout le monde. Je peux dire que
4 souvent il vient des groupes de l'extérieur et ça
5 a été parfait, ça a été conduite irréprochable.

6 Augmenter les pouvoirs des
7 auxiliaires; respecter les territoires actuels
8 jusqu'à tout autre changement; mettre sur pied des
9 programmes d'échange entre utilisateurs,
10 gestionnaires, étudiants; mettre sur pied des
11 programmes conjoints d'exploitation de gestion des
12 ressources si approprié.

13 En conclusion: À notre avis, le
14 plus rapidement possible il est important de
15 redresser la situation prioritairement sur toutes
16 les questions autres que le prélèvement faunique
17 pour enrayer les actes de violence qui germent un
18 peu partout.

19 Dans un deuxième temps, la
20 démarche entreprise par le MLCP nous apparaît
21 comme un bon moyen de rapprocher les communautés
22 sur le plan local, communauté par communauté.
23 Souhaitons pour le mieux-être de chacun que cette
24 démarche se poursuive et soit soutenue par les
25 chefs respectifs de chacune des bandes.

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1 On education, we still have to
2 face some discrimination with regard to CUIC.
3 Mrs. Durocher has been working with CUIC in
4 Campbells Bay for 13 years, and she could
5 elaborate a little later on the programs that she
6 is working on for native people off reserve.

7 On education and culture, last
8 spring and during a bit of the summer there were
9 hearings about a child care program. I am going
10 to give you later the recommendations of the
11 Native Alliance of Quebec that we presented to the
12 Native Council of Canada earlier. Mrs. Cheezo is
13 a living proof of why we strongly believe that we
14 should have our own education program and our own
15 daycare program -- native programs; she can talk
16 about why it is really important with regard to
17 the tradition, the culture and language.

18 So, if I may, I would like to let
19 Mrs. Cheezo talk about that.

20 **CATHERINE CHEEZO, Alliance**
21 **autochtone du Québec:** Je vais parler au sujet de
22 ma culture. J'ai été élevée dans des foyers
23 d'accueil; j'en ai perdu ma propre langue. Ce
24 programme-là qu'on veut vous présenter aujourd'hui
25 ce serait un programme qui pourrait nous aider à

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1 Que les chefs à travers le Canada
2 prennent conscience qu'une réalité différente est
3 vécue ici entre Autochtones et Allochtones. La
4 crise d'Oka et "le laisser faire" de la
5 contrebande valorisent et suscitent la montée de
6 violence dans nos milieux respectifs.

7 Il semblerait, d'après une étude
8 récente américaine, que les Autochtones québécois
9 sont mieux traités au Québec que partout ailleurs
10 au Canada. Il est important que les chefs
11 canadiens soient sensibilisés à cette réalité et
12 soient capables de faire les nuances dans les
13 dossiers du Québec.

14 En terminant, je voudrais vous
15 avouer ma déception face à la position de
16 L'Assemblée des Premières Nations de qualifier la
17 démarche du ministère du Loisir, de la Chasse et
18 de la Pêche entachée de mauvaise foi.

19 Nous sommes reconnaissants au
20 ministère du Loisir, de la Chasse et de la Pêche
21 de nous avoir réunis à une même table. Nous
22 aurions apprécié l'apport des Premières Nations
23 pour bonifier les éléments de politique visant la
24 conservation, l'aménagement et l'exploitation de
25 la faune. Si cette politique est si néfaste pour

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1 retrouver nos cultures, retrouver nos traditions;
2 pas juste pour moi, mais c'est pour nos
3 descendants futurs aussi. C'est un projet qui est
4 très positif, qu'on voit comme très légal aussi.

5 Ayant été élevée privée de tout
6 cela, aujourd'hui, je prends conscience que c'est
7 vraiment très important pour nous. C'est un point
8 vraiment très important: nos propres traditions
9 aujourd'hui sont effacées, et on veut remettre ça
10 sur le point parce que c'est une culture à ne pas
11 gaspiller.

12 GINETTE RACETTE: The
13 recommendation that the Native Alliance of Quebec
14 is giving you today is that we are asking the
15 Commission to make a strong recommendation to
16 government to provide native people with all the
17 facilities to set up -- first, we want to have the
18 enumeration of native kids in the white areas.
19 With the statistics that is going to come out of
20 this investigation, if I may, we can prove to all
21 governments that there is a need, a real need, to
22 have our own education system and our own daycare
23 and to provide to all native people off reserve
24 the budgets to set up a course for -- there is a
25 lot of young women who want to be teachers. They

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1 les peuples autochtones, il faut se demander
2 pourquoi plusieurs groupes ont déjà conclu des
3 ententes de gestion avec le ministère.

4 La gestion faunique d'un lopin de
5 terre, d'une réserve, d'une région, d'une
6 province, d'un pays, de la planète, doit être
7 bâtie par tous ceux qui habitent ce lopin de
8 terre, cette réserve, cette région, ce pays, et
9 cette planète.

10 Je vous remercie.

11 COPRÉSIDENT RENÉ DUSSAULT: Je
12 vous remercie, madame Saint-Amour, de nous
13 présenter ce mémoire au nom de la Fédération des
14 zones d'exploitation contrôlées du Québec.

15 Encore une fois, comme je l'ai dit
16 d'entrée de jeu, nous avons insisté beaucoup
17 auprès de plusieurs groupes pour venir faire la
18 présentation à la Commission. Je pense que dans
19 le cas de la Fédération c'était particulièrement
20 important.

21 Évidemment vous faites état d'une
22 situation qui à plusieurs égards est difficile.
23 Je voudrais peut-être juste pour mettre de côté
24 une dimension, vous avez -- c'est à la page 2 ou 3
25 de votre mémoire, le point 2.2, quand vous donnez

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1 want to work in native daycare, but we don't have
2 that many. I know that there are some in
3 Montreal, maybe there are some in Quebec City, but
4 there are some other places where it is a real
5 need, like the North Coast and up to Val-d'Or, the
6 Algonquin area; there is a real need.

7 So this is the recommendation that
8 we give to the Commission. We strongly believe
9 that it is a real need. It is the start, you
10 know. We have to teach again -- we should not
11 have to, but we have to teach the young people
12 again, to start at the beginning, their language,
13 tradition and culture. Now they believe that they
14 are whites because they don't speak their language
15 and so they are part of the white people.

16 We don't have anything against the
17 white people because they bring us lots of things,
18 lots of education. But I think that if we say
19 that we are Métis or that we are Indian, status or
20 non-status people -- we have to get back our
21 culture, traditions and language.

22 Another program the Native
23 Alliance of Quebec wants to make strong
24 recommendations on is the Housing Program. There
25 is a document I am going to give to the Commission

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1 la ventilation des diverses zones d'exploitation
2 contrôlées au Québec, il y a les zecs saumon.

3 On a eu cette semaine une
4 présentation de la Fédération du saumon de
5 l'Atlantique qui a fait était d'un progrès quand
6 même remarquable depuis dix ans dans les ententes
7 avec les Montagnais pour la cogestion de la
8 ressource saumon. Je comprends que l'exemple que
9 vous nous avez donné vient d'une région et...

10 SUZANNE SAINT-AMOUR: Ce sont des
11 exemples qui sont tirés de trois régions.

12 COPRÉSIDENT RENÉ DUSSAULT:
13 D'accord.

14 SUZANNE SAINT-AMOUR: Mais ce sont
15 des exemples individuels, j'ai bien dit.

16 COPRÉSIDENT RENÉ DUSSAULT: Tout à
17 fait. Alors on n'a pas, évidemment, l'autre
18 version du côté des Autochtones, mais la démarche
19 du ministère de Loisir, Chasse et Pêcher a permis
20 à la fois de tenir des rencontres de part et
21 d'autre à ce moment-ci. Est-ce qu'elles ont eu
22 lieu avec les parties autochtones?

23 SUZANNE SAINT-AMOUR: Elles ne se
24 sont pas tenues. C'est-à-dire que le ministère
25 Loisir, Chasse et Pêche est à préparer la

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1 today which was presented to Mr. Claude Ryan, who
2 is the Housing Minister in Quebec, and also Mr.
3 Elmer McKay, the federal Minister. I would like
4 to let Mr. Gilles Bérubé, the President and
5 General Manager of Waskahegen Corporation, talk
6 about this.

7 **GILLES BÉRUBÉ, président et**
8 **directeur général, Corporation Waskahegen,**
9 **Alliance autochtone du Québec:** Dans le mémoire
10 qu'on a présenté au fédéral et au provincial au
11 niveau de l'habitation au début de l'année, nous
12 disions clairement à l'intérieur de ça que nous
13 voulons devenir une institution autonome au niveau
14 de l'habitation. Je pense que notre mémoire est
15 clair par lui-même en disant que nous voulons
16 avoir nos propres programmes d'habitation.

17 Je pense que la Corporation
18 Waskahegen, qui a été fondée par l'Alliance
19 autochtone en 1972 et qui a déjà 21 ans
20 d'existence, est capable aujourd'hui de faire ses
21 propres programmes avec l'expertise qu'elle a et
22 avec la connaissance de la clientèle comme telle,
23 dans le sens du peuple autochtone vivant hors
24 réserve.

25 On soumet aussi dans notre mémoire

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1 rencontre. Ils ont eu une rencontre avec nous,
2 avec des groupes, si vous voulez, pour identifier
3 les problèmes. Ils ont fait une même rencontre
4 avec les groupes autochtones et une rencontre
5 conjointe est prévue.

6 Je pense bien que c'est à partir
7 de ce moment-là, quand les gens vont se parler
8 entre eux c'est là que ça va se régler.

9 COPRÉSIDENT RENÉ DUSSAULT: Si je
10 comprends bien, vous dites que malgré la non-
11 participation de l'Assemblée des Premières Nations
12 au processus, ou enfin la réticence à participer
13 au niveau local les organisations autochtones...

14 SUZANNE SAINT-AMOUR: C'est au
15 niveau provincial. Il y avait un chapitre qui
16 devait être écrit sur la nation autochtone. Je
17 comprends qu'ils veuillent le faire eux-mêmes mais
18 je trouve ça important qu'ils soient là parce que
19 c'est intéressant de travailler avec eux dans ce
20 domaine-là.

21 Même si c'est quelque chose qui
22 nous concerne, c'est très important d'avoir leur
23 opinion là-dessus parce que, au fond, on vit tous
24 un peu, eux plus que nous, dans le domaine de la
25 chasse et de la pêche, et ça nous intéresse bien

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1 qu'on veut avoir notre autonomie, faire nos
2 propres programmes, mais nous voulons quand même
3 que la responsabilité de l'habitation reste au
4 niveau fédéral comme tel. Nous ne voulons pas
5 avoir de différence entre les programmes, que tu
6 restes à Ottawa ou que tu restes à Hull; le peuple
7 autochtone veut avoir les mêmes programmes
8 d'habitation parce qu'il vit les mêmes problèmes,
9 que ce soit en Ontario ou au Québec. Donc nous
10 tenons fortement à ce que la responsabilité soit
11 au niveau fédéral au niveau de l'habitation.

12 Nous avons aussi un Comité
13 national sur l'habitation qui a été fondé l'année
14 passée, où nous nous sommes concertés sur ça et
15 nous avons tous la même opinion -- un consensus --
16 en disant que c'est la responsabilité du fédéral.
17 Nous voulons que le fédéral soit un partenaire
18 financier et un partenaire d'expertise aussi, mais
19 nous savons que les spécialistes au niveau de
20 l'habitation chez le peuple autochtone, ce sont
21 les autochtones eux-mêmes. Nous savons de quels
22 programmes nous avons besoin, nous savons ce dont
23 nous avons besoin.

24 Nous ne rejetons quand même pas la
25 possibilité d'avoir des critères de performance.

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1 gros d'avoir leur opinion. C'est un
2 enrichissement à notre vie.

3 COPRÉSIDENT RENÉ DUSSAULT: Alors
4 à ce moment-ci, si je comprends bien, il n'y a pas
5 participation au niveau provincial.

6 SUZANNE SAINT-AMOUR: Il y a eu
7 participation des groupes à la table provinciale
8 sauf que...

9 COPRÉSIDENT RENÉ DUSSAULT: Mais
10 pas de l'assemblée comme telle.

11 SUZANNE SAINT-AMOUR: Il y a refus
12 pour le dernier chapitre et ce qu'on dit c'est de
13 mauvaise foi parce que les règlements et les lois
14 sont mal interprétés. La lettre à la fin, en
15 annexe, vous pourrez voir qu'eux jugent que le
16 ministère du Loisir, Chasse et Pêche interprète
17 mal les lois et les règlements. Mais ça, disons
18 que c'est un problème qui...

19 C'est qu'en dehors de toutes ces
20 législations-là je pense qu'il y a des problèmes
21 urgents qui pointent.

22 COPRÉSIDENT RENÉ DUSSAULT: Quand
23 vous dites pour le dernier chapitre, juste une
24 clarification.

25 SUZANNE SAINT-AMOUR: Le chapitre

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1 Nous ne disons pas, à l'intérieur de ça, au
2 gouvernement de donner de l'argent et donner de
3 l'argent et que nous allons construire comme nous
4 voulons. Nous voulons performer. Nous sommes
5 conscients aussi que les budgets fédéral et
6 provincial sont assez restreints, et nous voulons
7 performer davantage avec les mêmes argents qui
8 sont disponibles.

9 C'est un petit peu ce que nous
10 proposons au niveau national.

11 Nous disons aussi à l'intérieur de
12 notre document que nous voulons aussi profiter de
13 nos propres retombées économiques, ce qui est
14 très, très difficile présentement. On sait une
15 chose, et c'est que si le gouvernement comme tel
16 dit: "Vous avez besoin de 100 logements au
17 Québec", par exemple, si on construit les 100
18 logements nous autres mêmes, si on crée de
19 l'emploi pour une trentaine de personnes, ce
20 sont 30 personnes qui vont être capables de se
21 payer un logement et, donc, qui n'auront pas
22 besoin du programme comme tel. Nous voulons
23 attaquer l'habitation par les deux bouts,
24 autrement dit. Je pense que nous avons
25 l'expertise pour le faire, et le gouvernement doit

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1 sur les Autochtones. Ils voulaient faire un
2 chapitre qui concernait les Autochtones sur...

3 COPRÉSIDENT RENÉ DUSSAULT: Dans
4 le cadre...

5 SUZANNE SAINT-AMOUR: Dans le
6 cadre de la politique faunique. Et à ce moment-là
7 on demande de retarder l'élaboration de la
8 politique. Je pense que c'est nécessaire que ce
9 soit révisé le plus tôt possible.

10 COPRÉSIDENT RENÉ DUSSAULT: La
11 situation que vous constatez, la nouvelle
12 politique a été adoptée, comme vous le dites, en
13 1978.

14 SUZANNE SAINT-AMOUR: Ça s'est
15 fait en 1978.

16 COPRÉSIDENT RENÉ DUSSAULT:
17 Évidemment il y a eu une expérience qui s'est
18 déroulée depuis ce temps-là, mais est-ce que vous
19 avez constaté une détérioration depuis trois ou
20 quatre ans?

21 SUZANNE SAINT-AMOUR: Beaucoup.
22 Depuis la crise d'Oka.

23 COPRÉSIDENT RENÉ DUSSAULT: Vous
24 avez vu un lien direct.

25 SUZANNE SAINT-AMOUR: C'est que

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1 reconnaître cette expertise-là au niveau canadien.

2 Nous allons sûrement faire es
3 erreurs mais nous allons apprendre par nos propres
4 erreurs; c'est un petit peu ce que les
5 gouvernements ont appris, eux aussi.

6 Nous voulons, par ce programme
7 d'habitation, diminuer le nombre de chômeurs en
8 profitant de nos propres retombées économiques,
9 nous voulons diminuer l'aide sociale. Comme je
10 vous dis, il y a moins de familles qui auraient
11 besoin de logements parce qu'il y aurait des
12 familles qui travailleraient. Les retombées
13 économiques chez nous, c'est bien, bien important.

14 L'expérience de travail que les
15 autochtones acquerraient au niveau de la
16 construction aussi leur servirait au niveau du
17 développement économique, pour aller travailler
18 ailleurs que sur nos logements comme tels. Donc
19 ils auraient une expérience de travail.

20 À la fin on vous remettra, si ça
21 ne vous a pas été remis, une copie du document
22 comme tel, qui est bien, bien clair et qui dit
23 tout. Je peux vous dire que nous avons présenté
24 ça à plusieurs politiciens autochtones au niveau
25 national, et ils sont parfaitement d'accord avec

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1 les influences de violence ne sont jamais
2 dénoncées, donc les gens...ça sert de modèle,
3 finalement.

4 Je pense que c'est important de
5 part et d'autre que quand il y a des gestes comme
6 ça il faut que ce soit dénoncés, sinon ça devient
7 comme un modèle et il y aura que du progrès de
8 violence. Jusqu'à ce jour les gens ont été très
9 tolérants.

10 Ce qui blesse le plus les gens de
11 notre communauté, ou de nos membres, c'est surtout
12 je dirais quand les gens entrent dans les chalets
13 ils salissent, encore plus que tout le reste.
14 C'est surtout ça qui est le plus blessant. Le
15 non-respect de la propriété, si vous voulez.

16 Les discussions avec les
17 communautés autochtones locales...

18 SUZANNE SAINT-AMOUR: Elles ne
19 sont pas commencées.

20 COPRÉSIDENT RENÉ DUSSAULT: Pas
21 véritablement, même au niveau local?

22 SUZANNE SAINT-AMOUR: Non. C'est
23 pas commencé. C'est certain, on ne s'est jamais
24 parlé, on ne se connaît pas.

25 COPRÉSIDENT RENÉ DUSSAULT: C'est

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1 ce document-là. Et le document fait
2 l'"assertation" de tous les membres de l'Alliance
3 autochtone du Québec.

4 Merci beaucoup.

5 **GINETTE RACETTE:** I didn't
6 elaborate on the justice program because I think
7 that there was a presentation to the Royal
8 Commission.

9 I didn't talk too much about the
10 Métis Nation because I know that last spring, in
11 April or May, there was a strong presentation from
12 a certain group from the islands; they made a
13 presentation about the Métis Nation.

14 Everything is turning around the
15 Métis fact in Quebec, because we don't have the
16 official recognition of the Quebec government.
17 But, in my mind, it is clear that there is Métis
18 in Quebec, a strong Métis Nation in Quebec --
19 maybe not a nation, but a Métis population. So
20 all the programs that close the door on most of
21 the people in my association, it is always, always
22 because we are Métis. I don't think it is the
23 government who is going to tell me who I am, and I
24 don't think it is the nations that are going to
25 tell me who I am, because I am not questioning who

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1 là où je voulais en venir. C'est qu'avant la
2 démarche de 1992 du ministère d'amener pour une
3 première fois ensemble...

4 SUZANNE SAINT-AMOUR: Mais c'est
5 pas facile de notre côté aussi de convaincre tout
6 un conseil d'administration que c'est important de
7 rencontrer un conseil de bande et eux, je ne sais
8 pas jusqu'à quel point ils sont intéressés aussi.
9 Je pense que c'est une démarche qui doit se faire
10 des deux côtés, mais s'acheminer...

11 On a fait des démarches pour le
12 demander, s'acheminer, et je pense que ce que j'en
13 sais des communautés autochtones, elles sont très
14 intéressées que ça se fasse aussi.

15 Je ne penserais pas que les gens
16 responsables approuvent des gestes je dirais
17 isolés comme ça. Je pense qu'il est très
18 important que les deux communautés ne laissent pas
19 les choses aller parce qu'on va se ramasser avec
20 de la violence ça n'aura pas de bon sens.

21 COPRÉSIDENT RENÉ DUSSAULT: Alors
22 vous avez raison de dire qu'il y a un processus
23 d'apprivoisement réciproque...

24 SUZANNE SAINT-AMOUR: Oui, c'est
25 ça.

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1 all the people around me are. I believe what they
2 say they are.

3 So the recommendation that I would
4 strongly make to the Royal Commission is that it
5 makes a recommendation to the government that the
6 people are the proof; they know what they are, who
7 they are and what they have to do.

8 That's it for me.

9 COPRÉSIDENT RENÉ DUSSAULT: Alors
10 ça complète la présentation de votre mémoire?

11 GINETTE RACETTE: Oui.

12 COPRÉSIDENT RENÉ DUSSAULT: Je
13 voudrais d'abord vous remercier d'avoir accepté
14 notre invitation et d'être venus nous rencontrer
15 pour partager avec la Commission royale le
16 résultat de votre mémoire. Également, je sais que
17 vous suivez le dossier depuis notre création et
18 bien avant et que vous allez continuer après.

19 Je voudrais simplement avoir
20 l'occasion de dire que depuis le début de la
21 semaine, et il y a deux semaines à Montréal mais
22 certainement depuis le début de la semaine, nous
23 avons eu l'occasion de rappeler à plusieurs
24 groupes qu'il existait une réalité métisse au
25 Québec, que ce soit ce matin avec la Centrale de

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1 COPRÉSIDENT RENÉ DUSSAULT: ...et
2 de réflexe à développer. Je pense qu'on l'a vu.
3 Les deux dernières semaines à Montréal ont été
4 tout à fait évidentes là-dessus, où les
5 groupements commencent à réfléchir aux rapports
6 avec les Autochtones et souvent l'invitation qu'on
7 leur a faite a été l'occasion dans le fond pour...

8 SUZANNE SAINT-AMOUR: Parce qu'il
9 ne faut pas oublier qu'on est très ignorants
10 de...souvent les Autochtones font allusion à des
11 lois ou à toutes sortes de problématiques qu'on
12 ignore complètement.

13 COPRÉSIDENT RENÉ DUSSAULT: Il n'y
14 a pas d'information.

15 SUZANNE SAINT-AMOUR: C'est ça qui
16 est un peu isolant. Comment ça se fait que les
17 gouvernements ont laissé ça aller à tel point
18 qu'on soit si ignorants?

19 Il y a beaucoup de monde qui vont
20 être renversés à un moment donné, alors ça presse
21 que l'information circule, et toute l'information.

22 COPRÉSIDENT RENÉ DUSSAULT: Dans
23 votre mémoire, lorsque vous faites état des
24 problèmes sous trois chapeaux, l'un des problèmes
25 que vous avez mentionnés c'est la circulation des

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1 l'enseignement du Québec qui faisait la
2 présentation de son mémoire, et par rapport à
3 d'autres organisations aussi, comme le Forum
4 paritaire Autochtones/Québécois lundi matin.

5 Nous voulons en tout cas dire que
6 nous sommes conscients que ce n'est pas aussi
7 spontané que l'une ou l'autre des 11 nations
8 traditionnelles pour les groupes, et nous ne
9 manquerons pas une occasion pour indiquer que la
10 réalité métisse existe au Québec. Ceci étant dit,
11 je sais qu'il y a deux organisations --
12 l'Association des Métis du Québec, que nous avons
13 rencontrée et qui a fait une présentation fort
14 éloquente au mois de mai devant nous, et également
15 bien sûr votre association, l'Alliance autochtone
16 du Québec Inc. -- et évidemment, de façon plus
17 large le Conseil national autochtone du Canada,
18 qui y travaillent.

19 Alors ma première question serait:
20 Vous avez mentionné que vous avez amorcé des
21 discussions avec le gouvernement du Québec sur
22 l'énumération des Métis au Québec. Pourriez-vous
23 élaborer là-dessus, avec qui et dans quel
24 contexte?

25 GINETTE RACETTE: Lors de ma

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1 véhicules sans immatriculation.

2 Est-ce que les problèmes qui sont
3 décrits dans votre mémoire sont des problèmes qui
4 ont été identifiés comme étant propres aux
5 contacts avec les Autochtones ou est-ce que ce
6 sont des problèmes que d'autres membres des zecs
7 pourraient causer?

8 SUZANNE SAINT-AMOUR: Uniquement
9 aux Autochtones.

10 COPRÉSIDENT RENÉ DUSSAULT:
11 Uniquement par rapport aux Autochtones.

12 SUZANNE SAINT-AMOUR: Je pense
13 qu'ils les enlèvent spécifiquement en entrant sur
14 le territoire.

15 COPRÉSIDENT RENÉ DUSSAULT: Il
16 faut donc lire votre mémoire dans cette optique-
17 là.

18 SUZANNE SAINT-AMOUR: Oui,
19 absolument.

20 COPRÉSIDENT RENÉ DUSSAULT: De la
21 même façon quand vous parlez de dommages à la
22 propriété, et caetera, est-ce que c'est une
23 perception ou est-ce que c'est documenté que ce
24 sont...

25 SUZANNE SAINT-AMOUR: C'est

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1 première élection l'an passé, j'avais eu
2 l'occasion de rencontrer, en tripartite avec M.
3 Richard Garand et M. André Maltais, à savoir... il
4 nous avait été fait une proposition pour commencer
5 les négociations en vue de l'énumération et de
6 l'enregistrement des Métis au Québec. À partir de
7 notre association, il s'est formé un autre groupe
8 qui travaille à l'élaboration de la nation
9 métisse.

10 On est revenu à la charge, le
11 gouvernement est revenu à la charge, c'est-à-dire
12 que M. Maltais et M. Meunier nous ont rappelés à
13 Québec au début de cette année pour encore
14 discuter. On n'en est pas venu à une entente
15 encore à savoir quelle procédure nous allions
16 entreprendre et de quelle manière nous allions
17 élaborer l'énumération. Cependant, lors d'un
18 récent colloque à Québec, il y a trois semaines,
19 j'ai eu l'occasion de discuter avec M. André
20 Maltais, et il devrait se tenir au printemps 1994
21 un forum sur la question métisse au Québec. Je
22 pense qu'à partir de ça on devrait être en bonne
23 voie de faire l'énumération et l'enregistrement
24 des Métis.

25 COPRÉSIDENT RENÉ DUSSAULT: Merci.

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1 documenté. Dans le fond je connais au moins un
2 organisme qui a obtenu des condamnations mais
3 parce que cette fois-là la plaque était pas
4 enlevée ou parce que les gens ont pu être
5 identifiés avec des photos, mais c'est un moyen de
6 ne pas être identifié.

7 À partir du moment où c'était
8 identifié et à partir du moment...je pense que
9 l'enregistrement est absolument essentiel à partir
10 du moment où tu sais qui se promène sur le
11 territoire c'est facile.

12 Je ne veux pas dire que ce n'est
13 qu'eux. Il faut faire attention. On ne peut pas
14 dire que tout ce qui se passe sur le terrain, tous
15 le vols...

16 COPRÉSIDENT RENÉ DUSSAULT: Voilà.
17 C'est ça ma question.

18 SUZANNE SAINT-AMOUR: Ça c'est
19 sûr. On est très conscient de ça, mais je peux
20 vous dire qu'il y a suffisamment de preuves pour
21 penser que c'est en grosse partie ça. Mais à
22 partir du moment où on va régler problème
23 d'identification ça va aller mieux. Il va
24 toujours rester peut-être des doutes dans certains
25 cas.

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1 Dans votre mémoire, évidemment,
2 vous faites état de la difficulté de
3 reconnaissance de la part des Métis de l'Ouest.
4 Évidemment, la Commission doit vivre avec cette
5 réalité-là; c'est vrai pour les Métis du Québec et
6 du Labrador. Ceci rend le dossier encore plus
7 complexe d'une certaine façon.

8 Vous dites dans votre mémoire que,
9 dans le fond, il y a plusieurs des ancêtres des
10 Métis de la rivière Rouge qui sont partis du
11 Québec et qui sont venus là et, évidemment, ont
12 vécu avec la nation métisse pendant un certain
13 nombre de décennies.

14 Alors, de votre côté, il n'y a pas
15 de progrès, il n'y a pas de contact avec le
16 Ralliement national des Métis.

17 **GINETTE RACETTE:** Actuellement il
18 n'y a aucun contact avec le Ralliement national
19 des Métis. Il y a un fait assez cocasse. L'hiver
20 passé j'avais eu l'occasion d'écouter un
21 enregistrement d'une ligne téléphonique dans
22 laquelle un ministre d'une province disait qu'il
23 n'y avait pas de Métis au Québec ni à l'est du
24 Québec et il parlait avec le président du Labrador
25 Métis Association. C'est extrêmement faux.

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1 Ce sont des choses mineures, au
2 fond. C'est plus dérangent et c'est insultant
3 que, je dirais, la valeur monétaire.

4 COPRÉSIDENT RENÉ DUSSAULT: Sauf
5 qu'il faut être conscient que l'accumulation peut
6 faire déborder à un moment donné le vase et amener
7 des situations difficiles.

8 SUZANNE SAINT-AMOUR: Et ce qui a
9 été signalé c'est que le comportement de ces
10 quelques individus-là n'est pas différent que tu
11 sois dans une réserve à castors ou que tu sois en
12 dehors d'une réserve à castors, vous comprenez.

13 COPRÉSIDENT RENÉ DUSSAULT:
14 Évidemment dans les réserves à castors c'est
15 réservé pour le trappage aux Autochtones.

16 SUZANNE SAINT-AMOUR: C'est
17 réservé au trappage, oui.

18 COPRÉSIDENT RENÉ DUSSAULT:
19 L'autre question que je voudrais vous poser, je
20 regardais un peu la configuration de la carte du
21 côté des zones d'exploitation contrôlée.

22 Est-ce que votre perception est en
23 relation avec le fait que plusieurs de ces zones-
24 là sont dans des territoires sur lesquels il y a
25 des prétentions ancestrales...

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1 Alors il y a un fait métis qui,
2 oui, je dois l'admettre, depuis peut-être une
3 couple de décennies, n'était pas en branle;
4 c'était latent. Sauf que maintenant il y a un
5 mouvement très fort au niveau des Métis, des Métis
6 convaincus et qui ont la preuve qu'ils sont
7 autochtones et qui travaillent avec acharnement
8 pour la reconnaissance et le mieux-être de toute
9 la collectivité autochtone au Québec.

10 COPRÉSIDENT RENÉ DUSSAULT:

11 Écoutez, je pense que, quant à nous, on doit en
12 prendre acte et travailler de part et d'autre avec
13 la réalité.

14 Sur un autre plan, dans votre
15 mémoire, sous le titre de l'autonomie
16 gouvernementale, le mémoire n'est pas paginé mais
17 vous dites au troisième paragraphe que le droit à
18 l'autonomie gouvernementale exige une base
19 territoriale pour le peuple autochtone, qu'il n'y
20 a pas d'autonomie gouvernementale sans territoire
21 défini. J'aimerais un peu avoir une
22 clarification, parce que nous avons eu beaucoup de
23 discussions depuis un an et demi sur la notion de
24 gouvernement autochtone en milieu urbain; ce matin
25 nous rencontrons la Fédération canadienne des

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1 SUZANNE SAINT-AMOUR: Je vous ai
2 mis l'exemple d'une région, une réserve. Vous
3 avez là-dessus la réserve à castors qui est
4 tracée, vous avez les zecs et les pourvoiries.

5 Est-ce qu'ils devaient le faire là
6 ou pas le faire là, je pense que c'était pas à
7 nous...on le sait pas. On ne le savait même pas.
8 On se demandait même souvent si les territoires le
9 sont dans une réserve à castors. Très souvent les
10 administrateurs le savent même pas.

11 Tout ce que je peux vous dire
12 c'est que tous les gens de notre côté qui ont été
13 consultés désirent un règlement de ce problème-là
14 à tout prix, désirent des solutions.

15 COPRÉSIDENT RENÉ DUSSAULT: On a
16 eu cette semaine également une présentation du
17 côté de la Fédération de la faune.

18 SUZANNE SAINT-AMOUR: Oui. Je ne
19 sais pas ce que ça a donné.

20 COPRÉSIDENT RENÉ DUSSAULT: C'est
21 une présentation assez difficile, dans le fond.
22 Le président est venu après six ans d'efforts un
23 peu nous indiquer qu'il lançait la serviette sur
24 la mise en commun des préoccupations des
25 Autochtones et des non-Autochtones dans le

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1 municipalités.

2 Quel est votre point de vue là-
3 dessus? C'est sûr que c'est plus spontané, mais
4 est-ce que, pour vous, le concept de l'autonomie
5 gouvernementale implique nécessairement un
6 territoire en ville, une réserve urbaine?
7 J'aimerais avoir des explications.

8 GINETTE RACETTE: Évidemment,
9 c'est une question qui est très directe. Comme on
10 le voit, nous, à l'Alliance autochtone du Québec,
11 comme je le mentionnais dans ma présentation,
12 beaucoup de nos membres, beaucoup d'autochtones
13 vivant hors des réserves vivent en milieu rural.

14 Comme je l'expliquais aussi
15 précédemment, on ne s'y est pas vraiment encore
16 attardé, vu les inquiétudes à savoir, au niveau du
17 gouvernement du Québec, ce qui va nous arriver au
18 Québec. Est-ce que nous devons aller vers des
19 institutions à l'intérieur des villes? Est-ce que
20 nous devons aller vers l'autonomie des
21 communautés? Est-ce que nous devons former des
22 communautés en ville? Ce sont toutes sortes de
23 questions qui ont été même mises en place lors du
24 dernier colloque à Québec. C'était un colloque
25 très intéressant.

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1 contexte de la faune.

2 On a eu par ailleurs, comme
3 faisaient état M. Beaudin et M. Malec, qui ont
4 fait une présentation du côté du saumon, qui était
5 très encourageante.

6 On a eu aussi une présentation du
7 côté des propriétaires de pourvoiries au Québec.
8 Donc on a couvert un assez large éventail des
9 préoccupations qui sont communes.

10 Je pense qu'il est essentiel que
11 le contact se fasse au niveau local avec les
12 autorités autochtones.

13 SUZANNE SAINT-AMOUR: Au niveau de
14 la table provinciale les deux groupes étaient
15 d'accord avec ça. Je pense que c'est là
16 finalement, c'est quand les gens vont se parler
17 qu'on va trouver des solutions à tout ça.

18 COPRÉSIDENT RENÉ DUSSAULT: Le
19 ministre Sirros, qui est venu présenter un mémoire
20 hier matin, disait dans son mémoire que lorsque
21 les règles du jeu sont claires c'est beaucoup plus
22 facile, la relation est plus facile que
23 lorsqu'elles sont ambiguës.

24 SUZANNE SAINT-AMOUR: Oui. C'est
25 ce que les administrateurs demandent. Ils

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1 On n'est pas encore vraiment
2 situé, en tout cas pour notre part à l'Alliance
3 autochtone, vers quelle sorte d'autonomie
4 gouvernementale nous devons aller. Ça va être
5 très difficile. Quand on parle au niveau des
6 réclamations territoriales, les Métis qui sont un
7 peu partout au Québec n'ont pas vraiment de
8 territoire défini. Alors ça va être très
9 difficile à négocier, j'en conviens.

10 **COPRÉSIDENT RENÉ DUSSAULT:**

11 (Microphone fermé) Par exemple, vous dites que
12 vous regroupez 14 000 ou 15 000 membres. Je
13 comprends que l'énumération en général n'est pas
14 faite, mais vous connaissez un peu l'origine de
15 vos membres. Au mois de mai on a eu un peu une
16 démonstration du spectrum.

17 Est-ce que vos membres recoupent
18 un peu ceux de l'association ou est-ce que c'est
19 distinct? Est-ce que la plupart de vos membres
20 sont en situation urbaine, petites villes comme
21 plus grandes villes, ou dans des zones rurales?

22 **GINETTE RACETTE:** Évidemment, je
23 pense que vous avez été à même de prendre
24 connaissance qu'à la fin de notre mémoire on avait
25 envoyé un organigramme de l'Association. Je vais

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1 demandent des directives claires, quels sont les
2 règlements qu'ont doit appliquer et quels sont
3 ceux qu'on ne doit pas appliquer. Qu'on ait des
4 directives claires et on va les suivre.

5 COPRÉSIDENT RENÉ DUSSAULT: La
6 clarification des droits.

7 SUZANNE SAINT-AMOUR: C'est ça.
8 Si c'est seulement le droit d'enregistrement et de
9 circulation, qu'on nous le dise. Si c'est
10 d'autres droits, qu'on nous le dise, mais qu'on le
11 dise aux deux groupes pour que ce soit clair pour
12 tout le monde.

13 COPRÉSIDENT RENÉ DUSSAULT: Un
14 mémoire comme le vôtre vient de la Fédération, du
15 conseil d'administration, donc la Fédération.

16 SUZANNE SAINT-AMOUR: C'est-à-dire
17 que j'ai eu le mandat de le préparer au nom de la
18 Fédération.

19 COPRÉSIDENT RENÉ DUSSAULT: Donc
20 vous parlez au nom de la Fédération.

21 SUZANNE SAINT-AMOUR: Je parle au
22 nom de la Fédération.

23 COPRÉSIDENT RENÉ DUSSAULT: Très
24 bien. Merci.

25 Je vais demander à ma collègue,

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1 vous donner juste un exemple. Dans la communauté
2 de Sault-aux-Moutons sur la Côte-Nord, ces gens-
3 là, je peux dire que c'est moitié-moitié, moitié
4 Métis et moitié statués Montagnais. Alors comment
5 atteindront-ils l'autonomie gouvernementale dans
6 cette communauté-là? Est-ce qu'ils devront aller
7 vers des situations de se regrouper plusieurs
8 communautés ensemble sur la Basse Côte-Nord?

9 Évidemment, dans l'Association,
10 c'est tout près de 14 000 membres inscrits au
11 registre. Il y en a de décédés, il y en a qui se
12 sont rajoutés dans les dernières semaines, mais
13 c'est tout près de 14 000 membres, et ces gens-là
14 relèvent des 11 nations présentement au Québec.

15 **COPRÉSIDENT RENÉ DUSSAULT:** Ici, à
16 Montréal, est-ce que vous avez un bon nombre de
17 membres ou si c'est davantage réparti sur le
18 territoire...

19 **GINETTE RACETTE:** La communauté
20 Hochelaga 12 de Montréal contient au-delà de 400
21 membres inscrits au registre présentement.

22 **COPRÉSIDENT RENÉ DUSSAULT:** Merci.
23 Je voudrais passer à la société
24 d'habitation. Vous dites que vous avez présenté
25 un projet au ministre des Affaires municipales,

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1 Viola Robinson, de poursuivre.

2 COMMISSIONER VIOLA ROBINSON: I'd
3 like to thank you for your brief.

4 This is a big problem. It just
5 goes to show, as you've said yourself, you have
6 some ways to go to begin some dialogue, and the
7 only that this can be done is communication by
8 your group and with the communities involved.

9 I don't think that the Aboriginal
10 communities, the Native communities, would condone
11 these kinds of actions of their people, their
12 individuals, but there has to be something in
13 place, there has to be some form of dialogue,
14 consultation.

15 You have to start talking about it
16 and maybe the proposal that was presented here
17 yesterday, as my Co-Chair has said, from the
18 Minister Sirros, is going to open up a new forum
19 for Aboriginal people that there should be some
20 involvement from your group and other wildlife
21 groups to be able to -- this might provide the
22 forum to begin that communication and dialogue
23 with the Aboriginal groups.

24 There have been in other parts of
25 the country where there have been agreements

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1 Claude Ryan. Vous dites que l'Alliance participe
2 avec d'autres groupes autochtones depuis mars 1992
3 à la mise sur pied et au bon fonctionnement de la
4 Société de crédit commercial autochtone, d'un
5 côté; ça, c'est du côté de financement.

6 Est-ce que vous pourriez, sur ce
7 plan-là, nous donner un petit peu plus
8 d'explications, et après ça également du côté de
9 l'habitation.

10 GILLES BÉRUBÉ: Je vais vous en
11 donner au niveau de l'habitation comme telle et je
12 vais laisser Ginette, au niveau de...

13 Au niveau de l'habitation, je
14 devrais peut-être vous donner un petit historique
15 qui est bien, bien important.

16 On a été incorporé en 1972 et on a
17 commencé à délivrer les programmes du fédéral; on
18 s'est entendu avec le fédéral pour délivrer
19 certains programmes. En 1985 il y a eu une
20 entente fédérale-provinciale; les logements ont
21 été administrés au niveau de la Société
22 d'habitation du Québec, et le fédéral a continué à
23 contribuer quand même à 75 pour cent de ces
24 budgets-là.

25 Vous savez, en cours de route, les

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1 signed and there have been ways to resolve this,
2 but it's like you say, Aboriginal people say they
3 have the right to hunt and fish, they don't have
4 to pay licence and the provincial laws don't apply
5 in those cases. And in some provinces that has
6 been settled.

7 It's the enforcers, the law
8 enforcement and the wildlife management people,
9 who are in a quandary like you are here because
10 they don't really understand and know, because
11 they're not getting any direction from any
12 government as to how to handle these situations,
13 and that's where the problem is.

14 I hope that this new forum that
15 Minister Sirros is proposing will assist you in
16 resolving this problem and addressing it, because
17 it has to be done before it erupts into something
18 more serious.

19 Thank you.

20 COPRÉSIDENT RENÉ DUSSAULT: Je
21 voudrais en terminant indiquer qu'on espère que le
22 travail de la Commission royale et les
23 recommandations pourront aider à clarifier un bon
24 nombre de choses et tracer une direction qui va
25 aider aux gens sur le plan régional et local de

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1 négociations qui se faisaient entre le Québec et
2 le fédéral, même si on avait un comité tripartite,
3 il n'y avait plus de place... nous autres, on
4 était le troisième. On était tripartite mais on
5 était vraiment le troisième. Quand venait le
6 temps de dire nos idées et de dire nos besoins au
7 niveau des autochtones, il n'y avait plus de
8 place. Il y avait de la place juste en termes
9 fédéral-provincial comme tel.

10 Depuis ce temps-là nous appliquons
11 les programmes sociaux qui sont appliqués à tout
12 le monde au niveau de l'occupation hors réserve.
13 Et on veut se débarrasser un peu de ça, le
14 programme social. On veut un programme autochtone
15 comme tel, ce qui est bien, bien important. C'est
16 bien différent. Les autochtones sont différents
17 du reste de la population comme telle. Il y a des
18 besoins spécifiques, il y a des façons de vivre
19 différentes.

20 Je pense qu'au niveau du Québec il
21 est très, très dur de faire reconnaître cette
22 partie-là. Cela apporte des conflits. "Fitter"
23 les autochtones dans des programmes qui ne sont
24 pas fait pour eux, étirer des programmes, ça
25 apporte des conflits avec le Québec comme tel, et

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1 pouvoir en arriver à des ententes plus facilement.

2 Encore une fois, je vous remercie
3 d'être venue partager l'information et aussi la
4 préoccupation de vos membres. On voit quand même
5 qu'il y a un mécanisme, même s'il est récent,
6 1992, qui est en marche. C'est certainement que
7 les deux solitudes qui existaient auparavant.

8 Vous pouvez transmettre à la
9 Fédération notre appréciation de la démarche
10 entreprise. On vous incite à poursuivre, et on
11 vous souhaite bonne chance.

12 SUZANNE SAINT-AMOUR: Merci
13 beaucoup.

14 COPRÉSIDENT RENÉ DUSSAULT: La
15 Commission royale sur les peuples autochtones au
16 Canada est arrivée au terme de ses audiences
17 publiques qui avaient commencé dans la première
18 semaine du mois d'avril 1992, audiences qui nous
19 ont amenés partout au pays, dans les dix provinces
20 et les deux territoires, à trois ou quatre
21 reprises.

22 Nous avons eu quatre séries
23 d'audiences publiques, nous avons publié des
24 documents rendant compte de ce que l'on avait
25 entendu, essayant de grouper autour d'un certain

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1 ce n'est pas ça qu'on veut. C'est pour ça qu'on
2 vous disait tantôt que ce qu'on veut, c'est la
3 responsabilité du fédéral au niveau de
4 l'habitation.

5 On a du monde qui appliquent
6 d'Ottawa, ou proches de l'Ontario, qui viennent au
7 Québec, et on ne peut pas les loger comme tel
8 parce que ce ne sont pas les mêmes programmes en
9 Ontario et au Québec parce que le Québec a un
10 statut différent.

11 COPRÉSIDENT RENÉ DUSSAULT: Mais
12 actuellement le statut de cette société
13 d'habitation, c'est un statut tripartite d'une
14 certaine façon suite à l'entente?

15 GILLES BÉRUBÉ: C'est un statut
16 tripartite présentement. On pense quand même
17 qu'on ne rencontre pas le besoin d'habitation pour
18 le peuple autochtone du Québec dans un comité
19 tripartite comme ça. Pourquoi? Parce que, quand
20 tout le monde a mis son grain de sel, on n'a plus
21 de place pour vraiment dire ce qu'on veut, ce dont
22 on a besoin.

23 On dit qu'à l'intérieur de ces
24 programmes-là, à l'intérieur de ces budgets-là,
25 nous sommes convaincus que nous pouvons faire plus

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1 nombre d'éléments-clés l'écho des participants,
2 qui ont été nombreux, sur le plan autochtone comme
3 non-autochtone.

4 Les deux premières séries
5 d'audiences ont été davantage concentrées dans les
6 communautés autochtones.

7 Nous avons mis sur pied un
8 programme d'aide financière aux intervenants, qui
9 a permis de financer 142 projets. L'objectif
10 était d'avoir des mémoires présentés à la
11 Commission qui dépassaient le stade de l'énoncé
12 des problèmes ou des énoncés politiques ou de
13 principes mais qui contenaient une analyse basée
14 sur une recherche, orientée sur des solutions.

15 Ce fonds d'aide aux intervenants a
16 été géré pour nous de façon totalement
17 indépendante par M. David Crombie, l'ancien
18 ministre des Affaires du Nord et des Affaires
19 indiennes.

20 Nous avons mis l'accent de façon
21 importante lors de la troisième et de la quatrième
22 série d'audiences publiques au printemps et cet
23 automne sur la présence et la participation de
24 plein pied des non-Autochtones, des forces vives
25 de la société.

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1 chez nous avec le même budget. On ne revendique
2 pas des budgets additionnels, on revendique de
3 faire plus avec les mêmes budgets. C'est un petit
4 peu ce qu'on revendique chez nous. Et on pense
5 que si c'est la responsabilité du fédéral, ça va
6 aller mieux.

7 Rien n'empêche quand même la
8 Corporation Waskahagen ou les groupes autochtones
9 de se virer de bord et de négocier avec la
10 province de Québec pour venir contribuer au
11 logement au niveau du Québec, mais sur une base
12 d'entente où le peuple autochtone aura décidé de
13 ses programmes comme tels, de ce dont il a besoin
14 pour ses gens qui sont mal logés, ses gens qui
15 sont pauvres.

16 **COPRÉSIDENT RENÉ DUSSAULT:**

17 Actuellement vous êtes capables de construire
18 combien de logements?

19 **GILLES BÉRUBÉ:** À chaque année,
20 présentement, on a 2 000 logements en réserve,
21 qu'on a présentement, qu'on a livrés depuis 1985;
22 on construit 266 logements par année, soit 133
23 urbains et 133 ruraux. Présentement les budgets
24 ont été coupés; cette année on va construire
25 seulement 42 logements. Depuis les trois

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1 Nous estimions absolument
2 essentiel d'avoir un point de vue équilibré au
3 moment où nous allons essayer de mettre ensemble
4 l'information des audiences publiques, des tables
5 rondes nationales et du programme de recherche de
6 la Commission, qui est considérable.

7 Je pense qu'on doit dire que la
8 démarche auprès des forces vives de la société du
9 Québec, dans les diverses provinces sur le plan
10 canadien, en a été une de conscientisation. On a
11 forcé un bon nombre de groupes à s'arrêter et à
12 réfléchir aux rapports qu'ils entretiennent avec
13 les Autochtones dans leur contexte. On leur a
14 demandé de regarder aussi sur un plan plus large
15 mais souvent dans leur contexte.

16 Il y a certainement un
17 enseignement à tirer de ça. La plupart des
18 groupes nous ont dit n'eût été de l'invitation
19 appuyée et sentie de la Commission on ne serait
20 pas venus nous mêmes, au fond vous nous avez rendu
21 un service parce qu'on s'est aperçu qu'on avait
22 beaucoup de travail à faire, et ça s'applique au
23 milieu économique, que ce soit les caisses
24 populaires aux universités, comme l'Université
25 McGill hier, du côté du secteur de la santé,

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1 dernières années il y a eu des coupures
2 budgétaires, et on pense que 42 logements pour la
3 population autochtone hors réserve... on a une
4 liste d'attente quand même d'une couple de mille
5 noms et on ne court pas pour en avoir d'autres,
6 parce qu'on ne peut pas répondre aux attentes
7 comme telles.

8 COPRÉSIDENT RENÉ DUSSAULT: Vous
9 parliez de retombées économiques. Actuellement,
10 par exemple, dans la construction de ces nouveaux
11 logements, c'est la réglementation provinciale qui
12 s'applique? Ça fonctionne comment?

13 GILLES BÉRUBÉ: Oui, on a la
14 réglementation provinciale, qui a quand même,
15 dernièrement, été déréglementée, et on connaît
16 certaines conséquences. Par contre, on
17 réussissait quand même toujours à opérer à
18 l'intérieur de ça dans certains cas, mais on
19 semble toujours dire, à chaque fois que les
20 autochtones profitent de retombées économiques,
21 qu'on est en conflit d'intérêt. On semble dire
22 ça, et à plusieurs endroits. Je ne pense pas
23 qu'au fédéral on dise ça, mais à plusieurs
24 endroits on semble dire ça.

25 C'est un petit peu pour ça que

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1 l'Association des hôpitaux, les corporations
2 professionnelles, du côté de la justice, le
3 Barreau nous disait exactement la même chose.

4 Je pense que c'est un révélateur
5 extrêmement important ce matin. La présentation
6 de M^{me} Saint-Amour de la Fédération des zones
7 d'exploitation contrôlées va dans le même sens du
8 côté des ressources, même si en priori on est plus
9 susceptible d'être en contacts c'est un
10 enseignement important.

11 Dans ce sens-là je pense qu'il y a
12 des germes pour que la balle qui a été mise en
13 marche roule dans plusieurs milieux d'une façon à
14 effectuer un rapprochement.

15 Il y a eu des démarches
16 indépendantes de la Commission, et nous en sommes
17 très heureux, comme le Forum paritaire ici au
18 Québec, québécois-autochtone.

19 Il y a des démarches dans un
20 certain nombre de milieux. On a eu un groupe de
21 22 jeunes qui ont travaillé dans le cadre du
22 Conseil permanent de la jeunesse pour approcher et
23 amener une meilleure compréhension entre jeunes
24 Autochtones et non-Autochtones.

25 Je pense que les audiences

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1 dans notre mémoire on parle de certains conflits.
2 Comment voulez-vous que les autochtones se
3 développent eux mêmes si la population en général
4 dit: "On n'encouragera pas trop les peuples
5 autochtones." Si on ne peut pas acheter chez nous
6 sur nos propres programmes, comment veux-tu que
7 les peuples autochtones se développent? C'est un
8 petit peu ça. On se pose la question.

9 Je pense que les peuples
10 autochtones du Québec ont l'intention de se
11 prendre en main. À l'intérieur de ça, si on a les
12 outils pour le faire, c'est bien sûr qu'on y
13 arriverai.

14 COPRÉSIDENT RENÉ DUSSAULT: Merci.
15 Mary.

16 COMMISSIONER MARY SILLETT: I
17 would like to thank you very much for your
18 presentation. I would like also to thank you very
19 for trying to be nice to me and speaking in
20 English, although obviously your first language is
21 Aboriginal; I think that's a sign of respect and I
22 thank you very much for that.

23 I have just one question. I was
24 interested in the recommendation that funds be
25 found for Aboriginal daycare situations. I think

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1 publiques de la Commission indiquent qu'il y a
2 énormément de travail à faire. De la même façon du
3 côté des gouvernements, du côté des municipalités,
4 on n'a pas eu tout le succès espéré pour avoir des
5 présentations par les villes pour s'arrêter à
6 réfléchir sur la réalité autochtone en leur sein
7 est souvent une réalité qui va s'accroître et qui
8 va arriver. La tendance est assez claire pour le
9 futur, donc il y a des occasions de prévenir.

10 Je pense que ces audiences ont
11 interpellé non seulement les gouvernements mais
12 plusieurs composantes de la société non-
13 autochtone. C'était un des buts qui était
14 poursuivi par la Commission, parce qu'on est très
15 conscients que la Commission, ayant remis son
16 rapport, il faut qu'il y ait des gens qui
17 s'intéressent au dossier qui puissent porter un
18 jugement sur la valeur des propositions que nous
19 ferons et prendre le relais pour pousser auprès de
20 ceux qui sont responsables de l'implantation des
21 recommandations de faire en sorte qu'il y ait une
22 dynamique dans la société qui pousse vers des
23 changements.

24 Du côté des Autochtones je pense
25 que les audiences ont interpellé également

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1 one thing that we have heard is that there are
2 many Aboriginal children who were placed in foster
3 care or placed in institutional care. We have
4 heard from Aboriginal youth who have been adopted
5 into non-Aboriginal families. Sometimes the
6 situation is not too bad, but, no matter what the
7 situation is like, there is always a desire, we
8 have often heard the desire for Aboriginal people
9 to know where they came from, to know who they
10 are, to know their language. There is always an
11 interest in that.

12 I was wondering, even before you
13 get to daycare, what kinds of things should be
14 done so that Aboriginal children are not in a
15 situation where their choices are to leave their
16 families, whether that be on reserve or in the
17 cities, but to leave their families, to leave
18 their culture. There are situations which I know
19 are necessary, sometimes children have to be
20 moved, but I always think that that's sad; it is a
21 sad thing for many children.

22 I was wondering if you had any
23 idea as to how that can be addressed.

24 GINETTE RACETTE: Last spring I
25 had a chance to visit some communities on the

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1 beaucoup d'idées reçues. Il y a au-delà d'un
2 discours qui souvent peut apparaître fort,
3 d'aucuns diront à l'emporte-pièce, il y a derrière
4 ça une volonté de rattrapage très forte et une
5 volonté de coexistence et de collaboration avec
6 les milieux.

7 C'est dans les moyens que l'on
8 prend souvent que l'on envoie les mauvais messages
9 ou des messages qui ne sont pas toujours bien
10 compris.

11 On a essayé de démystifier un
12 certain nombre choses. La langue, par exemple, au
13 Québec. Il y a un partage à peu près égal des
14 parlant français, parlant anglais comme langue
15 seconde chez les Autochtones.

16 Souvent les gens au Québec ont
17 l'impression qu'il y a un refus du français par un
18 bon nombre d'Autochtones sans nécessairement se
19 rendre compte que l'anglais est la langue seconde
20 et qu'ils ont perdu leur langue originelle et donc
21 on leur a demandé d'apprendre une première langue
22 seconde, on leur demande d'en apprendre une
23 deuxième.

24 C'est un effort supplémentaire
25 additionnel qui est riche d'avenir, Mary Sillet le

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1 North Coast, from Tadoussac to Seven Island, and I
2 had a very interesting meeting with Mrs. Marceline
3 Kanabe (PH), who is the Grand Chief of the
4 Betsiamites Nation. We had a good conversation
5 about the fact that we have to face many families
6 that are getting out of reserves and want to live
7 in urban centres.

8 She said that she was really
9 concerned by the fact of education. On reserve
10 specifically, they are able to pursue their
11 studies until Secondaire V but after that, if they
12 want to go to college or university they have to
13 go to a big city. So they are completely lost.
14 They are starting their studies in August, and
15 when there is a week off in October or November,
16 they are getting back on the reserve. But the
17 time they are living in the city, it is too
18 expensive for them -- the rent, the food,
19 everything. They don't know how to spend money
20 because they have been living on reserve from the
21 time they were born until they are 17 years old.
22 So when they have a week off, they are getting
23 back on the reserve and they don't finish their
24 studies. So she said that there should be a place
25 specifically for native students.

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1 disait, du côté du nord du Québec où les jeunes
2 Inuits parlent de plus en plus l'Inuktitut,
3 l'anglais et le français. Mais ça fait partie des
4 incompréhensions souvent qui sont très
5 permissieuses parce qu'on ne fait pas toujours la
6 lecture de l'autre comme elle devrait être faite.

7 On est très conscients que le rôle
8 de la Commission demeure un rôle limité, que le
9 succès de l'entreprise prendra place en autant
10 qu'on aura pu bien sûr créer un certain mouvement
11 mais également que de façon autonome les milieux
12 prendront le relais.

13 Quant à nous, nous allons au cours
14 de la prochaine année mettre ensemble la réflexion
15 qui nous a été donnée et les éléments de solution
16 qui nous ont été transmis. Nous allons essayer de
17 viser le plus juste possible pour avoir un projet
18 qui va être compris, dans lequel les Autochtones
19 vont se reconnaître mais également qui sera estimé
20 une direction valable pour l'ensemble de la
21 société, dans le fond un objectif de paix sociale,
22 mais aussi d'enrichissement collectif.

23 On a largement passé à côté du
24 bénéfice de la culture américaine autochtone pour
25 des raisons historiques. On ne peut pas refaire

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1 What Catherine says -- she has
2 been raised in white families, she lost her
3 language, she lost her traditions, her culture.

4 So we are looking, at the Native
5 Alliance of Quebec, to ask for a budget -- I don't
6 know the term for "les gardiennes", "educators";
7 there should be a course starting in Quebec to
8 teach how to have our education -- women's.

9 I know it is a big deal, but I
10 think the first step is to have the enumeration
11 and the registration. We clearly know that there
12 are many, many young kids, when the women are
13 getting out -- and we know that because, for
14 alcohol and drugs, we have go backward, so long
15 ago. The troubles caused by alcohol and drugs --
16 many women have to divorce on reserve, they are
17 going to town and they have to work to raise their
18 kids. So the kids are going to daycare, but there
19 are just white daycare. They don't have a chance
20 to speak their language, to practise their culture
21 and traditions. So they are becoming white really
22 fast.

23 If we could have a chance to do
24 the enumeration, to know how many native kids are
25 educated in white daycare, we could have the

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1 l'histoire mais je pense que chacun est interpellé
2 maintenant à mettre en commun les cultures
3 réciproques.

4 Dans ce sens-là il pourra aussi y
5 avoir un bénéfice pour la relation interculturelle
6 au Québec comme au Canada avec les communautés
7 culturelles.

8 Nous remercions ceux qui ont mis
9 l'énergie dans la Commission. On a dit
10 régulièrement que la Commission va donner
11 fondamentalement ce que les gens auront pu mettre
12 comme espoir et comme effort de démarches vers des
13 solutions.

14 Comme c'est une commission qui
15 touche les peuples, qui touche les projets
16 collectifs de la société du Québec, la société
17 canadienne, c'est encore plus vrai. On n'est pas
18 uniquement dans la technique, mais on est dans
19 l'émotion. Il faut à ce moment-là faire un
20 amalgame qui tienne compte de ces réalités.

21 Dernier point, langue et culture
22 autochtones. Évidemment c'est absolument
23 fondamental, l'identité, pour l'ouverture et la
24 coexistence et le partenariat.

25 Ceci dit, je voudrais encore une

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1 statistics to send to the Quebec government first
2 and then to the federal government to show that we
3 need -- just like I said to Mr. Dussault, it is a
4 real need.

5 COMMISSIONER MARY SILLETT: The
6 other part of my question was: How do we make
7 sure, how can you make sure that Aboriginal
8 children are not taken away from Aboriginal
9 communities? How can we keep them -- if they
10 can't stay with their own parents, how can we find
11 other ways of maybe keeping them with Aboriginal
12 people so that they don't lose their culture,
13 their language, their identity or their values?

14 GINETTE RACETTE: Just as an
15 example, with Waskahegen, there is a building in
16 Châteauguay, close to Kahnawake, and many Mohawk
17 women who have to get off the reserve are going to
18 our apartments there. I was working for
19 Waskahegen before I was elected as Grand Chief and
20 I know that they are so busy finding some money to
21 work, finding some money to raise their kids that
22 the culture is not really important at this time.
23 They need money to feed their kids. I worked
24 there for a short time, about a year, but the
25 problem is still there.

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1 fois remercier aussi le personnel de la Commission
2 qui a travaillé d'arrache-pied, les traducteurs
3 qui nous ont accompagnés cette semaine et un peu
4 partout à travers le Canada dans un contexte
5 difficile, souvent limité, avec des heures
6 imprévues, et également indiquer que le rôle qu'a
7 joué les médias, même si on souhaiterait qu'on
8 répercute souvent davantage le fond des questions.

9 Nous sommes conscients des
10 exigences, nous sommes conscients de la difficulté
11 qu'il y a eu de suivre la Commission dans des
12 communautés éloignées pour des raisons de toutes
13 sortes, mais on ne peut pas faire autrement que de
14 penser que les médias aussi ont un intérêt
15 important et un rôle majeur sur le plan
16 d'éducation du public de part et d'autre pour une
17 meilleure compréhension.

18 Je vous remercie, et nous allons
19 poursuivre nos travaux inspirés par tout ce que
20 nous avons entendu et les bonnes volontés qui se
21 sont manifestées devant la Commission du public,
22 des gouvernements, et des Autochtones eux mêmes.
23 Merci.

24 Il y a toujours une prière
25 d'ouverture lorsqu'on débute une audience

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1 So I am really convinced that, in
2 a few years, if they are not getting back on the
3 reserve or if nothing is done for them, they will
4 lose everything, and I am really sad about that.

5 COMMISSIONER MARY SILLETT: Thank
6 you.

7 COPRÉSIDENT RENÉ DUSSAULT: J'ai
8 une dernière question sur la Société de crédit
9 commercial autochtone, dont vous dites que c'est
10 un succès total. C'est toujours intéressant.
11 Pourriez-vous nous en parler davantage?

12 GINETTE RACETTE: À peu près il y
13 a un an, ou un petit peu plus qu'un an, avait été
14 mise sur pied la Société de crédit commercial
15 autochtone, communément appelée SOCCA, à partir de
16 la nation Huronne-Wendat à Québec. S'est jointe à
17 la nation huronne la nation algonquine, je crois,
18 les Micmacs, les Abénaquis et les Algonquins.
19 Aussi, l'Alliance autochtone avait fait des
20 représentations pour être partie prenante dans ce
21 programme.

22 À partir de ça il avait été décidé
23 au niveau de la SOCCA qu'allait être mise en place
24 peut-être une sous-corporation appelée SECPAQ, qui
25 est la Société d'experts conseils en programmes

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1 publique, et une prière de clôture, alors je
2 demanderais à Allen Gabriel de bien vouloir faire
3 la prière de clôture.

4 (Prière de clôture)

5 --- L'audience est levée à 13 h 28

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1 autochtones au Québec et qui fonctionne très bien.
2 J'en suis très contente, très fière, parce qu'il y
3 a beaucoup de membres de l'Alliance, beaucoup de
4 membres des autres nations qui sont parties
5 prenantes dans SOCCA et SECPAQ et qui ont eu accès
6 à des prêts commerciaux soit pour partir une
7 nouvelle entreprise ou agrandir une entreprise
8 déjà existante. Je ne pourrais pas dire combien,
9 mais en dedans de huit ou neuf mois, cela a été un
10 succès au-delà de nos espérances et des espérances
11 des représentants de SOCCA.

12 Le président de SOCCA est M.
13 Gilles Bérubé et le gérant général est M. Jean
14 Vincent.

15 COPRÉSIDENT RENÉ DUSSAULT: Le
16 financement vient d'où?

17 GINETTE RACETTE: ISTC. C'est
18 à 100 pour cent subventionné par les programmes
19 d'ISTC, et l'Alliance autochtone a son propre
20 agent de développement économique. Alors on peut
21 dire que c'est un succès total à date.

22 COPRÉSIDENT RENÉ DUSSAULT: Vous
23 avez pu financer combien d'entreprises?

24 GILLES BÉRUBÉ: Il y a eu depuis
25 un an 137 demande chez nous, des demandes de

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1 prêts. Je pense que, au moment où on se parle, il
2 y a eu quand même une cinquantaine de demandes qui
3 ont été acceptées comme telles. Ça vient de plus
4 en plus, et plusieurs petites PME démarrent à
5 partir de ces fonds-là, parce qu'ils n'ont pas
6 accès à des banques. Pour aller aux banques comme
7 telles, c'est plus difficile d'accès. Donc ils
8 viennent chez nous. Il faut que tu rembourses
9 pareil, parce qu'il faut être rentable...

10 **COPRÉSIDENT RENÉ DUSSAULT:** C'est
11 la question que je vous posais. Il n'y a pas eu
12 de défaut? Évidemment, l'expérience est encore
13 courte, mais...

14 **GILLES BÉRUBÉ:** Non. Jusqu'à
15 présent, on n'a personne en défaut. Ça va très
16 bien. On a un grand succès. C'est pour,
17 justement, démontrer que le peuple autochtone est
18 capable de se prendre en main si on lui en donne
19 la chance.

20 **GINETTE RACETTE:** Où je me réjouis
21 encore plus de ce programme qui dessert les
22 autochtones, c'est qu'il n'y a pas de
23 discrimination au niveau du nombre de générations.
24 Une personne de l'Alliance qui est Métis et qui a
25 sa carte a accès au programme. La plupart des

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1 gens de l'Alliance qui ont eu accès à des prêts
2 avec SOCCA ou SECPAQ sont Métis.

3 COPRÉSIDENT RENÉ DUSSAULT: Très
4 bien.

5 Évidemment, on pourrait continuer
6 assez longtemps, mais il y a d'autres
7 présentations qui suivent. Ça nous a fait
8 extrêmement plaisir d'avoir l'occasion de vous
9 recevoir, de recevoir votre mémoire et d'échanger
10 sur un certain nombre de points. Nous espérons
11 avoir l'occasion de le faire informellement --
12 c'est la terminaison des audiences publiques cette
13 semaine -- et de garder le contact dans la
14 prochaine année, alors qu'on va essayer de mettre
15 ensemble une analyse qui va sous-tendre des
16 recommandations à partir de toute l'information
17 qu'on a reçue.

18 Merci.

19 GINETTE RACETTE: I would also say
20 thank you to the Royal Commission for listening to
21 us, especially with the lack of language.

22 CO-CHAIR RENÉ DUSSAULT: It was
23 going very well.

24 GINETTE RACETTE: I was really
25 happy to make the presentation to you.

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1 COPRÉSIDENT RENÉ DUSSAULT: Merci.

2 Nous allons suspendre les
3 audiences pour quelques minutes et nous
4 reprendrons avec une présentation du Manitoba
5 Keewatinowi Okimakanak Inc. Merci.

6 --- Courte suspension à 16 h 21

7 --- Reprise de l'audience à 4 h 39

8 COPRÉSIDENT RENÉ DUSSAULT: La
9 Commission royale sur les peuples autochtones
10 reprend son audience avec la présentation du
11 mémoire de Manitoba Keewatinowi Okimakanak Inc.

12 I would like to ask Chief Sydney
13 Garrioch to make the presentation. Please proceed
14 when you are ready.

15 CHIEF SYDNEY GARRIOCH, Chairman,
16 Manitoba Keewatinowi Okimakanak Inc.: Thank you.
17 Good afternoon.

18 First of all, I would like to
19 bring greetings on behalf of my people and the
20 First Nations population and constituents whom we
21 represent in northern Manitoba.

22 I want to further thank the
23 Commissioners for hearing the presentation this
24 afternoon and your staff for arranging it.

25 My name is Sydney Garrioch. I am

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1 Chief of Cross Lake First Nation. I am Chairman
2 of the Manitoba Keewatinowi Okimakanak. With me
3 is Michael Anderson, who is the Research Director
4 of the Natural Resources Secretariat.

5 I realize that there has been a
6 number of hearings in Manitoba, in Thompson and in
7 Winnipeg in the First, Second, Third and final
8 rounds. The most recent was two weeks ago, but
9 time did not allow us to make a proper
10 presentation, and there were no arrangements with
11 the Commission.

12 Also, due to the extensive
13 research and reading and compiling information,
14 the report has been presented to the Commission,
15 and we didn't want to miss this final round of
16 presentations.

17 The MKO presentation is being
18 broken into three parts: the historic overview;
19 the Keewatinowi Okimowin; and mechanisms and
20 solutions.

21 The Cree and Ojibway-Cree and Dene
22 people of northern Manitoba are sovereign and
23 self-governing nations which have occupied the
24 lands in what is known as northern Manitoba for at
25 least 7,500 years.

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1 We have realized that our people
2 in the north have been very independent and
3 pursued their lifestyles in the way they enjoyed.
4 We have expressed time and time again to various
5 people and governments that our people are unique
6 and distinct in this society.

7 The area we cover is a very large
8 area. There are four treaties signed with the
9 people we represent, Treaty 4, Treaty 5, Treaty 6
10 and Treaty 10.

11 Following the signing of the
12 initial numbered treaties and the creation of the
13 reserve system in 1875, prairie First Nations and
14 their Métis neighbours quickly became frustrated
15 with persistent inaction by government and a
16 failure to implement treaty promises.

17 As you all realize, by the spring
18 of 1885, this frustration was expressed in an
19 armed rebellion against the Dominion government,
20 in which the Plains Cree and Métis joined forces
21 in an attempt to create a separate government
22 similar to that formed earlier in Manitoba.

23 We are trying to continue to
24 provide and also honour and respect the treaties
25 that were signed by Nations. We, as First

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1 Nations, are trying to fulfill the treaties and
2 the treaty rights that have been made available to
3 Canadians and non-Aboriginal people.

4 In northern Manitoba there are
5 various things that have been an economic base
6 that our people have enjoyed. There are so many
7 natural resources available for our people to
8 enjoy their lifestyles and they are very
9 interested in continuing those. The land was very
10 resourceful -- water, wildlife, vegetation, and so
11 on. These natural resources were very useful for
12 our people to continue and survive in this
13 society.

14 Throughout the days we have seen
15 much happening in the north. We are trying to
16 pursue and maintain the proper lifestyles for our
17 people, but it is very difficult.

18 I want to continue by stressing
19 why MKO has been established. In 1981 the 25
20 northern-most Manitoba First Nations formed the
21 Manitoba Keewatinowi Okimakanak to serve as a
22 stronger voice for the aspirations of Manitoba
23 First Nations. The Manitoba Keewatinowi
24 Okimakanak was incorporated on October 9, 1981 as
25 a Council of the 25 First Nations of northern

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1 Manitoba, represented in Council by their Chiefs,
2 Elders and Councillors. Today MKO represents
3 approximately 34,000 on-reserve treaty First
4 Nations people.

5 MKO strives to promote, advance
6 and protect the interests of the membership and to
7 do all things that are lawful, incidental and
8 conducive to the attainment of the undertakings of
9 the corporation; and in particular:

10 - to preserve and advance the
11 culture and society of First Nations' peoples;

12 - to protect and expand First
13 Nation treaty and Aboriginal rights;

14 - to protect and advance the
15 powers, authority and autonomy of member First
16 Nations' councils; and

17 - to promote and advance the
18 economic, educational, social and cultural goals
19 of First Nations people.

20 We are attempting to continue on
21 that basis. We have seen a lot of things
22 happening in mining, hydro projects, forestry,
23 roads, railroad. Our lives continue to be
24 disrupted. There is continuous destruction in
25 northern Manitoba of the things that we have

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1 enjoyed.

2 Throughout the mining process our
3 people were really up-front in providing direction
4 and assisting people in prospecting. When there
5 was an exploration of the geographic area,
6 throughout water and land, our people have to be
7 used as guides. Our people have continued to work
8 in harmony throughout the treaty process.

9 We, as people, are very honoured
10 to oblige with the things that we have made
11 available to Canadians and non-Aboriginal people
12 who have migrated to the area and the territory of
13 northern Manitoba. Once that happened, our people
14 were set aside and were not part of the employment
15 and economic process.

16 When we look at the history of our
17 people's involvement at the initial stages and
18 when we continue on in society today, we see
19 little useful for our people to be part of the
20 system. History has always proven, and always too
21 often, that what is decided to be in the public
22 interest is rarely in the interests of the Indian
23 people.

24 We want to express that we have
25 been very dissatisfied with the things that have

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1 developed with regard to the things I have
2 mentioned. Further, I want to turn this over to
3 Michael Anderson who will give you the overview of
4 the things that are happening in northern
5 Manitoba.

6 Thank you.

7 MICHAEL ANDERSON, Research
8 Director, Natural Resources Secretariat, Manitoba
9 Keewatinowi Okimakanak Inc: Thank you,
10 Commissioners.

11 We thought it would be helpful to
12 share with you today some of the imagery and some
13 pictures of our region as well as some concepts of
14 what our communities are like, to assist in
15 placing the submission that we have presented to
16 the Commission in context.

17 The MKO region is in the northern
18 part of what is today Manitoba and is really in
19 the heart of what was once Rupertsland which was,
20 of course, the Hudson Bay watershed.

21 As Chief Garrioch has pointed out,
22 people from the MKO region first met the original
23 travellers and tradespeople that eventually became
24 the Hudsons Bay Company at the mouth of the Nelson
25 River. They continued trade with the Hudsons Bay

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1 and their successors for some 320 years in this
2 region.

3 One of the aspects that
4 characterized this long period of trade and
5 association was mutual associations that were
6 beneficial both to the Hudsons Bay Company, to
7 their partners the North West Company, and to the
8 First Nations of northern Manitoba. In the period
9 between contact in the early 1600s, the creation
10 of The Bay in 1670 and the eventual transfer of
11 Rupertsland to Canada, that entire period was
12 characterized by mutually-beneficial relations, by
13 business development and by very close contact
14 between non-Aboriginal peoples and the First
15 Nations people within northern Manitoba.

16 There are very few other regions
17 in all of Canada that have this record of long
18 contact.

19 Today the MKO First Nations cover
20 some two-thirds of Manitoba, and it requires us to
21 carry out a large number of activities as MKO and
22 is the basis of much of the presentation that I am
23 giving you today.

24 You can see that our First Nations
25 go below the 53rd parallel -- the Indian Birch and

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1 Shoal River First Nations, which are signatories
2 to Treaty 4. Most of the region is signatory to
3 Treaty 5 and its adhesions. The Northlands First
4 Nation and the Barren Lands First Nation are
5 signatories to Treaty 10, and the Mathias Colomb
6 First Nation is a signatory to Treaty 6.

7 So, in addition to this long
8 record of experience with non-Aboriginal traders
9 and others within this region, we also have a
10 considerable amount of experience with respect to
11 treaty interpretation and constitutional matters,
12 in that four treaties fall within our region.

13 An easy description of these
14 communities, which you can see are quite scattered
15 and distant within our area, is that we have
16 Ojibway-Cree communities here in the Island Lake
17 area; we have two Denesoline communities in
18 northern Manitoba; and we also have Cree
19 throughout much of the rest of the region within
20 MKO.

21 Also, our experience has led us to
22 communicating in four languages, five including
23 French: Ojibway-Cree, Denesoline, Cree and, of
24 course, English. There are many people within our
25 own organization that do interpretation for us,

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1 who can speak all four languages fluently. We
2 have needed to do that to bring all of our people
3 together in assembly and to carry out the work we
4 have as regional government.

5 To describe a bit about our First
6 Nations, this table which we have prepared, which
7 is also in our report, can help as a bit of a
8 snapshot. You can see that our communities range
9 from Chief Garrioch's community at Cross Lake,
10 which is our largest with over 4,000 people, to
11 the tiny community at War Lake of 163 First
12 Nations members.

13 Only 10 of all the communities
14 within the MKO region are accessible by all-
15 weather road, and more than half of them are
16 accessible only by winter road or by air, which
17 means that within the region reliance on
18 traditional pursuits is considerably greater than
19 it may be in other regions in Canada. The effects
20 of large-scale development and other activities
21 within our region have a considerable effect
22 because of the reliance of our communities
23 directly on the land base due to isolation.

24 Split Lake First Nation has
25 allowed us to share these maps to try to describe

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1 to you how the land within or region is used.

2 As we have indicated, the MKO
3 region spans the northern two-thirds of Manitoba.
4 To most, it appears to be a wilderness, empty and
5 unused land. But to the MKO First Nations
6 members, it is homeland and it is a critical
7 resource area.

8 This is a piece of 1:250,000
9 National Topographic Survey of Canada map sheet
10 that we have scanned and brought for this
11 presentation. The Split Lake Cree First Nation is
12 here on Split Lake, Waskawaka (ph) Lake is here.
13 This area is approximately 60 miles in length and
14 some 38 miles across.

15 You will note from looking at this
16 map, which is typical of those that all government
17 officials use, that there is virtually no
18 indication of First Nations' presence on this map
19 whatsoever. The only indication of any First
20 Nations' presence here is this one winter trail
21 between Waskawaka Lake and Split Lake.

22 The Natural Resources Secretariat
23 of MKO, at the direction of our Council, has
24 developed the ability to collect land use,
25 occupancy and habitation information for its work

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1 with government in terms of claims negotiations,
2 settlements, environmental assessment and a
3 variety of other matters which we can explore
4 later.

5 The maps I am sharing with you now
6 are three maps from three individual harvesters
7 using this region. The first map depicts several
8 different types of land use. The blue lines are
9 hunting, the yellow lines are trapping, the purple
10 areas are where timber is harvested for cabin
11 construction and firewood, the green areas are
12 primary fishing sites, and we have also collected
13 information on old community sites, campsites,
14 burial locations -- virtually everything this
15 individual knows about their area of the land. We
16 call these map biographies. They are literal
17 stories of a person's presence and record on the
18 land.

19 When I add the second map, we can
20 see that these two harvesters use a considerable
21 amount of this land together. These are just two
22 people using this entire region. This is not
23 including the maps of their families, of their
24 children, their wives and relatives.

25 When I add the third image to this

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1 map, we can see that what could be viewed as an
2 empty region is actually intensively used and
3 occupied by these three harvesters.

4 In effect, the entire region is
5 utilized for harvesting purposes. This is
6 typical, in the mapping work that we have done
7 within MKO, of our entire region. Virtually every
8 square inch of the Manitoba Keewatinowi Okimakanak
9 region is intensively used, occupied and inhabited
10 by our First Nations membership.

11 We have now mapped something in
12 excess of 250,000 square kilometres of the
13 Northwest Territories, Manitoba, Ontario and
14 Quebec in projects we have been doing in
15 affiliation with other First Nations. This is a
16 very typical map.

17 We find that our First Nations
18 typically use territories that are no less than
19 some 16,000 square kilometres each for one First
20 Nation's total land use area. A map that we
21 prepared recently for the Manitoba Denesoline
22 First Nations' traditional territory, to help
23 explain their associations with the Inuit of the
24 Northwest Territories is this map. What this
25 shows is the traditional territory based on our

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1 map biographies of two First Nations: the
2 Northlands First Nation at Lac Brochet and the
3 Sayisi Dene at Tadoule Lake, who I understand have
4 made presentations to this Commission before.

5 What we see is that these two
6 First Nations in their current use of the land
7 utilize some 175,000 square kilometres of Manitoba
8 and the Northwest Territories. Some of the
9 individual travel maps, which help to develop this
10 composite, indicated repeated multi-seasonal
11 travel in excess of 350 kilometres.

12 So, when the Government of
13 Manitoba and developers see Manitoba as an empty
14 land, when they see the Manitoba Keewatinowi
15 Okimakanak region as a wilderness, as a resource
16 area, we know that it is not the truth; it is not
17 the picture.

18 The government has attempted to
19 recognize some First Nations land use within our
20 region through the imposition of the registered
21 trap line system in the 1940s and 1950s. These
22 large registered trap line districts represent
23 roughly the areas traditionally used and occupied
24 by the First Nations after which they are named.
25 For example, the Split Lake Creek First Nation

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1 utilizes some 7 per cent of Manitoba in its trap
2 line block; the Cross Lake First Nation's
3 territory is roughly within the same region. But
4 we have learned that it is an imperfect vision of
5 the manner in which land is used.

6 The fact that during the era of
7 development, beginning in the 1920s and only
8 recently ending with the construction of the
9 limestone generating station on the Nelson River,
10 none of this intensive and extensive land use was
11 incorporated. In fact, several researchers have
12 indicated that they believe that the use of lands
13 and territories within northern Manitoba are
14 perhaps the most intensive and extensive of any
15 First Nations group in North America because of
16 the large population we have and the intensity
17 with which the land traditionally continues to be
18 used, primarily due to the fact that more than
19 half of our communities are isolated.

20 As a result of the government not
21 being aware or understanding it, during the era of
22 the beginning of development and the ending, a
23 large number of extremely mining projects were
24 constructed in the north: the mines at Lynn Lake;
25 the Inco smelter at Thompson; the mines at Snow

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1 Lake, Flin Flon. You can see that all of these
2 major mining operations are entirely within the
3 MKO region.

4 In terms of the construction of
5 the vast water resources of northern Manitoba,
6 Manitoba Hydro, of course, has constructed a
7 tremendous generating system within the north. As
8 you can see, all of the major generating stations
9 constructed in Manitoba fall within the MKO
10 region, as do all the transmission lines,
11 connectors, road, substations, converter stations
12 and all the other associated facilities.

13 The dams that began with the
14 construction of the Grand Rapids generating
15 station, blocking the flow of the Saskatchewan
16 River at Lake Winnipeg in 1961, were followed by
17 the construction of Kelsey to power the Inco
18 smelter in 1967, and then dams were built earlier
19 by mining companies at Lorry River to power the
20 mines that were developed in the Lynn Lake and
21 Rutan area.

22 In addition to the mines and the
23 considerable development of hydro power which has
24 affected every major river in northern Manitoba.

25 There also are forestry

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1 allocations within our region. This is the Forest
2 Management Licence of Repap Manitoba. It covers
3 108,000 square kilometres of Manitoba. It
4 represents something like 74 per cent of all the
5 marketable timber in the province. As you can
6 see, virtually all of it falls within the MKO
7 region.

8 So we see that we have immediate
9 difficulties with a First Nations population which
10 extensively relies on and uses the land and
11 natural resources for their own economic support,
12 for cultural, linguistic and institutional
13 continuity. At the same time, since 1925, a
14 tremendous overlay of mining, hydro power and
15 forestry developments have occurred within the
16 region without any meaningful involvement or
17 consideration of these First Nations communities
18 having taken place whatsoever.

19 The result, if we turn to some
20 imagery that we have begun to utilize within MKO
21 -- this is a Lansat image which I am sure many of
22 you have seen. It is taken by the Lansat
23 satellite by the Government of Canada. It is
24 taken from some 400 kilometres in space. This is
25 the very north end of Lake Winnipeg; this is the

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1 community of Cross Lake right here; this is the
2 Nelson River.

3 MKO has had to develop this sort
4 of expertise because of the vast regions of land
5 that are affected within our territories and to
6 understand the changes that have taken place. The
7 Natural Resources Secretariat processes and
8 routinely utilizes satellite information for the
9 benefit of our First Nations communities.

10 What you can see in this is the
11 integration of all of the imposition of land use
12 activity within the region. This is a 500-
13 kilovolt transmission line coming through the
14 Cross Lake area. This is Highway 6 and the road
15 to Thompson. These small squares are not farms;
16 they are 15-square-kilometre clearcuts around
17 Moose Lake and Repap Manitoba has constructed, and
18 its predecessor Manfor.

19 These light blue areas along the
20 banks of the Nelson River are actually mud flats
21 created by the impoundment of water upstream at
22 the Genpeg generating station. You can find
23 Genpeg very quickly on this image. Above Genpeg
24 the water is high, creating a clear shoreline;
25 below it, it creates extensive mud flats many of

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1 which you have seen in photographs and
2 documentaries regarding Cross Lake, where walkways
3 extend into the water for hundreds of feet to try
4 to maintain the fishing, hunting and other
5 resources that are used in this area.

6 The large emerald green areas, by
7 the way, are remnants of the 1989 fires that
8 ravaged northern Manitoba.

9 In addition to this kind of
10 imagery which shows a lot of modification of the
11 landscape, we can also use from French satellite
12 information to show what has happened along the
13 Nelson River as a result of several decades of
14 hydro power development. This is the Kelsey
15 generating station, creating its forebay at
16 Stevens Lake, and the silt and other mud that is
17 lifted by the water fluctuations is clearly
18 visible here.

19 This is the Long Spruce generating
20 station just downstream of Gillam, and the brand
21 new dam at Limestone.

22 We can see that the northern
23 landscape has been extensively modified by these
24 developments, which can be highlighted by some
25 processed imagery that we have created doing

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1 close-ups of those very same forestry cuts I was
2 showing you.

3 When we combine the two impacts
4 together, again using the example of Cross Lake,
5 we can see just how extensive this change is. The
6 areas that have been highlighted by our computers
7 is yellow, to show the low-water damage caused by
8 the Genpeg generating station. It has disturbed
9 soil. The purple areas are areas that have been
10 harvested of timber.

11 If we took an overlay of the Cross
12 Lake resource area and placed it here, we would
13 very quickly see that the Cross Lake resource area
14 is like this.

15 So most of the usable and critical
16 natural resources that sustain and provide a
17 future for the Cross Lake First Nation have been
18 affected by development within our region. The
19 pattern is similar for many of our First Nations.

20 In trying to accommodate the
21 issues and concerns of our First Nations, the MKO
22 Assembly has placed a high priority on developing
23 a fair bit of capacity and developing high-quality
24 research, information, analysis and skills to be
25 able to deal with the impacts, the implications,

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1 the negotiations that are related to this type of
2 intense activity within our region. All of these
3 circumstances have yielded enormously high
4 unemployment, exacerbated social conditions due to
5 the loss of resources, have created health and
6 social and family concerns that are significant
7 due to the disruption of the land base and the
8 loss of linkage between our communities and the
9 land.

10 Every time we undertake an issue
11 within our region, whether it is health care,
12 education, natural resources negotiations or other
13 work, we follow this same pattern.

14 The first is that we work on
15 policies, legislation and regulations. We
16 recognize that we have to modify, reform and
17 create the necessary legal structure to achieve
18 the objectives of MKO First Nations.

19 Once we get that ball rolling and
20 that process under way, then we concentrate on
21 developing mechanisms, like working groups and
22 framework agreements. For example, I am involved
23 in several working groups at the Department of
24 Natural Resources that we call "shirtsleeves and
25 coffee pot environments," where their technicians

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1 can sit with our technicians and we can move
2 ourselves along instead of endlessly bouncing
3 proposals back and forth. We can work together as
4 parallel government.

5 We have an information base
6 through our land use research that the government
7 does not possess. Many times in negotiations we
8 have an equal or better information base than they
9 do. There is only one other place within Manitoba
10 that satellite imagery can be analyzed, and that
11 is the government itself.

12 So we work at creating mechanisms
13 where we can be parallel, where we can work
14 together with governments.

15 Then we work on creating
16 facilities, once we have a working environment and
17 the type of trust and familiarity and information
18 base and the education that is necessary to
19 understand our concerns. Facilities to us would
20 include things like the Medicine Lodge at Nelson
21 House; it would include Solvent Abuse Centres that
22 we are working on for Cross Lake; it would include
23 the Youth Centres that we are building close to
24 Hudson Bay for youths to return and recognize the
25 importance of the teachings of Elders and their

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1 parents and families. Facilities, to us, prepare,
2 present and continue the objectives of First
3 Nations government within northern Manitoba in a
4 way that is controlled at the community level and
5 culturally appropriate.

6 While we are moving through all of
7 these, we are also at the same time working on
8 developing long-term funding arrangements so that
9 the facilities that are created can survive. One
10 of the things the Natural Resources Secretariat,
11 for example, which is a facility itself, has been
12 instructed to do is not to operate with core
13 government funding, which is an assignment that
14 the Chiefs have instructed us. It makes us do a
15 lot of work, but we are independent then, so that
16 we cannot be cut off when we are supplying
17 satellite imagery on forest harvesting and cannot
18 be cut off when we are showing damages as a result
19 of hydro projects, when we are calculating the
20 area by satellite image analysis in detailed form.

21 However, for those things that are
22 not as sensitive as that and where there is mutual
23 agreement, such as health care centres and other
24 issues, we work on long-term funding arrangements.
25 Year-to-year funding, as I am sure many

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1 organizations have presented to you, simply
2 doesn't work. The continuity of personnel, the
3 value of training, everything is lost when the
4 funding is destroyed.

5 One of the great benefits of a lot
6 of the programming that MKO has been able to
7 deliver is the continuity of the people. The
8 people who are trained within our region that work
9 with us as well as within our own organization are
10 the most important assets of all. The knowledge
11 they carry will not go away when the funding is
12 taken away, but the activity levels and the
13 working facilities may be hampered and, therefore,
14 reduce the availability to our First Nations.

15 As I have already begun to
16 discuss, there is critical importance placed on
17 capacity development and training.

18 The entire objective of MKO is not
19 to create a centralized government authority.
20 Keewatinook Okimowin means a Council of First
21 Nations, which mutually are supported in the
22 achievement of their goals and objectives.

23 MKO, although it may begin and
24 pilot certain projects and develop certain
25 critical capacities such as ours in our health

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1 liaison program, intends and works always to bring
2 in, involve and train people within our First
3 Nations organizations to take up the reins of
4 government on all of the full spectrum of
5 government services and issues, such as education,
6 health care, natural resources concerns and
7 everything else that we have done.

8 Following this model, we have come
9 very close, for example, to establishing a First
10 Nations controlled health system, which is
11 something that we are extremely proud of. We have
12 developed the first Bachelor of Nursing program in
13 all of Canada, training nurses for our nursing
14 stations and for our health centres. We also have
15 a program where we are training our community
16 health representatives and our NAADAP workers. We
17 are also working on regionalizing -- that is,
18 upgrading -- the status of the federal hospital at
19 Norway House.

20 If we succeed in doing that, that
21 means that health care within the MKO region will
22 fall completely under our control, will be
23 administered and delivered primarily by our own
24 First Nations members in a fully-trained manner.

25 In addition to this, we have been

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1 working on additional control of our education
2 system within the MKO region. At the present
3 time, well more than half of our school boards are
4 administered locally. As Chief Garrioch is aware,
5 there has been a tremendous training initiative to
6 make sure that the administrators of schools,
7 school boards and teachers are trained so that the
8 teachers are from First Nations communities as
9 well.

10 So the capacity development and
11 following our model has led us, in both of those
12 areas, to considerable successes.

13 At the present time, two of our
14 staff in the Natural Resources Secretariat are
15 trained and are, themselves, training people. One
16 of our staff is the first person from Manitoba to
17 receive a Master's of Natural Resources Management
18 at the University of Manitoba. He is the Director
19 of our Mapping Program. Our Geographic
20 Information System operator is the only person
21 from our region to achieve a four-year certificate
22 program in forestry management. These individuals
23 continually go out to Career Days. They are
24 encouraged to travel throughout Manitoba to try to
25 encourage other people from the MKO region,

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1 particularly youth, to follow in their footsteps.

2 So we are eagerly working very
3 hard to develop within our region the tools that
4 we require to provide all the services that we
5 need. As Chief Garrioch began in his
6 presentation, the MKO First Nations members are
7 sovereign nations that have existed in this
8 territory for 7,500 years at least.

9 During the period of time of
10 interference by the federal government after 1870
11 to today, the First Nations in northern Manitoba
12 intend to restore their communities under First
13 Nations law, guidance, traditions and languages in
14 a First Nations hand and to transfer back to the
15 communities control over the services that they
16 require, control over the lives and futures of the
17 people within our communities.

18 That is a bit of an explanation of
19 what MKO is and why we have put the effort we have
20 into the submission we present to you.

21 Thank you very much.

22 CHIEF SYDNEY GARRIOCH: Thank you,
23 Mike.

24 I want to further stress that MKO
25 is the First Nations government of northern

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1 Manitoba. The MKO Assembly and Executive have
2 placed a priority on skills development and
3 training to support high-quality research policy,
4 communications and program administration
5 capabilities.

6 The overriding objective is to
7 ensure that most initiatives established at the
8 MKO regional level will be decentralized to the
9 community level.

10 When we are talking about
11 presenting these things that happened in northern
12 Manitoba, we had no means of consultation,
13 participation and so forth. Throughout the
14 process the government and many people have
15 manipulated our First Nations people to resist
16 them. They even intimidated them: "Either you do
17 it, or else." Somehow at the end the resources
18 are exploited from the First Nations people, the
19 very people who had traditionally practised and
20 established their livelihood in these territories.

21 I want to add further that there
22 is a principle of mutual recognition, respect and
23 understanding. I will highlight some of the main
24 points.

25 3.2.1 Recognition

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1 The recognition that First Nations
2 are distinct societies. With this recognition
3 must come the protection and maintenance of
4 Aboriginal languages, cultures, traditions,
5 institutions and communities.

6 The recognition that First Nations
7 are the original peoples of Canada.

8 The recognition that First Nations
9 have never surrendered or ceded the inherent right
10 of self-government over the affairs and lives of
11 First Nations' lands and peoples.

12 I want to continue on to honour.

13 Your role is to establish a new
14 relationship between First Nations and governments
15 and Canadians in general.

16 Our view is that there is an
17 existing constitutional relationship, to fulfill
18 the obligations on these matters, including the
19 terms of treaties, land claim settlements and
20 other agreement signed between First Nations, non-
21 Aboriginal governments and non-Aboriginal
22 Canadians.

23 I want to further state on the
24 record that we want to encourage governments to
25 refer these issues that require legal

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1 interpretation directly to the Supreme Court of
2 Canada, such as the issue of the constitutionality
3 of the Natural Resources Transfer Agreement and,
4 in light of Sparrow and Sioui, the "medicine
5 chest" and the treaty right to federal medical
6 services; the right to post-secondary education
7 and the right to freedom from taxation.

8 Ensure that First Nations enjoy
9 housing, community infrastructure, services and
10 economic opportunities that are at least
11 equivalent to the standards enjoyed by the
12 majority of Canadians.

13 With regard to acceptance and
14 understanding, I want to highlight:

15 Accept that a principal objective
16 of First Nations is to assert the intent, meaning,
17 enjoyment and benefit of Aboriginal and treaty
18 rights, and understand that these rights -- and
19 any priorities, exemptions and opportunities they
20 may represent relative to the rights of non-
21 Aboriginal Canadians -- form an inviolable sacred
22 trust between the crown and Aboriginal peoples.

23 The other component is
24 independence:

25 Implement self-government of First

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1 Nations through a bilateral process between First
2 Nations and Canada.

3 Initiate the restructuring of the
4 Indian Act and repeal the most intrusive features
5 immediately.

6 Transfer all other federal
7 programs and services not presently provided by
8 the Department of Indian Affairs that affect First
9 Nation-to-First Nation control and administration,
10 such as health, education and economic development
11 programs.

12 With regard to consultation, as we
13 said earlier in our presentation, there is no
14 consultation.

15 Any policies, laws or regulations
16 established by Canada or the provinces affecting
17 First Nations or First Nations lands must not be
18 imposed and must incorporate, as opposed to
19 conflicting with, First Nations' laws, customs,
20 traditions institutions and decision-making
21 structures and treaty and Aboriginal rights. In
22 all cases such decisions must be arrived at in the
23 spirit of consultation.

24 The other area is participation:
25 The right of Aboriginal peoples to

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1 participate as equals in the process of
2 legislative and constitutional change must be
3 recognized and exercised.

4 First Nations must directly
5 participate in any process of policy, legislative
6 or financial reform, agreement or implementation,
7 whether initiated by the federal, provincial,
8 regional or local government, and whenever these
9 processes directly affect the interests of First
10 Nations.

11 I want to talk about sharing with
12 regard to the resources.

13 Treaties provided for the sharing
14 of the resources within First Nations' territories
15 among and between First Nations, the crown and
16 non-Aboriginal Canadians. Therefore, no First
17 Nation or individual First Nations member should
18 suffer additional losses to the integrity and
19 diversity of lands traditionally used and
20 occupied, existing commercial and domestic
21 resource uses or other economic activities,
22 culture, health or social and community stability
23 as a result of government policy or site-specific
24 development, whether existing or planned. Again,
25 every effort must be made to restore these rights

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1 wherever impacts have occurred.

2 For example, in the hydro project
3 there are dams that were built previously in the
4 1960s, 1970s and the early part of the 1980s.
5 There is an ongoing user fee made by Manitoba
6 Hydro crown corporation to the Province of
7 Manitoba. In this year's annual report, the
8 forty-second annual report, there was a user fee
9 payable from Manitoba Hydro to the Province of
10 Manitoba in an estimated amount of \$45 million.
11 In the forty-first annual report there was \$37
12 million paid. In the fortieth annual report there
13 was \$32 million paid to the Province of Manitoba.

14 This is what we are talking about
15 share.

16 With regard to timber, there are
17 no royalties paid to First Nations people or on
18 other resources that have been expropriated or
19 exploited by the government and non-government
20 people.

21 With regard to education:

22 Equal access to high-quality
23 education facilities by First Nations peoples is
24 essential for First Nations to realize the full
25 effect of the exercise of the right of self-

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1 government as well as to become active
2 participants in the institutions of contemporary
3 Canadian society.

4 These are some of the things that
5 I highlight. I know time is running out, and that
6 is why I only picked parts and pieces of the
7 recommendations that we made. I am sure that the
8 Commissioners will certainly take time to review
9 and document wherever necessary.

10 With that, I am sure you have done
11 a lot of travelling, have spent time in hearing,
12 reading and reviewing also documenting. You have
13 a very great task that you have done, and your
14 work has been very encouraging. The documents
15 that I read have very valuable information in
16 them, and I am sure that we are all optimistic
17 that things will turn out in the best interests of
18 all people to live in harmony in Canada.

19 Thank you.

20 **CO-CHAIR RENÉ DUSSAULT:** Thank
21 you.

22 I would like to thank you for
23 presenting us with a brief of great magnitude. It
24 is always a pleasure to see that some money that
25 went through the Intervenor Funding Program that

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1 the Commission has set up has been put to great
2 use. We realize that it did not cover all the
3 endeavours and effort that was put into the brief.
4 Nevertheless, you are presenting us with something
5 that is very valuable, and we thank you very much
6 for that.

7 As you know, we received your
8 brief a few days ago and we have had an
9 opportunity to look at it carefully. Our research
10 staff will also benefit greatly from not only
11 reading it but putting it together with many other
12 sources of information.

13 I think your presentation was very
14 effective on the use of the land by the First
15 Nations coming under the regional government. We
16 are quite aware that there are different ways to
17 see the lands through the mapping. I think it is
18 very useful and effective to have a presentation
19 made such as the one you just made.

20 Two weeks ago here in Montreal we
21 had a presentation along that line where the Innu
22 from the North Shore of Quebec took great effort
23 to show their presence on their ancestral
24 territory.

25 We thank you very much for this.

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1 We wish that many people could see a presentation
2 like that.

3 That being said -- and, as you
4 said, time is running, and we could spend a whole
5 day discussing a brief that has such a large reach
6 as yours. First of all, I would like to ask you
7 about the MKO financing. Is it financed through
8 the various communities, the various First
9 Nations? I understand you have been in operation
10 since 1981.

11 Could you give us a bit more
12 information on the regional government itself.
13 Also, you mentioned that you have an Assembly
14 where everybody meets in four languages. Do you
15 have that kind of meeting once a year? What is
16 the frequency of this? We just want to get an
17 understanding of the strength of the government
18 itself.

19 You spoke about the administrative
20 arm of the government. That would complete the
21 picture.

22 **MICHAEL ANDERSON:** The MKO
23 Assembly, as an assembly, meets at least twice a
24 year. We have one Annual Assembly and we have at
25 least one Special Assembly that is held six months

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1 later, which often will deal with special issues.

2 During the Annual Assemblies and
3 the Special Assemblies, there are opportunities
4 for First Nations to bring their own specific
5 concerns to the attention of the Council as a
6 whole, and there is discussion, support if
7 necessary, and direction provided.

8 The Assembly selects from the 25
9 First Nations representatives who serve as an
10 Executive. We have a seven-member Executive. The
11 seven members of the Executive each have a
12 portfolio or portfolios of responsibility -- for
13 example, justice, health care, education, natural
14 resources and other issues.

15 The Executive meets once a month
16 at least to deal with these issues and provides
17 direction to the Executive Director and to senior
18 staff, such as myself, to carry out the specific
19 direction of the Assembly, the administrative
20 direction of the Executive and the day-to-day
21 workings of the projects that MKO carries out.

22 One thing that is important is
23 that we routinely, regularly, and as much as we
24 can, co-ordinate with our Tribal Councils and with
25 our individual First Nations. We have people

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1 within our various Tribal Councils who are very
2 good at certain things, so we form that linkage,
3 that network, that association of First Nations
4 through that.

5 Funding comes from the provincial
6 government, from the federal government, and from
7 our own First Nations.

8 The Natural Resources Secretariat
9 that gets most of its funding from either our own
10 First Nations or from First Nations in other parts
11 of Canada who are asking us to assist them with
12 the mapping research and our computer capabilities
13 that we have in our negotiations work.

14 The other facilities we have are
15 government-driven services in many ways. At the
16 present time they rely on a recognition of the
17 existing fiduciary responsibility and the rights
18 granted under treaty for the federal government
19 to provide the financial resources that are
20 necessary to sustain them.

21 For those things that Canada has
22 become accustomed to providing since 1870, the
23 object is certainly to transfer the delivery,
24 control, administration and design of all of that
25 programming into First Nations' control within our

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1 region.

2 Canada has a long-term
3 relationship with the First Nations of the north.
4 The revenues and resources that form the wealth of
5 this country are very large in comparison to the
6 small amount of resources that Canada has to
7 maintain with First Nations as a result of its
8 fiduciary obligation.

9 So the sources of funding are
10 independent. We have bingos and bake sales and
11 all of the things that we need to do. In other
12 words, we turn over all available opportunities to
13 raise money both within the communities, as First
14 Nations in Assembly, and from government.

15 Our objectives are fairly clear,
16 and we need to make sure they take place.

17 CO-CHAIR RENÉ DUSSAULT: Just as a
18 matter of range, could you tell us what kind of
19 budget you have and the number of employees?

20 MICHAEL ANDERSON: We have an
21 annual budget of approximately \$1.6 to \$1.8
22 million. We have approximately 22 employees.

23 The key thing to remember is that
24 these individuals are facilitators, networkers, so
25 they are in the middle of hubs of other

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1 professional at Tribal Council levels. For
2 example, the Swampy Cree Tribal Council, although
3 MKO gave a great deal of assistance in terms of
4 the policy framework in the steps that I
5 described, is actually being administered by the
6 Swampy Cree Tribal Council. So we do it all
7 together.

8 A small number of highly-skilled,
9 dedicated individuals can effect a great deal of
10 change working in concert with others of like
11 mind.

12 CO-CHAIR RENÉ DUSSAULT: Thinking
13 about future self-government -- and I realize that
14 you said that you want to return as much power as
15 possible to the communities. Do you have a model
16 of self-government that would be include both the
17 communities and this regional government? If we
18 were to move from the Indian Act to a different
19 situation, what do you have in mind? Do you have
20 some clear views as to the form it could take in
21 northern Manitoba?

22 CHIEF SYDNEY GARRIOCH: Presently
23 there is no model, no structure in place. We are
24 continuing to initiate and develop this.

25 The communities are so scattered

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1 and isolated. They are unique in their own ways
2 and diverse as well. We are trying to continue to
3 build a common structure. Hopefully, by the turn
4 of the century we will finalize that. It has been
5 a very long process for us to amalgamate all the
6 government structures in existence now.

7 There is no one real model that
8 will work, but it is an ongoing practice and
9 process. Hopefully, we will structure one final
10 model in the end.

11 CO-CHAIR RENÉ DUSSAULT: Thank
12 you.

13 At this point I would like to ask
14 Mary Sillett to ask questions.

15 COMMISSIONER MARY SILLETT: Thank
16 you very much for an excellent presentation. It
17 is good to see you again. I remember seeing you
18 in Ottawa during the AFN suicide consultations.

19 My first question is related to
20 the issue of taxation. We have been having public
21 hearings now for three or four days, and I think
22 the whole issue of taxation has been raised at
23 least two times. During our consultations
24 throughout the years, we recognize that this is an
25 issue where there are different perceptions,

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1 particularly as between non-Aboriginal and
2 Aboriginal peoples.

3 I have before me a press release
4 which covered our meetings yesterday. There was a
5 speaker from the Quebec municipalities who said
6 that they cannot live harmoniously with Native
7 communities until the government stops giving
8 Natives special treatment. Then he goes on to say
9 that there is a thorny problem of taxation: "Do
10 we have to remind the members of this Commission
11 that the tolerance level among Quebecers is at its
12 limit?"

13 So we fully recognize that there
14 are problems in perceptions.

15 We are in the business of
16 reconciliation, so I was wondering if you could
17 offer any advice on public education or on what
18 can be done to address the different types of
19 understanding that exist, particularly with the
20 non-Aboriginal people, on these kinds of issues.

21 CHIEF SYDNEY GARRIOCH: That is
22 not a very easy question, but I will certainly
23 attempt to answer it.

24 In the press release you mentioned
25 the special treatment. It is not special

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1 treatment; it's a treaty-making process. They
2 have to fulfill their obligations and try to get
3 the meaningful things that are already expressed
4 in the treaties, and also the promises made by the
5 people who first migrated to Canada.

6 We want to make sure that our
7 people were protected. We want to make sure that
8 our people have benefits out of the lands that
9 were set aside under the treaties. Canadians in
10 general have to fulfill the obligations on their
11 part. It is not special treatment.

12 Certainly, as First Nations
13 people, there are things that accrue to us through
14 the treaties, so it is not special treatment.

15 The wrong perception probably has
16 to be worked on more clearly in regard to treaty
17 rights and Aboriginal rights and under the Indian
18 Act, section 87. There has to be a way to
19 introduce it with the government to make changes
20 and also for us to participate and to collaborate
21 forces and for us to agree. The participation,
22 consultation and sharing I expressed. That is
23 part of the system that we want to see in regard
24 to taxation.

25 Our people were taxed previously,

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1 and all of a sudden there were court cases. That
2 has turned around now. There is an ongoing fight
3 with the governments and other parties involved.

4 We want to be able to express that
5 we want to exercise the taxation that will be
6 acceptable to our people, but there is no
7 immediate solution or recommendation I can make.
8 It is just a matter for us to get together. There
9 has to be goodwill on both sides, by First Nations
10 people and the government. Throughout that
11 discussion we have to be able to come together for
12 a very meaningful discussion to get the proper
13 arrangements that could be acceptable to all.

14 We are trying to express that we
15 are willing to come to the table to discuss the
16 taxation provisions of the Indian Act.

17 **MICHAEL ANDERSON:** There are two
18 examples, I might suggest, to help. Particularly
19 in my work in Natural Resources, there is conflict
20 between treaty rights and the workers at these
21 dams and hydro stations and mines that are in the
22 middle of MKO traditional territory -- the
23 conflict they feel when the impacts of development
24 plus their own over-harvesting by having a large
25 number of people harvesting in one small area,

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1 whereas it was a sustained harvest for the nearby
2 community before.

3 They realize that under the
4 doctrine in Sparrow and under treaty rights the
5 non-Aboriginal harvesting is eliminated first,
6 leaving the treaty harvests intact. That is a
7 very explosive situation in much of the MKO
8 region. There are areas where it is something
9 that is just upsetting, and there are areas where
10 it results in really quite unbelievable acts of
11 racism such as the burning of trappers' cabins and
12 other issues.

13 One of the models and examples
14 that we have been studying because of its success
15 is the quiet way in which the Opasquiak Cree
16 Nation has joined with members of the Department
17 of Natural Resources and the local wildlife
18 organizations in The Pas and developed a co-
19 management framework for much of the region
20 without any paper work or agreement with the
21 Ministry of any kind. They are doing it because
22 they all know they need to do it.

23 There is an area called Game
24 Hunting Area No. 8 that was closed totally to
25 moose hunting for a period of time. When the

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1 population recovered as a result of this co-
2 operative process and they determined that there
3 was a harvest of 100 moose, they realized that it
4 was all treaty harvest, that the Opasquiak Cree
5 members could harvest all 100 of those first moose
6 coming out. The Opasquiak Cree Nation offered 30
7 moose out of its allocation to the non-Aboriginal
8 hunters in their region. As a result, it has
9 assisted in providing the quiet glue to keep
10 everyone working together, by being considerate of
11 the feelings of others.

12 They haven't relinquished their
13 right to those 30 moose, but they are sharing
14 them.

15 Another example is at the
16 government level. Because government often has a
17 role in creating public perceptions on issues -- a
18 tremendous role; small comments made by senior
19 officials, actions taken by government,
20 enforcement actions taken as a result of
21 legislation -- all of that is in the public mind.
22 We noted, when the government intended to
23 implement environmental assessment on a broad
24 scale in 1984 that they passed the Environmental
25 Assessment Guidelines Order, which became defined

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1 by the court as a regulation, a justiciable and
2 enforceable regulation binding all departments to
3 the process.

4 One of our recommendations was a
5 Treaties Implementation Act that would have the
6 same impact, that would dictate to government
7 departments their responsibilities under treaty.
8 Whether it is the Department of Transport, the
9 Department of Revenue or Department of Indian
10 Affairs, there is a justiciable and enforceable
11 framework requiring them to uphold the terms of
12 treaty.

13 Eliminating the actions of
14 government, eliminating the aggression of
15 government, eliminating the difficulties in the
16 imbalance between treaty interpretation, one being
17 to enforce their own view -- that is, government
18 -- and others desperately trying to find the
19 resources to combat and interpret treaties -- that
20 is, First Nations -- to level that out will do a
21 lot in the public's mind and take away a lot of
22 the conflict that helps to fan the flames of a
23 visualized special treatment.

24 It's a treaty obligation. The
25 crown, as a whole, has to abide by it.

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1 COMMISSIONER MARY SILLETT: Thank
2 you.

3 The other question I have has been
4 in the news prior to the announcement of Nunavut.
5 Essentially, Nunavut will become a reality
6 sometime in the near future. As you indicated,
7 there are areas where the Inuit use certain areas,
8 but also the Aboriginal populations that you
9 represent use that area, and there were tensions
10 with respect to that.

11 Could you tell me what the status
12 of that is now.

13 MICHAEL ANDERSON: Yes. There
14 actually is still an action before the Federal
15 Court on this issue. In the report that we have
16 submitted to you, Figure 11 is a summary of the
17 land use issues regarding that.

18 The reason we have chosen to
19 incorporate it into this report is because of the
20 manner in which the Department of Indian Affairs
21 interpreted and applied its comprehensive claims
22 policy. A simple reading of the comprehensive
23 claims policy states that where two claimant
24 groups are neighbours and they cannot agree on
25 land, then land shall not be provided. The

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1 Government of Canada interpreted as meaning two
2 claimants with comprehensive claims. Therefore,
3 the specific claims of Denesoline in northern
4 Manitoba were denied. As a result, it was on a
5 full collision course at one point, and it got
6 very tense, as you have pointed out.

7 The present situation is that
8 there is an agreement between Canada, the Inuit
9 and the Denesoline to bring this issue to court
10 and try it on its merits. Basically, all the land
11 south of that red line that is within the red line
12 is viewed by Denesoline as Denesoline homeland,
13 and they are adamant about it. The land that is
14 north of the line they recognize, particularly the
15 area from Hicks Lake to the coast, is viewed as
16 shared use area.

17 One of the difficulties is that
18 our role in this is that we wanted to bring our
19 land use data on a First Nation-to-First Nation
20 basis, present it to the harvesters and Elders and
21 the other Inuit communities on the coast and
22 decide where the boundary was. The report that we
23 produced, "Denesoline Nene and Nunavut: A
24 Boundary in Dispute" spoke to that. The people
25 know where the boundary is.

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1 The boundary is somewhere along
2 where that red line is, not where the green line
3 that Canada drew is. So having Canada impose the
4 boundary after centuries of shared mutual co-
5 operating has created this difficulty between
6 Denesoline and Inuit. It is a matter of great
7 concern.

8 Look at all the land claims in
9 British Columbia. We have neighbouring First
10 Nations. If the Minister of Indian Affairs or his
11 designate gets frustrated with the claims process,
12 will the department draw the boundaries? The
13 cultural diversity on the west coast is equally as
14 fully felt as this. There are many language
15 groups there, many traditions and many peoples who
16 will all resist having boundaries drawn for them
17 by the crown.

18 That is the issue here. The Inuit
19 Elders and the Denesoline Elders never met to talk
20 boundary. Where do they drink tea? Where do they
21 join each other on the ground run? Where do they
22 camp? They know. But the line that is designated
23 as the southern boundary of Nunavut is not that
24 line.

25 So it has gone to court to see if

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1 the court will allow a re-examination of that
2 boundary line.

3 CO-CHAIR RENÉ DUSSAULT: I have a
4 last question because time is going fast.

5 When we were in Ottawa three weeks
6 ago, in November, we discussed the issue of
7 clarifying the very question as to whether section
8 35 encompasses the inherent right to self-
9 government. In "Partners in Confederation" we
10 came up with what we think are strong arguments to
11 say that there is good reason to think that it is
12 covered.

13 The whole discussion went around
14 the possibility of making a reference to the
15 Supreme Court of Canada. I must say that national
16 organizations did not have a single view on that.
17 There is always a risk of using the technique of a
18 reference case to the Supreme Court.

19 I realize that in Point 9 of your
20 brief you ask the Commission to encourage the
21 government to refer a host of issues that require
22 legal interpretation directly to the Supreme Court
23 of Canada through a reference case. You mentioned
24 the medicine chest, treaty rights, education
25 rights and the right to taxation. As you have

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1 said, there are is a lot of interpretation
2 conflict as to what the treaties meant between
3 governments and First Nations and very often
4 between what is the spirit and what is written.

5 I just wanted to check with you.
6 Let's take freedom from taxation, for example. I
7 think it is only Treaty 8 that in black letter law
8 expressed that there is an exemption from
9 taxation. In the other numbered treaties it is
10 more vague.

11 Do you really suggest the route of
12 a reference to the Supreme Court to clarify those
13 issues, with the risk that it goes one way or the
14 other, as opposed to the negotiation route? I
15 wanted to have a good understanding of what the
16 position of the regional government is. I
17 understand that that seems to be the position.

18 CHIEF SYDNEY GARRIOCH: The main
19 purpose of highlighting it to bring it to your
20 attention is that it could be a reference that has
21 already made adjustments on it. That is one
22 route. There are different routes that could be
23 established.

24 Your work is to establish that new
25 relationship. That new relationship has to have

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1 at the forefront goodwill and good faith to be
2 able to discuss and compromise and to be able to
3 negotiate. Hopefully, through compromise, both
4 sides win, even when they feel they are giving too
5 much or when one feels that are getting too much
6 on the other end.

7 That is why we are having problems
8 with treaty rights. When the British came to us,
9 they thought they gave too much. We feel the same
10 way, that we gave too much. At least I think
11 there is room to express and, hopefully, a
12 dialogue can start. Everybody is trying to defend
13 themselves, and there is no real discussion. The
14 only decisions that are being made are by Justice,
15 and that is not a very meaningful way for both
16 parties. We all end up losing through the court
17 system.

18 I think the proper way to be able
19 to touch base with each other is with the two
20 nations discussing it. I think that is the proper
21 way. There is no one option. We just wanted to
22 highlight it.

23 CO-CHAIR RENÉ DUSSAULT: Thank
24 you. That is a useful clarification.

25 We could go on and on. I would

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1 like at this point to thank you very much again
2 for coming from Manitoba to Montreal. It was a
3 good opportunity for us to have your presentation.
4 You can be sure that it is going to be considered
5 very carefully by the Commission.

6 Merci.

7 MICHAEL ANDERSON: Thank you very
8 much for having us here.

9 COPRÉSIDENT RENÉ DUSSAULT: La
10 Commission suspend ses travaux pour deux ou trois
11 minutes. Nous allons reprendre avec la
12 présentation du Centre de ressources sur la non-
13 violence.

14 --- Suspension de l'audience à 17 h 49

15 --- L'audience reprend à 18 h 03

16 COPRÉSIDENT RENÉ DUSSAULT: La
17 Commission royale sur les peuples autochtones au
18 Canada reprend ses audiences avec la présentation
19 du Centre de ressources sur la non-violence,
20 Comité de solidarité avec les autochtones.

21 Nous vous souhaitons la bienvenue
22 pour la seconde fois à la Commission. C'est avec
23 plaisir que nous acceptons de recevoir un mémoire
24 additionnel. Sans plus tarder, je vous passe la
25 parole, si vous voulez procéder quand vous êtes

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1 prêt, madame et monsieur.

2 GERRY PASCAL, coordonnateur du
3 Comité de solidarité avec les autochtones, Centre
4 de ressources sur la non-violence: Mon nom est
5 Gerry Pascal. Je suis coordonnateur du Comité de
6 solidarité avec les autochtones du Centre de
7 ressources sur la non-violence.

8 Aujourd'hui, M. Jacques Boucher,
9 qui est à ma gauche, va présenter le mémoire, dont
10 le thème en général est le droit inhérent dans la
11 Constitution canadienne, et surtout touchera le
12 concept terra nullius.

13 Jacques Boucher.

14 JACQUES BOUCHER, Centre de
15 ressources sur la non-violence: Comme le disais
16 Gerry, notre mémoire vise essentiellement à
17 souligner un fait d'actualité où l'Australie a
18 réalisé un précédent qui pourrait servir d'exemple
19 au Canada. Le 19 octobre 1993 le premier ministre
20 australien a obtenu l'aval de son gouvernement
21 pour un nouveau système d'administration des
22 terres qui tiendrait compte des droits
23 territoriaux désormais reconnus aux autochtones,
24 ceci suite à la décision de la Cour suprême
25 australienne énoncée l'an dernier. Il s'agit

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1 d'une décision historique révoquant la notion de
2 terra nullius qui a été la base de toutes les
3 prises de possession après découverte par tous les
4 empires coloniaux européens. Cette attitude se
5 prolonge jusqu'à nos jours lorsque, par exemple,
6 le gouvernement canadien invite les forces
7 aériennes étrangères à se servir du territoire
8 innu pour leurs exercices d'entraînement
9 militaire, le leur décrivant comme inhabité et
10 relevant de sa juridiction parce que n'appartenant
11 à personne d'autre que la Couronne.

12 Le gouvernement australien
13 proclamera donc par loi que les autochtones, qui
14 étaient là avant les Européens, ont un droit
15 inhérent à leur territoire. Ceci est un premier
16 pas vers des négociations justes, d'égal à égal,
17 qui entraîneront d'autres mesures de justice
18 sociale.

19 Face à l'opposition énorme
20 inspirée par la convoitise et la crainte d'une
21 population majoritairement ignorante de la
22 question, et d'ailleurs de tout ce qui concerne
23 les autochtones, il faut lever nos chapeaux devant
24 un politicien capable de maintenir une position
25 ferme lorsqu'il a été convaincu de la justice de

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1 la reconnaissance des droits inhérents de ceux qui
2 étaient jusqu'ici pratiquement invisibles.

3 Les premières nations sont des
4 sociétés de dignité et de raison avec lesquelles
5 la nôtre a toujours refusé de réellement traiter
6 d'égal à égal. Nous avons tenté l'assimilation.
7 Elle ne s'est faite que pour le pire: une partie
8 de leur société a déjà assimilé les notions
9 occidentales de respect du lucre et de la force
10 violente. Elles leur ont été inculquées par notre
11 société, nos écoles et nos médias. Bientôt ce
12 seront là les personnes qui seront nos
13 interlocuteurs et qui, dans le fond, tiennent
14 toujours à leurs droits tout en ayant appris de
15 nous comment abuser des avantages. Nous aurions
16 pourtant tellement à apprendre de gens qui ont
17 encore leurs traditions au lieu de mépriser leur
18 douceur, leur honnêteté et leur force spirituelle.

19 Il est temps que les dégâts dus à
20 la rapine cessent. Il est temps de ne plus
21 détruire le territoire d'autrui après les avoir
22 dépouillés. Nous ne sommes pas responsables pour
23 ce qu'on fait les générations qui nous ont
24 précédés, mais si nous continuons sur leurs
25 traces, nous devenons solidaires de tous leurs

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1 actes. Assez de fermer les yeux parce que la
2 vérité est vilaine. Le temps est venu pour nous
3 de protester et de demander justice. Nous devons
4 regarder la vérité en face et constater que nos
5 gouvernements successifs ont agi sans respect, en
6 visant à déposséder les premiers occupants de ce
7 territoire.

8 Pour l'amour de la justice et de
9 la paix, nous devons reconnaître les droits
10 inhérents de ceux qui étaient les gardiens de
11 cette terre où nous vivons. Reconnaître ces
12 droits serait pour notre gouvernement une preuve
13 de maturité et de sagesse. Est-ce que vraiment
14 les Canadiens ne seraient pas capables de choisir
15 une façon nouvelle de vivre? De renoncer au
16 colonialisme? D'admettre le tort et de poser le
17 premier pas sur le sentier de l'amitié? C'est le
18 seul chemin vers une situation sans gagnant ni
19 perdant, la situation la plus en accord avec la
20 pensée traditionnelle autochtone. Car reconnaître
21 un droit et corriger un tort est le premier pas
22 vers l'amitié, et l'amitié assure la paix et la
23 coopération bénéfique à tous.

24 En guise de clôture à cette année
25 internationale des peuples autochtones, nous

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1 recommandons donc à cette Commission de fortement
2 conseiller au gouvernement de poser le geste
3 positif d'insérer dans la Constitution le concept
4 du droit inhérent des premières nations et d'agir
5 en conséquence dorénavant.

6 **COPRÉSIDENT RENÉ DUSSAULT:** Merci.
7 Est-ce que ça complète votre présentation?

8 **JACQUES BOUCHER:** Oui.

9 **COPRÉSIDENT RENÉ DUSSAULT:** Alors
10 nous sommes très heureux qu'un groupe comme le
11 vôtre apportiez sur le plan public la réalité de
12 ce récent jugement de la Haute Cour d'Australie et
13 du geste qui s'en est suivi de la part du
14 gouvernement australien. La Commission est au
15 fait de la licence du jugement et de cette
16 démarche-là, mais ça nous permet cet après-midi de
17 partager plus largement, via les transcriptions
18 publiques des audiences publiques, cette réalité
19 qui s'est déroulée ces derniers mois en Australie.
20 Ça fait partie de la réflexion de la Commission et
21 de la documentation qui est actuellement devant la
22 Commission royale.

23 Votre recommandation au sujet de
24 la reconnaissance du droit inhérent dans la
25 Constitution... évidemment, je pense que vous

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1 connaissez bien la situation canadienne présente:
2 les constituants de Charlottetown, les 17
3 représentants au fond autour de l'Accord de
4 Charlottetown, avaient convenu de confirmer le
5 droit inhérent à l'autonomie gouvernementale dans
6 la Constitution. Évidemment, le référendum
7 populaire en a disposé autrement; il y avait
8 beaucoup de choses dans l'ensemble des ententes de
9 Charlottetown.

10 Donc actuellement on est un peu
11 revenu à la case de départ, où on a la Loi
12 constitutionnelle de 1982, qui reconnaît les
13 droits ancestraux issus de traités existants. La
14 Commission a produit un document pour étayer
15 l'idée et l'opinion qu'il y a de bonnes raisons de
16 croire que, de façon implicite, parmi les droits
17 existants reconnus en 1982 se trouve le droit
18 inhérent à l'autonomie gouvernementale.

19 Donc c'est l'état actuel du
20 dossier. Il est évident que nous travaillons dans
21 le cadre de la Constitution actuelle, mais il est
22 évident aussi que le dossier constitutionnel sur
23 le plan canadien, un jour ou l'autre, devra sans
24 doute être repris. À ce moment-là la question va
25 certainement être l'une des premières soulevées.

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1 Nous avons déjà eu l'occasion de
2 dire que cette Commission est une commission, bien
3 sûr, sur les questions autochtones au Canada mais
4 va beaucoup plus loin et touche la fabrique même
5 du Canada, du pays, pour le tournant du siècle et
6 le prochain siècle. Alors c'est beaucoup plus
7 fondamental qu'uniquement ajuster des problèmes
8 sociaux et économiques, mais ça interpelle ce
9 qu'est le Canada véritablement.

10 Alors dans ce sens-là je vous
11 remercie de votre présentation. Je suis heureux
12 d'un côté que ça puisse se faire en public, mais
13 que nous étions au courant... ça n'enlève pas, au
14 contraire, le geste, le mérite de votre démarche
15 de venir en faire part à notre Commission.

16 Ce sont des remarques que me
17 suggère votre présentation.

18 Je voudrais peut-être à ce moment-
19 ci demander à ma collègue Mary Sillett de dire
20 quelques mots.

21 COMMISSIONER MARY SILLETT: I
22 would like to thank you very much. I have no
23 comments, but I would like to thank you for the
24 work that you are doing. Thank you very much.
25 This is the second time that we have seen you, and

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1 we have had much opportunity to talk. Thank you
2 very much.

3 **COPRÉSIDENT RENÉ DUSSAULT:**

4 Écoutez, je ne sais pas si vous avez des remarques
5 additionnelles à nous faire. Sinon, je pense que
6 ça complète l'audition de votre mémoire.

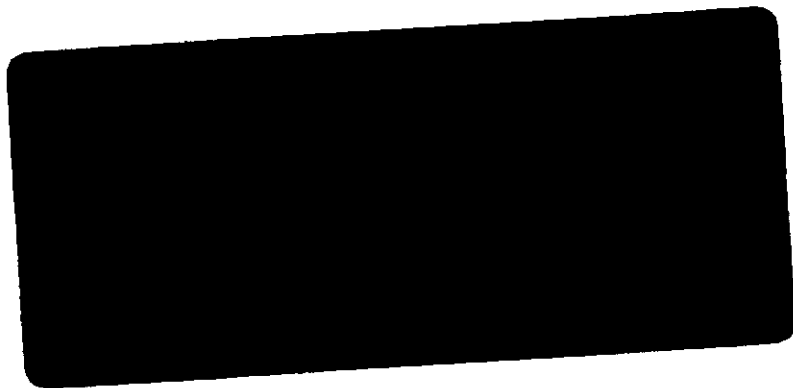
7 **JACQUES BOUCHER:** Ça va.

8 **COPRÉSIDENT RENÉ DUSSAULT:** Ça va?
9 Alors merci encore une fois.

10 La Commission royale sur les
11 peuples autochtones au Canada suspend ses travaux
12 jusqu'à demain matin, alors que nous allons
13 entendre une présentation par M. Roger Julien et,
14 à 10 h 00, une présentation du gouvernement du
15 Québec par l'entremise de son ministre délégué aux
16 Affaires autochtones, M. Christos Sirros. Dans
17 l'après-midi nous aurons l'occasion d'entendre des
18 mémoires de la Fédération des femmes du Québec, de
19 M^{me} Lise Bourgault, ancienne députée fédérale de la
20 circonscription de Châteauguay, donc qui a été
21 très près des événements d'Oka/Kanesatake, et
22 également un mémoire de l'Université McGill.

23 Merci et à demain.

24
25
26 --- L'audience est suspendue à 18 h 14,
27 pour reprendre à 9 h 00 le jeudi
28 2 décembre 1993



ROYAL COMMISSION ON
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COMMISSION ROYALE SUR LES
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THURSDAY, DECEMBER 2, 1993

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ROYAL COMMISSION ON
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December 2, 1993

Royal Commission
on Aboriginal Peoples

Montreal, Quebec

--- Resumption of hearings at 9:05 am on Thursday, December 2, 1993.

CO-CHAIR RENE DUSSAULT: The Royal Commission on Aboriginal Peoples in Canada resumes its public hearings with the presentation of a first brief by Mr Roger Julien.

Mr Julien.

ROGER JULIEN: Thank you very much.

Mrs Robinson, Mrs Sillett, Mr Dussault, I am a Quebecker of old stock who was born in Montreal 53 years ago, a so-called true Quebecker, but one who feels himself very close to the philosophy, spirituality and so-called traditional values of the aboriginal peoples. It is in a personal capacity that I have come here this morning to make this presentation, and I shall introduce myself quite simply as being, like yourselves, a child of our common mother, a child of our mother-earth.

The Royal Commission on Aboriginal Peoples must analyse the development of relations between the aboriginal peoples, the government of Canada and Canadian society as a whole. It must put forward specific solutions to the

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problems that have impeded these relations, conduct an examination and make concrete recommendations particularly on the 16 points that are stated in the description of the Commission's mandate. The brief that I have submitted to you deals primarily with two of these sixteen points, namely: point 3, the land holdings of the aboriginal peoples, the profound spiritual and cultural links that unite the aboriginal peoples with the land, and the importance of environmental protection; and secondly, point 11, the cultural concerns of the aboriginal peoples, where it is stated that:

[TRANSLATION]

The Commission may examine the recognition by society and Canadian institutions of the intrinsic value of aboriginal spirituality.

Two weeks ago, Mr Dussault, you also said that in order to ensure that the final report of this Commission would not be left on a shelf to gather dust, it is necessary for us to find solutions that create a balance, to have a vision of the future, and there is a need for profound understanding on

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both sides. You have always said that the key factor in your mandate was the task of bringing together all interested parties with a view to achieving a general reconciliation, for the purpose of better understanding, with a view to in-depth reflection.

Your task is not particularly easy, but I envy your work and I would like to be one of you because your work, your task, your mission at this time is one of the most essential tasks that exist: to bring two different worlds together so that a constructive dialogue can begin; to bring together people who have different visions so that they can talk, listen and share their visions and understand one another. If you need me, if I can be of use to you during the coming year, I shall be available.

Two quite different worlds.

On one side a rich spirituality that leads to very deep respect for life, for all life, for the life of mother-earth; and for humans who share this spirituality, the certainty of belonging to the earth, the certainty of being a child of the earth.

On the other side, a religion that is lacking in

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meaning, empty of spirituality; a religion of dogma and sin; a religion created by humankind not as a response to spiritual needs but much more in order to enslave humankind by exploiting their religious feelings. We know what they say: "It is heaven that is essential. Leave the things of the earth to those who have taken over the earth. You are on the earth to keep silent. Be docile, subject and obedient. Renounce pleasure, make sacrifices and agree to be dispossessed, accept poverty and you shall have eternal life."

It is easy to understand, therefore, the reaction of the Algonquin Chief, Richard Kistabish -- or Richard Tcikabes -- when he was asked "What is the nature of your relations with the Catholic Church?" and he answered: "When the Pope came to Quebec, the Church signed forms in which it acknowledged its error and expressed regret for destroying aboriginal spirituality." "But pieces of paper," he went on, "are not enough. What is needed is concrete action. We need strong images that speak for themselves and this is why our elders want to rediscover their customs. The only means would be for the priests

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themselves to tell our people to return to their values and their customs. The Church would make an enormous contribution to our development if it agreed to destroy those buildings that are on the Indian reserves. Something has to be done." He continued: "Priests and other people of the Church who invited me to a conference said to themselves that they were ready to display good will and they asked me to give them an example of concrete action. When I talked about burning a church, the door was closed."

Two very different worlds.

On the one side there is talk of spiritual, social and democratic development. On the other there is talk of economic, social and cultural development.

On the one hand, there is talk first of spiritual development; there is talk of an essential dimension of our being: the spiritual; so there is talk of development based on being. On the other side there is talk first of economic development, of money, of possessions, of profit; there is talk of development based on what we have rather than on what we are.

On the one hand, there is very great respect for

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life, on the other, very great respect for money, for profit, even to the detriment of life itself, to the detriment of the environment: water, air and soil pollution, deforestation, desertification and so on.

On the one hand, peoples whose relationship with money is, fortunately, cruelly lacking: there are no credit cards, they are not used to budgeting, saving and capitalizing; if people borrow, they do not even have the reflex of paying the money back. On the other hand, people who impoverish one another individually and collectively by living on credit; people who live beyond their means and find their happiness in overconsumption and waste.

On the one side, very great respect, a very great love for the earth, which is rightly considered to be a mother: it is the earth that feeds us, it gives us life. On the other side, the earth as a property like any other that people can appropriate; and when we own the earth, we can do with it what we wish; the right to ownership of the earth gives us the right to pillage it, to dig it out, to destroy it, to clear it, to burn it, to flood it, to batter it,

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to kill it.

On the one hand, the primitive who views the earth as sacred like a mother that gave life to his ancestors, who gives life to him and who will give life to his children and grandchildren until the seventh generation and beyond. On the other hand, the land, the territory, is considered to be something that can be bought, that can be sold; and when these people talk about the land, they do so to refer to the land of the farmers: an earth that is polluted, that is being impoverished, that is being poisoned by chemical fertilizer, insecticide, pesticide and many other things.

To conclude, on the one hand, traditional consensus with everybody participating in decision-making. On the other, the delegation of powers and thus the monopolization of power by a very few.

On the one hand, sharing: all for all. On the other, ownership: everyone for himself and so on and so forth.

I could go on like this at great length in describing these two worlds that are more or less opposites, primarily because of the very different values on

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which they are based. And it is about these values that I should like to speak, it is about these values that I essentially speak in the brief which I submitted to you and which I shall begin reading, these values which are, in my judgment, the pillars of the bridges that can be built between the aboriginal peoples and the people of Canada, between the aboriginal peoples and the people of Quebec, pillars of the bridges that must also be built between the people of Canada and the people of Quebec and among the various aboriginal peoples themselves.

The old Amerindian saw would have it that: "It is just as absurd to want to take possession of the earth as it is to want to take possession of the wind".

All the problems being studied by this Commission will be resolved satisfactorily and permanently only if we know how to recognize that the values forming the basis of our society must be completely rethought and if we make way for more positive values that are in greater harmony with our nature as living reasoning beings. Domination and possession are key words in our system and form the basis of a world disorder that is age old. And in order to be able to dominate, conquer and possess

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more and more, the masters of the world, as is well known, have at all times ruled, governed, dictated, legislated, ordered, crushed and reduced human beings to the level of slaves who are subject, docile and obedient.

With the exception of those who are looked on as primitives, it would seem that human beings have not yet understood what is meant by the Amerindian saying: "It is just as absurd to want to take possession of the earth as it is to want to take possession of the wind". And among human beings, those above all who own and dominate have an interest or believe they have an interest in not understanding that they are also children of the earth and that it is absurd to take possession of, to despoil and to ravage one's own mother, one's mother-earth in this way.

Is it possible to make changes that will be more than partial, superficial or temporary? Many would say that it is not. We often hear statements such as: "There always have been wars and there always will be"; "there has always been poverty and there always will be"; "there has always been exploitation of men by men and there always will be"; "there have always been dominant individuals and those who are dominated and there

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always will be"; "Wherever there are men, there will be manly goings-on"; "it's human nature; you can't change human nature" and so on. And these facile statements are very rarely contradicted because humanity does not seem to be familiar with its own nature or its own history. Moreover, everything has been done to hide from human beings their nature and their history.

If humanity were truly familiar with itself, it would know that it contains the universal duality within it, that it contains as much propensity for non-violence as for violence, for wisdom as for folly, for love as for hate, for equality and fairness as for inequality and injustice; as much propensity in human beings for co-operation, for mutual assistance, for collaboration as there is for opposition and confrontation; as much propensity for service as for domination. And if human beings had a good knowledge of their history, they would know that wars and misery are caused as much by the domination of unaware owners as by their own nature as such.

The achievement of true

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change ... is it possible? Yes. Fundamental changes are possible right now because, in the final analysis, nature, or consciousness rather, is emerging -- and, let us hope, nature too -- the conscious being is appearing that recognizes within itself values that are slumbering or had been smothered. Attempts have been made to smother the values of sharing, equality, respect for all living things among Amerindians but, fortunately, these attempts have failed. The Amerindians -- and all those who are called primitives on the earth, the Aborigines of Australia and other aboriginal peoples on all the continents -- apparently now want in increasing numbers to live in accordance with their traditional values and this is all for the good, for them and for us and for our common future.

Three of these values seem to me to be fundamental: respect for life, equality and sharing. These are what I would describe as the essential pillars for the bridges that we wish to build.

The sacred circle of life.

Those on this earth whom we call primitives all feel that in the great sacred circle of life there are neither

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superior species nor inferior species, and this explains their very great respect for all life. Of course, I am speaking for the traditionalists among us and not for those whom White Power has succeeded in depriving of their culture and to some extent also of their nature. Of course, I am not talking about those whom White Power has created in its own image and semblance, namely those who seek to dominate and are violent and very well armed. The very great respect for life that manifests itself in the harmonious relations existing between the Amerindian and his or her mother-earth. Respect for the earth that gave life to his or her ancestors, that gives him or her life and will give life to his or her children and grandchildren for many generations to come.

How then do we create harmonious relations between, on the one hand, the Amerindian who respects life and, on the other hand, the dominating White Man who thinks about industrial and economic development, since he imagines that it is acceptable to dominate nature, and who has not yet understood that in order to order nature around, it is necessary first to obey it? When we look at the results of our wild industrial development, which does not take any account of nature's capital -- desertification,

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deforestation, flooding of lands, impoverishment of the soil, pollution of the air and the water, greenhouse effect and so on -- one fact seems clear, we see what has been obvious to me for at least a quarter of a century: We are running an insane race that will lead to our own self-destruction. Destroying the life around us, we are moving forward to our own self-destruction. That is what we call progress.

The aboriginal peoples certainly do not have to make compromises on such a fundamental question. It is we who must change and time is running out. There is increasing talk about the environment and sustainable development. People are talking about that. It is not sufficient to talk correctly about the environment and sustainable development. These words will be meaningless unless we get back in touch with our true nature and unless, as a result, we participate in the great sacred circle of life. In order to bring greater harmony into our relations with the First Nations, we must first find harmony with the earth, which is not merely the mother of the primitive peoples but also our own mother.

The second pillar: equality.
Equality and power.

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In the great sacred circle of life there are no inferior species and no superior species. All life is equal. Thus, humans too are equal to one another. When the primitive peoples get together to make decisions, they form the sacred circle. In a circle each point is equal to all other points. In the sacred circle everybody has equal power, everyone retains all his or her power: the power to think, to speak, to decide and to act accordingly. In order to succeed in making wise decisions, people take the necessary time to talk to one another, to listen to one another and to achieve a consensus. There is no delegated power. The chief does not have more power than the others. He does not give orders, he does not dominate; he is in the service of his brothers and sisters. He ensures that the common will is put into effect. Here, of course, I am talking about the traditional chief. The band chief elected in accordance with the White Man's laws, under the federal Indian Act, this kind of band chief has to some extent excluded himself from the sacred circle.

The primitive peoples have thus achieved what seemed to be unattainable or impossible for civilized peoples, namely, a model of

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direct or participatory democracy, direct democracy, which has always been considered to be an ideal worthy of attainment: the sacred circle rather than the pyramid of power.

How do we bring harmony into the relations between the First Nations, who are human beings, who consider themselves to be equals, and the Canadian people, for whom inequality is the rule? Should the aboriginal peoples refrain from considering themselves to be equals merely to please us? Here again, it would be a serious error both for them and for us if the aboriginal peoples made compromises. It is we who have to learn about equality. Equality in everything and thus also equality in power.

For us, as for everyone else, the recipe is comparatively simple. In order to destroy the pyramid of power, to put an end to the delegation of powers and thus to the monopolization of power by some people, all people must become aware of the fact that they have power and that we should keep it, this power. It is necessary for everyone to become aware of the fact that this power cannot be given, cannot be delegated. Becoming aware, therefore, that I can delegate responsibilities,

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possibly, but not my power. To retain in its entirety my power to think, to speak, to decide and to act and refrain from transferring the smallest bit of my personal power.

We therefore have to learn consensus, learn direct and participatory democracy. It is also for this reason that we have an interest in respecting the desire of the First Nations for autonomy. We have an interest in having beside us human beings capable of proving to us that it is possible to live otherwise and that we are not taking a step backwards if we rediscover fundamental values and live them, just as it is not a step backwards either if we discover in respect of all things the thresholds that we have gone beyond and that it would be in our interest never to go beyond.

Our representative democracy, to which a number of aboriginal chiefs have adhered, enables them to make certain statements in the manner of Mercredi or Norton, although these statements are not the product of a traditional consensus. Some aboriginal peoples accordingly need, like us, to learn what equality is; there are some among them who are more equal than others. Relationships

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that are genuinely harmonious between the Canadian people, the people of Quebec and the First Nations can come about only if this equality is learned, a process that will be relatively easy when there is a genuine acceptance of the idea or rather of the reality of the sacred circle of life.

The third essential pillar for the bridges that we wish to build: sharing.

When we consider ourselves to be equals, sharing will become easy. When we all consider ourselves to be equal in rights and in responsibilities within the great sacred circle of life, sharing will then come about by itself. This fundamental value of sharing seems to be the rule among primitive peoples, among the aboriginal peoples who live their traditional values; not a rule that is imposed but rather a natural rule or law.

Cut off as we are from our fundamental nature, we meekly accept an economic system that is utterly opposed to this natural law of sharing, an economic system based on concepts of private property, of monetary profit and laissez-faire attitudes, a laissez-faire situation that is wrongly described as freedom. Thus we say "free

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enterprise" when what we should be saying instead is "laissez-faire enterprise", "laissez-faire economics": let the rich get richer and let the poor get poorer while the gap between them grows bigger every day.

Sharing is almost completely unknown to us. We experience it at Christmas-time; as Christmas Day approaches, people talk about sharing. But sharing is almost completely unknown to us; sharing what our mother-earth gives us in such abundance. However, there is enough to satisfy the needs of everyone; we don't even need to feel insecure or have to accumulate things.

Concerning the land claims of various peoples, when I talk about sharing I am also talking about sharing the living space. When there is finally no longer enough living space, it is certain that our reason and our nature will order us to put an end to population growth. If there is already a shortage of space for living, our reason should order us to reduce the population gradually. Be that as it may, however, there is not really any other reasonable or humanly

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acceptable solution than equal sharing of the living space. This is because the aboriginal peoples were thinking of sharing and because the land seemed to them to be big enough so that a priori they did not object to the white people settling here when they came from another continent. They thought the white people could join them in managing the land in a responsible manner. It is normal that their attitude should have changed when they realized that they were dealing with conquerors who were disrespectful of all life.

Fair sharing of the living space must be the first rule. If the land claims of the various groups are to be resolved, once again, there is not really any other reasonably acceptable solution. Not the treaties of past centuries, not ancestral rights and, even more so, not the law of the strongest or of the conqueror, even though the aboriginal peoples were conquered by force of arms. The treaties of a few centuries ago may have been valid for the people of that time. The reality today, though, is that the mother-earth of the aboriginal peoples is also my mother-earth and, just like them, I can be a good custodian of it. I do not need ancestral rights to

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legitimately claim a space in which to live where I, a white man, could live happily because I was in harmony with nature and living in nature.

I was born among the asphalt and the concrete but I have always known that a human being is not made to live among asphalt and concrete. As much as the aboriginal peoples, I claim the right to wide open spaces, pure air, water that is truly water, soil that is really alive. That is a natural right of mine, just as it is a right of the aboriginal peoples. I claim for all white people who desire it the legitimate right to leave the cities, just as an aboriginal person may properly claim the right to leave the reserve where he has been forcibly confined. I claim for all human beings living in this vast land and who express a wish to do so, whether or not they are aboriginal persons, the right to be able to live in happiness, in harmony with nature within a space in which they are able to do that. This is a natural right for everyone. Why talk about legal or ancestral rights? If such rights were to take precedence, I too would claim my legitimate ancestral rights: my ancestors did not always live

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in the city.

At this time, toward the end of the twentieth century, when human beings have only one option, it would, it seems to me, be the most fundamental kind of wisdom to take advantage of the reflections of this Commission to start a vast public debate, resolutely and very seriously throughout Canadian society, from one ocean to another, concerning the fundamental values of respect for life, equality of power and sharing.

The work of this Commission may serve as a starting point for a genuine debate in society that is already overdue and would, in the final analysis, define for us a vision of society that would be interesting, all-encompassing. Then we would all, those of aboriginal and those of non-aboriginal origin, simply have to harmonize our views of what society could be.

If the aboriginal peoples were forced to renounce their traditional values and if we were not wise enough to take inspiration from these same values, the solutions put forward by this Commission, whatever they may be, would, assuming they are not "shelved", merely lead at the very most to superficial or partial resolution of some of the

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particular or specific problems. Can we humanly and reasonably allow ourselves to do this?

In the second part of my presentation I should like to read to you an extract from an open letter that I sent to the National Executive of the Parti québécois after their most recent congress, which took place last August. In the concluding part of my letter, under the heading "independence", I began by quoting an interview between Mrs Francine Pelletier and Mr Denis Vaugois (PH); Mr Denis Vaugois is a former minister in the government of René Lévesque. He was, I believe, the Minister of Cultural Affairs.

[TRANSLATION]

Mrs FRANCINE PELLETIER: Do you still believe in the independence of Quebec?

Mr DENIS VAUGOIS: As something that is necessary, yes.

Mrs PELLETIER: Do you think that it will come about, this independence?

Mr VAUGOIS: In the normal course of events, no.

Mrs PELLETIER: Why?

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Mr VAUGEONIS: Because there are very powerful people who have an interest in ensuring that it does not. They are very powerful people who are in power in various places, who have the means to prevent it from happening, who have already expressed the desire -- you can feel it in a lot of things that happen -- to use means to destabilize Quebec and have been working on them for a very long time and with increasing success. Under those conditions, Quebec is a vulnerable state and has already been wounded.

Divide and rule. The thing that would guarantee the success of those very powerful people is the use of what has always been the main weapon of all powers: divide and rule; division.

The only acceptable definition

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of an independent or mature Quebec people would be a territorial definition, it seems to me: All those, no matter what their ethnic origins, who live in Quebec will be citizens of an independent Quebec. In an independent Quebec there would no longer be talk of Francophone people, of Anglophone people and of allophone people. There would only be the Quebec people. And also, among us and living in harmony with us because we would have harmonized our visions of society, the aboriginal peoples. But they alone can decide on this; we cannot make the decision for them. This will come about as a result of agreements between nations and between peoples.

Such an independent Quebec, some people have an interest in ensuring that it does not come about. For them the solution has already been discovered: divide, provoke the deepest possible divisions among the Quebec people. And among these divisions, the last, historically speaking, is the division between the Quebec people and the aboriginal people.

That division did not exist approximately 25 years ago, except in the

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minds of some people who were the victims of poorly taught history and all the misinformation on the Indians living on the reserves, Indians about whom people knew virtually nothing. Now, at more or less the same time as Quebeckers are beginning to think that they are possibly big enough to decide their own future, there is also a reawakening among the aboriginal peoples. The aboriginal peoples are beginning to discover that they too are not merely small peoples, that they too are perhaps something like big peoples.

The people of Quebec and the aboriginal peoples were also sucked up into this whirlwind of liberalization that blew through the world in the nineteen sixties. So these very powerful peoples must act and do so quickly: divide and rule. Quebeckers want to determine their own future, as do the aboriginal peoples. Together they could create the vision of a society like no other, a vision that would, of course, challenge the selfish and illusory interests of those very powerful people. So it is necessary to create divisions among them in order to prevent them, on all sides, from being able to determine their own future and especially

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to prevent them from achieving a vision of society that they might be able to share.

This will be relatively easy. Under the federal Indian Act the aboriginal peoples are parked on reserves, have lost their culture and can no longer live their traditional values. Their spokespersons, the band chiefs, went to the white man's schools and are elected in accordance with the law by the will of the white people. This makes a major contribution to the plan to divide them.

And if a division could be created in such a way that there would be violence, and ideally armed violence ... but that would really be the ideal, as these very powerful people think, since they are not capable of thinking in any other way. And they provoked the Oka crisis and we have seen subsequently that nothing was settled there but, on the contrary, the gap gets wider and wider.

But Oka was not enough; it was necessary to give the people of Quebec the impression that the aboriginal peoples were against them, against their prosperity. Bourassa said that the hydro-electric mega-projects would provide jobs and prosperity because he was told to say this. The Cree are opposed to these mega-projects; the Cree are

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therefore against us, against Quebeckers, they are the enemies. So are the Montagnais and the other nations, they are all savages, as they were described in the history books.

And the very powerful people go even further; they refine their scenario. After all, they have more imagination than that; in their minds, Oka was simply a prelude, a sample or something. The political scientist Barry Cooper (PH) from the University of Calgary has said that nations must be born in blood and that Canada is not really a country since it has never moved beyond the framework of the law. This Mr Cooper said that he wished wholeheartedly that Quebec would leave Confederation because, in the final analysis, that would lead to the birth of two new nations in blood, as a result of a good old civil war. How will that come about? For Canada it will be a question of going in militarily to save the Cree and the Anglophones who have been mistreated by the Quebec Police Force because they are opposed to Quebec sovereignty. That was in an article in La Presse on April 8, 1992, an article entitled "Do the calls for violence coming from the West need to be taken seriously?"

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In the same article, Desmond Morton of the University of Toronto, a historian who specializes in military matters, seems to be more in favour of major civil disorder than of a real civil war, especially if negotiations between Quebec and Ottawa, between the provinces and the aboriginal peoples, take too long and no basis for agreement is found.

What was most shocking about this affair, according to the authors of the article, was to see the little guy from Shawinigan, Jean Chrétien, supporting these extremist intellectuals and saying that he did not rule out the use of the army if Quebec became independent, and he added that the best way to avoid the intervention of the army was to make sure that the province did not separate. To come back to the same article in La Presse on April 8, 1992, a statement by Jocelyn Coulomb (PH) was reported. He is the director of the international section of Le devoir: "The only way", he said, "for Quebec separatists to defuse the scenarios involving violence is to establish a deterrent force when Quebec separates." Prepare for violence in order to avoid violence. If you want peace,

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prepare for war.

In short, these very powerful people have all kinds of well placed guys at their service more or less everywhere.

Let us try to bring together what I have said earlier and the following extracts from a presentation made to a Workshop on international relations and aboriginal affairs at a special Montérégie regional congress of the Parti québécois on January 25, 1992, three months before the article to which I referred in La Presse came out. A panelist who was a teacher at the military college in St-Jean spoke to the Parti québécois delegates from the 16 ridings on the south shore of Montreal and he said the following:

What's the point in being independent if our territory is taken away? Who wants our territory? This question did not arise before the summer of 1990. The territory was vulnerable to such an extent that the Canadian Army had to be called in. Since the Amerindians could

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call in the Canadian army, we must be able to defend ourselves. And immediately after the declaration of independence, everybody knows, there is a period of transition during which the borders are more likely to be changed. At that point we would not be able to count on the Quebec Police Force. And we must do everything to ensure that we do not end up before the courts; proceedings in the courts take too long. It will then be possible to count on the Quebec soldiers from the Canadian army and on the people.

I did not hear any of the other four panelists, namely, Mrs Louise Beaudoin, a former delegate general of Quebec in Paris under the Lévesque government, Mr François Beaulne, the third panelist, a PQ member of the National Assembly responsible for

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international affairs, Mr David Cliche, the fourth panelist, and Mrs Anne Légaré from the Secretariat of the Parti québécois committee on international affairs ... I did not hear any of the other four panelists expressing even the slightest disagreement with the first speaker.

You would have to be very naive or even blind not to see the scenario that those very powerful people are preparing for us, to which Mr Denis Vaugeois referred. A good old civil war so that a free "Canabec" can be born in blood. Who could put it better? And me, I naively hoped that Quebeckers in the PQ might realize the major benefit of achieving international recognition by the First Nations above all else. No, that is not how we go about it, according to Mr Parizeau.

It was a special regional congress of the Montérégie PQ. If the leaders of the Parti quebecois were in favour of establishing friendly relations between the Quebec people and aboriginal people, it seems to me that they could have come up with something better on that day, January 25, 1992, than a call to arms.

Mr Parizeau said that it was not up to either of

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them, aboriginal peoples or us Quebeckers, to decide; it was international law which would decide in our stead. And he said it quite recently in a press conference on July 29, 1993 in Quebec City ... and, of course, arms will also decide if necessary. Divide and rule.

In concluding my open letter to the National Executive of the Parti québécois I wrote:

What I want for the people of Quebec is that they learn and understand as soon as possible what is meant by "necessary independence" and a "necessary vision of society" ...

a vision before and not after independence. Before you build a new house, you first prepare an architectural plan. Plans are usually made before building starts and not after.

What I want for the people of Quebec is that they learn and understand ... what is meant by "necessary

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independence" and a "necessary vision of society" in such a way that no one can say after the next referendum on independence what Felix Leclerc said of Quebeckers...

In one of his last interviews Felix said "Quebeckers even voted against themselves when they turned down independence because they didn't know what it was." And, unfortunately, it is not the PQ at this time that is telling Quebeckers what independence is. On the contrary, it is misleading them by emphasizing the word "sovereignty" and by offering the people of Quebec a very strange form of sovereignty.

I shall conclude by quoting the last paragraph of a letter ... it is a memorandum. It's a memorandum sent to the Commission on the political and constitutional future of Quebec by one Antoine Babbi (PH), a professor or student in the Faculty of

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Education at Laval University. I think this paragraph summarizes rather well the best things I have heard over the last two weeks of public hearings before the Royal Commission on Aboriginal Peoples.

The position I have taken is one of unavoidable historic reconciliation. We were made to live together.

This was in a letter that he sent, a letter entitled "To a Mohawk friend".

You do not want to disappear, my Mohawk friend. Nor do I. I don't even want to return to the land of my ancestors in old France; that doesn't interest me at all. So we are going to sit down and reflect and discuss and then decide how to create a livable country. From the very outset I acknowledge that you have the right as the first occupant, like the Palestinians, and that

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is worth something. As for me, I have inherited the right of the stronger, like Israel, and that is worth something too. As I said a short while ago, I have taken the whole inheritance. This time, then, we'll have to learn to live together. I can understand that you could no longer accept it if I went on as though nothing had happened, as though you no longer existed. We must find a medium-term solution that we can live with and that is rooted in two realities that are contradictory and complementary at the same time: the reality of yesterday and the reality of today.

Finally, to conclude my presentation, I should like to quote from what Mr Pierre Trudel said in the brief he submitted to you two weeks ago, on November 15, 1993. On the first page he quoted René Lévesque, who said at a historic meeting with the Amerindians in 1978:

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... because we do not know each other, we do not know what part of the other's identity we must respect. We cannot know what we must respect in his aspirations, his ideas, we don't know. It is not possible to build anything in a state of ignorance.

CO-CHAIR RENE DUSSAULT: Thank you, Mr Julien. "It is not possible to build anything in a state of ignorance", I think that summarizes essentially the thinking of the Royal Commission after we have travelled throughout Canada and also having heard both aboriginal and non-aboriginal people.

Of course, it is easier to talk about the notion of informing the public than to put it into practice. As you know, there are a lot of obstacles. Also, there is a lot of psychological resistance to be overcome on both sides, a lot of persuading to do.

Essentially, we are taking our message this morning as one that forms

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part, in any event in its initial dimensions, of the general message that we have been given, certainly by the aboriginal peoples, which is that we should place greater emphasis on a less materialistic vision of the world, one that would take greater account of spiritual aspects in the most profound sense of the term but also in connection with nature.

Once again I am tempted essentially to ask you only one question and it's a matter of how it should be worded. It is quite clear that an exercise like that in which we are involved, that fundamentally many people follow their own ways in their own locale ... and it is perhaps important to stress this. We often tend to hear what is most vocal and this comes out more with respect to society, but there is an enormous number of people of good will who think that there are an objective and common values that may make it possible for us to build together an aboriginal and non-aboriginal future in Canada and in Quebec.

So I think that essentially these are the few thoughts that the document emphasizes. You have attended very assiduously. Mrs Robinson was with me

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two weeks ago in Montreal; Mrs Sillett is with me here for the fourth day and we know that you have followed these weeks of hearings very assiduously.

You will perhaps have seen what we are trying to do; we are trying to provide quality listening to the people who make the presentations. We are happy that different points of view are being expressed and there are many of these. We are also happy that the specific reality of Quebec, because of the two nationalisms that are present there, which may often be allies but which tend more toward confrontation, often out of misunderstanding ... all this forms part of the project that is the Commission's. However, we are fully aware of the fact that it is a drop of water in the ocean compared with the profound statements in your brief. So in society we need many levels of people who are working actively.

We had a presentation from the Forum paritaire Québécois/Autochtones [Quebec-aboriginal joint forum] earlier this week and it certainly advocated a very interesting approach; and there are a number of others.

So I should simply like to

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ask in concluding -- and it is my only question -- between a number of the ideals that you expressed and the reality that faces us at this time, what sorts of action can be taken immediately to, in any event, move in that direction, not necessarily to get there next year but at least to move in the right direction?

ROGER JULIEN: And who is to say that it won't be next year or in two years' time? Here ...

CO-CHAIR RENE DUSSAULT: I think that, once again, the best is the enemy of the good; I should prefer to be certain that we are going ... first that we have a certain consensus concerning immediate action.

ROGER JULIEN: "A drop of water in the ocean", you said. The fact remains that without each little drop of water there would be no ocean. This is simply to say that if all of us together take on our responsibilities, if we stop always delegating our responsibilities to others in this confounded pyramid of power where every four or five years the right to vote is only one thing, that is to say, the right to make a little parcel of my duties, responsibilities and

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obligations, and to delegate that to someone else, if we stop acting in this way and if everybody becomes aware of his or her power, if each and every one of us took back our personal powers in their entirety and stopped delegating our power to others and exercised them instead, our personal powers, this would make a whole host of drops of water that, together, could create an ocean.

One more thing. It is definitely this lack of power, it's the fact that our power was taken from us that explains our strong feeling of powerlessness, and this is why we always think: "All that I can do is a little drop of water in the ocean; it's not very much." We feel powerless. That is why we feel we have no power.

So the first thing to do, the first action to take, is an individual action that can be taken by each and every one of us, namely, to take back our personal power in its entirety and then quickly to move into action because it's urgent. As far as I'm concerned, given the urgency, since the planet is dying, since we are killing it -- and, mad as we are, if we kill the planet, we shall destroy ourselves as well by

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that very fact -- given the urgency on the international level, on the level of the whole planet, we can no longer think in long-term projections. We can only think in the short term, in the very short term and the very, very short term.

This is the reason why, when I hear a question like the one that Mrs Robinson asked Mr Larose on Friday two weeks ago about what should be done and when there was no answer, I could see that I was dealing with someone, Mr Larose, who does not think at all in the same way as I do in terms of the short term.

No matter what concrete ideas you may have about action that could change things, for education and consciousness-raising to be carried out, for harmonious relations to be created between the Canadian people, the people of Quebec and the aboriginal peoples, so that there will finally be reciprocal knowledge and recognition, a number of preconditions must be fulfilled and your Commission will have to look very closely at those conditions, it seems to me, if it is to make appropriate recommendations later. For me, those conditions are

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as follows.

First, we have to believe in it. Before deciding in very concrete terms what to do, we must first believe in it, believe that we can succeed, believe that we have the power to be able to succeed, because the means that will be used are a function of our belief. Our actions are directly proportional to the faith we have in possible success. We must believe that if it was possible for some people to provoke the Oka crisis, it is just as possible to provoke the contrary; believe that it is possible for us to organize events that may attract the attention of the media and the people in the same way as did the incidents in the summer of 1990; believe that we have sufficient creative spirit, sufficient imagination, enough neurons between our two ears to give birth to such events that will mobilize the maximum amount of positive energy in people.

Second, we need everyone to co-operate, as I said earlier -- governments, government and non-government organizations, groups of all kinds, individuals -- all wanting

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to work together toward a common objective, namely, the establishment of friendly relations between peoples who wish to know and understand one another better, each and every one of them aware that each single person who joins in can make a difference. Each drop of water can make a difference. Nobody will do in my stead what I am capable of doing myself. So co-operation and accountability from everyone.

Finally, being prepared to pay what it costs. Governments, institutions of all kinds, organizations, individuals, all must be prepared not to skimp on the money that will be required in the weeks, in the months, in the years to come and to regard as an investment in the future -- and I shall conclude on this point -- what will be spent on this huge operation of consciousness-raising that must begin as a matter of urgency; we must regard it as an investment that will pay and pay handsomely.

In any event, if we do not have the wisdom to make this investment, we shall no doubt have to spend much larger amounts that will be money

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down the drain to clean up the spilt milk, to deal with the multitude of crises worse than that in the summer of 1990, crises whose nature and consequences are easy to predict and that will in fact occur if we do not act to avoid them.

CO-CHAIR RENE DUSSAULT: Mr Julien, it remains for me to thank you for the statements that obviously call upon a lot of people in our society ...

ROGER JULIEN: Everybody.

CO-CHAIR RENE DUSSAULT: ... on what if often the deepest level. I think that makes a contribution to the reflections that we have ahead of us and to a process in which we are not merely an instrument but also an opportunity to enable many people to seek their own approach.

In that sense I wish to thank you for having made this presentation this morning.

We shall now adjourn the hearing of the Commission for a few minutes and then we shall resume with the presentation by the Minister responsible for aboriginal affairs in Quebec, Mr Christos Sirros, speaking on

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behalf of the government of Quebec.

Thank you.

--- Short adjournment at 10:00 am.

--- Resumption at 10:15 am.

CO-CHAIR RENE DUSSAULT: The Royal Commission on Aboriginal Peoples now resumes its public hearings with the presentation of a brief by Mr Christos Sirros, the Minister responsible for aboriginal affairs in Quebec, and he is speaking on behalf of the government of Quebec.

I should first like to introduce the commissioners who are with me. On my left is Viola Robinson, who is a Micmac from Nova Scotia. Before her appointment to the Royal Commission on Aboriginal Peoples in Canada in the fall of 1991 she was the president of the National Native Council of Canada. On my right is Mary Sillett. Mary Sillett is an Inuk from Labrador. She was the president of the Association of Inuit Women of Canada and also Vice-President of Inuit Tapirisat Canada.

We commissioners are seven in number. The Commission is co-chaired by Georges Erasmus and myself. We have a Metis from Manitoba, Paul

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Chartrand. We also have Mrs Bertha Wilson, the first woman appointed to the Supreme Court of Canada, where she sat for ten years, and Peter Meekison, a Professor of Political Science at the University of Alberta in Edmonton, who was for many years involved in federal-provincial negotiations with the government of Alberta as the Deputy Minister of Intergovernmental Relations.

I should like very quickly to point out that we are very pleased that the Royal Commission is receiving this morning a brief from the government of Quebec from the hands of its minister responsible for aboriginal affairs. A number of other provincial governments have made presentations to the Commission, including the government of Saskatchewan and the government of Manitoba. The government of Newfoundland has also participated, as has the federal government, at certain points in the public hearings over the last eighteen months.

In the case of Quebec, however, I think that the participation of the government of Quebec in the hearings of the Royal Commission on

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Aboriginal Peoples has a quite specific symbolic value, on the one hand, because I think that the reality of aboriginal issues in Quebec is rather unique as compared with the situation in the rest of Canada because here in Quebec there are two nationalisms that are extremely strong in the case of the people of Quebec and also in the case of the aboriginal peoples. In the context of Canada as a whole, obviously, that creates an additional dynamic that is not found elsewhere in this country.

Also, it has a major symbolic value given the very nature of this very sensitive issue that has been entrusted to the Royal Commission and, in essence, it is an extremely important issue in terms of Canada as a whole and collective projects between Quebec and the rest of Canada.

It is also symbolic because this is the first time for more than 55 years that a government of Quebec has agreed to make a public presentation before a federal Royal Commission. Since the Rowell-Sirois Royal Commission of Inquiry on the Constitution in 1937, the custom ever since has been for

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the government of Quebec to handle these matters through the normal channels of federal-provincial relations; in the context of aboriginal issues I am tempted to say that it has tended to deal with the federal government as one nation to another.

I must say that the context in which the Royal Commission on Aboriginal Peoples finds itself is quite unusual and certainly unique in Canada. Unusual and unique first for the scope of the Commission's mandate which touches on areas of both federal and provincial jurisdiction. Moreover, many tripartite committees are at work in the various provinces of Canada and they bring together the provinces, the federal government and also the aboriginal peoples, and this shows that fundamentally the three types of government have common interests and must work together.

Also, it's because our Commission has a mandate not to look solely at Indians registered under the Indian Act but also at registered Indians living in urban centres, non-status Indians, who are not registered and who live off the reserves; so the whole

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urban phenomenon is important, important for the provincial governments and also for the municipal governments -- we had an opportunity this week to hear a brief from the Union des municipalités du Québec [union of Quebec municipalities] and the Federation of Canadian Municipalities -- and also because the Commission's mandate affects the Inuit people and also the Metis people.

Unique, important because of the scope of its mandate but also because of its profound impact. This is a Commission on peoples rather than on a subject such as, for example, transportation or communications or health or heaven knows what else; a commission on the aboriginal peoples and on their relations with the other peoples in Canada. The only analogy that exists to a royal commission on peoples is in fact the Royal Commission on Bilingualism and Biculturalism, which sat during the sixties and studied the relations between Francophones and Anglophones in Canada.

So we are dealing in essence, the Royal Commission on Aboriginal Peoples, with much more than a commission on

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aboriginal issues; rather it is a commission on the very essence of Canada, the very essence of Quebec as a society and as particular visions of society.

This is why, since it was established, the Commission has felt that it was essential to meet with all the premiers of the provinces and the leaders of the territorial governments very quickly to inform them essentially of the unusual and unique character of the Commission's mandate, of the fact that our recommendations, of course, would be submitted to the federal government, to aboriginal organizations also, but that they would have a major impact on the provinces as well. We did not want to be seen as a competitor for the numerous task forces and committees of all kinds that were examining certain aspects of the aboriginal situation.

At the time, obviously, here in Quebec there was an initiative to develop an overall policy with consultations and conferences and we wanted to be certain that the Commission's role would be fully understood and to secure co-operation from the governments and their participation, of course, in

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sustained exchanges of information such as those we have had with the aboriginal peoples in the country but also ideally as part of the very process of public participation. There is a major effort at public education that must occur during the term of the Royal Commission on Aboriginal Peoples and that will have to continue, and a number of other people will have to take over during the Commission and later but the fact remains that this will enable us to give a certain powerful initial impetus.

We know that parallel to this work there are forces in society that are working more to counteract it, whether wilfully or otherwise, but the clear result is that we are witnessing, particularly in Quebec, certainly since 1990, a deterioration rather than an enhancement of the climate between aboriginal and non-aboriginal people. It was an important concern at the time and is so today in a way that I would say has now almost been accentuated.

We also wanted to be sure, as we did with the federal government, that the Royal Commission would not be used by governments as an excuse

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for inaction. We wanted to be quite clear that it was we who adapted to the processes that were taking place more or less everywhere in Canada and not vice versa; there was so much catching up to be done on aboriginal issues that it was necessary above all to ensure that the Royal Commission was not seen as an excuse, sometimes legitimate since more information was needed, for not moving in this area at all.

I must say that we have had an extremely warm welcome from all the premiers in Canada, who essentially told us: "On the aboriginal question we need help. If concrete, realistic, practical, balanced solutions are proposed to us by the Royal Commission, we shall certainly be interested in considering them closely and in the final analysis will accept them if that is the case."

The co-operation has been there in regular contacts with all the governments since that time. For example, we have had exchanges concerning the Commission's research program, which is substantial; we have set up almost 400 research projects, research contracts, in all areas, in all

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facets of the 16 points in our mandate. We have discussed them with government representatives and aboriginal people in an attempt to focus as accurately as possible, to ensure that we were not duplicating the approaches taken elsewhere but were instead serving all the aboriginal communities, governments, academic circles also that have an interest in the subject of aboriginal issues.

The public participation process is drawing to a close as a stage in the Commission's work. Here, it is the last week of a process that has been considerable, in four series of public hearings, at which we have presented a document that reported what we have heard and that also tried to bring together around certain topics as key elements of change the statements we had heard. We tried to see what common elements there were as a basis for a consensus that could guide the Commission's recommendations. There are differences that must be acknowledged but it is clear that we must also recognize the common points and reckon on these common points to achieve areas of consensus and create a foundation for the

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Commission's recommendations.

I shall conclude by saying that we expect to conclude our deliberations as a Commission in a year's time and this means that the final report should take us into the first few months of 1995 to allow for printing and translation problems. In the meantime we expect to present the Canadian government with a number of interim reports on questions where we feel it is urgent to do so, or otherwise, questions to which we feel that we must draw particular attention, and we may well come back to them in the final report: questions relating to suicide among aboriginal people; the infamous question of the provision that requires the extinguishment of rights in land claims; also family violence in aboriginal communities, which is a reality that concerns us in the highest degree; the question of the resettlement of the Inuit from northern Quebec, from Inukjuak, which was called Port Harrison at the time, in 1953-55, to Resolute Bay and Grace Fjord. We had an opportunity to hear both points of view, the point of view of the Inuit themselves through their

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oral traditions, their view of what they experienced and also the officials, the researchers, the people who are interested in these matters.

We shall also submit an interim report on the whole question of residential schools, which were a federal policy with which the main missionary churches were associated -- Catholic, Anglican, Presbyterian and United -- that has been fraught with consequences for the aboriginal peoples, that has had an individual and also a collective impact in terms of the loss of their languages and cultures.

We hope to be able to make proposals in the field of justice. There have been several inquiries that have considered the question of justice in the aboriginal communities, there have been task forces that are hard at work. We had an opportunity earlier this week to discuss this with Judge Jean-Charles Coutu from Quebec, who is chairing a committee that grew out of the Justice Summit.

As for our final report, we expect to try an approach that has not been tried hitherto by a Royal Commission, that is to say that on the main points of our mandate we

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expect to submit public policy documents, an analysis of public policy with a number of options that are plausible, after eliminating any options that are extreme, and try them out in limited gatherings as a testing ground with the provincial governments, the territorial governments, the federal government and the aboriginal organizations; and in some cases, as far as the urban issue is concerned, for example, bring in the municipal governments as well.

In this way, in the final analysis, the Commission may have some good ideas on common points, points of convergence, to ensure that these recommendations, while they are based on clear principles, can also be strategic in terms of the results to be achieved by implementing and receiving them.

So these were the few words I wanted to have an opportunity to say at a time when the government of Quebec, through Minister Sirros, is preparing to make its presentation. To move from rejection to respect, to move from paternalism to partnership, in essence often to move from a situation where there are walls, where people have

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the impression that there are walls that spring up as we are building bridges of solidarity, it's more easily said than done, than achieved.

The aboriginal peoples have told us in Canada that they generally want, the vast majority, to determine their own future in the Canadian framework through self-government. They are very decisive on this principle. They are prepared to negotiate and discuss the terms and conditions. They realize that they find themselves in a context of co-existence, where it is necessary to live in harmony with other levels of government.

There is no doubt that a vision of society in Canada or in Quebec that did not include the aboriginal peoples as true partners on the basis of negotiations among equals would be too narrow and irrelevant for the world in which we have to live between now and the end of this century, and the turn of the century.

So with these few words, Mr Minister, I should like to thank you for coming to meet with us once again. I think that this is a major collective occasion for all of Quebec society and it

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will also have an impact outside Quebec. Without further ado, I hand the microphone over to you and bid you welcome. Thank you.

CHRISTOS SIRROS, Assistant Minister of Aboriginal Affairs, Government of Quebec: Thank you very much, Mr Chairman and Commissioners. Perhaps I can also begin by introducing the people who have accompanied me: on my left, Mr Jean Rochon, Director of Research, Legal Affairs and Policy Development in the Secretariat for Aboriginal Affairs, of which I am the head, and Mr André Maltais, Associate Secretary General of the same Secretariat.

Perhaps I can first give you a few comments concerning your introduction and tell you how much I share your analysis of the situation and your introduction to the subject. In fact, you correctly said that the presence of Quebec before a Royal Commission is a first after a very long time. I have been told that it was Rowell-Sirois in 1937. So this is, in itself, a special event.

But it is an event that, I think, as you said so very well, should not

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be examined from the point of view of federal-provincial relations in terms of jurisdictions but rather in terms of relations among peoples. To put it simply, the fact that we can have, as we approach the end of the twentieth century, a group of human beings that fall under the same jurisdiction, in the same way as the mail, transportation and so on, of a level of government shows as clearly as possible the anomaly that we have created as we approach the end of the twentieth century.

In that sense my presence here is intended as a very clear demonstration of the desire that I have, that the government of Quebec has, that I am certain Quebec society as a whole has, to move on to another stage, to establish a new relationship that will enable us to consider our relations in a spirit of mutual respect, of harmony, of peace and finally to escape from the vicious circle that recent events, which have deep roots, have forced us to experience in the last little while.

Without further ado, I shall perhaps go into the subject as such, since the presentation I wish to make is fairly long.

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So I should like to thank the Royal Commission on Aboriginal Peoples for this opportunity that will enable us to consider the approaches we are examining with a view to promoting reconciliation and beginning a true dialogue that will take us into the future.

You no doubt know, as has just been said, that the presence of Quebec at the hearings of a Royal Commission is an exceptional occurrence. However, the situation that we are all experiencing today and that we have experienced over the last few years is itself exceptional. The current state of relations between aboriginal and non-aboriginal peoples creates an image that I do not hesitate to describe as one of great concern for both the government of Quebec and the aboriginal and non-aboriginal peoples of Quebec. Before this Commission I should like to re-establish the facts and distinguish myths from reality as far as these relationships are concerned.

Current events convey an image of escalating confrontation; statements in the country's media, use of international forums, clashes over land, legal disputes. And yet this

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current situation completely ignores the real efforts made to bring people together over the last twenty years and the results of these encounters.

Moreover, the smugglers, a few political leaders, a number of unilateral actions and the importance placed on them by the media are seriously compromising these efforts. That is why today I am launching an appeal to all those who are eager to attain concrete objectives to work together. The stakes are too high for us to allow a few individuals or certain actions to dispose of these objectives. It is urgent that we act because the inhabitants of some aboriginal communities have been taken hostage and the social climate there has become unbearable. It is also urgent because the people of Quebec are increasingly intoxicated by the information they have been given and are moving toward a widespread and lasting distrust of the aboriginal peoples. There is also urgency because this context may well end up by paralysing the efforts at negotiation that have been undertaken and that must be pursued in a healthier climate.

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To improve this climate, perhaps we must now more than ever stress the importance of recognizing certain givens, I should say certain incontrovertible realities.

In the first place, there are here distinct cultures, each of which has its own historic roots and are here to stay because of their strength. In fact, whether it was taken four millennia or four centuries, aboriginal and non-aboriginal people have developed a feeling of belonging to the land. A statement like this may seem simplistic at first glance, but a denial of this difference -- and some people do deny it -- leads to actions that attempt unrealistically to avoid a specific situation that cannot be avoided in any event.

Secondly, we must note that we have all inherited today problems involving relationships that historically have never been resolved between aboriginal and non-aboriginal peoples: as we shall see later, the aboriginal peoples have been dispossessed and driven to the margins of Canadian and Quebec society, and this is proving today to be fraught with consequences

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for our relations.

Thirdly, we are all inevitably interconnected. Geographically, aboriginal and non-aboriginal peoples are distributed throughout the land and really form a geographic checkerboard. To some extent they occupy all the rooms in one and the same house. In addition, there is no longer any important act in the social or economic fields that does not have an impact outside its place of origin. Any business that starts up has to some to grips with foreign markets; a particular major economic project will have an influence stretching beyond a single locality; a decision to develop a region affects all those who live there and often people in other regions.

The geographic overlapping of aboriginal and non-aboriginal peoples means that, in everyday life, some pass through the spaces occupied by others, trade products and services, use, whether directly or not, institutions and services that are general in scope. This interconnection has developed constantly over the years, despite the difficulties and problems felt in

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relations between aboriginal peoples and governments, between certain communities or groups of aboriginal peoples and other peoples in recent years. It is hard to imagine that this interdependence will diminish in the future, especially given the on-going development of communications, increasing population and the decline in natural resources.

For more than two centuries our societies have developed in separate worlds but we are, nevertheless, irrevocably interconnected geographically, socially and economically. Consequently one conclusion cannot be avoided: we must learn to live together and respect our differences yet live in harmony.

It is in this spirit, Mr Chairman, that my presentation today hopes to highlight possible approaches to solutions that will be as concrete as we can make them. This is a considerable challenge since we must both respond to the most visible blows that we have experienced, that is to the current events that concern us, and act on the most intractable problems, especially their causes; and make solid building blocks for

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the future, especially through the emergence of a substantial political agreement on aboriginal self-government.

This challenge is all the greater because we must avoid naivete: the political pressure for a short-term solution to the most visible problems is constant. As a result, we must remain focussed and not give way to the temptation to take unilateral action that is limited to the present. All of us, aboriginal and non-aboriginal, leaders and the general public, we all have a responsibility not to inflame existing disputes and not to make the climate surrounding our relations any worse.

The feelings of non-aboriginal people toward aboriginal people have meant that a great deal of frustration has found expression -- fears as well as misunderstanding that are also related to ignorance. To put it in a nutshell, public opinion often reacts negatively. People react against the double standard, against the privileges given to the aboriginal peoples in the area of access to resources, against land claims that are considered to be excessive, against the negative impact on the state of

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certain resources for which they are said to be responsible, against inaction by the government with respect to their crimes and against the lack of firm positions taken by the government. Others argue that the aboriginal people are ceasing to threaten the integrity of Quebec and that they are becoming integrated into the network of provincial, municipal and socio-economic institutions.

Moreover, it is far too easy to associate all aboriginal people with cigarette smuggling, the use of arms and violence. People often ignore the rights of the aboriginal peoples and they fail to understand as a result the actions taken both by the aboriginal peoples themselves and by the government. People know little about or misunderstand the problems that have never been resolved in the past, concerning relations between aboriginal and non-aboriginal people.

The aboriginal peoples, for their part, are also expressing their burden of frustration and fear. They feel that nobody listens to them and that they have been dispossessed of the means to control their future. Thus, projects to develop their resources proposed by government or the private sector are

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often regarded as a kind of usurpation of a land that they occupied alone in the past and to which they feel they belong. During major crises like the one in the summer of 1990 fear often conditions our actions: the minority situation in which the aboriginal peoples find themselves influences their relations with the majority surrounding them.

These states of mind on both sides give rise to actions that, especially over the last few years, have constantly widened the gulf between all parties. These actions also have the regrettable effect of monopolizing current affairs and closing off many minds.

Of course, the Oka-Kanesatake crisis in the summer of 1990 was the most serious of these blows, especially because one person lost his life. While radical action was taken subsequently -- the blocking of highways and bridges -- others, just as unfortunate, were also taken in the demonstrations by non-aboriginal people against the Mohawks.

The campaign by the Cree against the Great Whale project on the international stage, especially in the United States,

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has largely monopolized the evening news and was seen in the long term by many people as a systematic campaign of denigration that occasionally consisted of errors or exaggerated certain facts in a manner that was considered to be abusive.

In the area of hunting and fishing, disputes -- fortunately still relatively few in number -- that arise between aboriginal and non-aboriginal hunters and fishermen. The unilateral decision of a few Hurons to hunt moose in the Quebec City area is not exactly calculated to reduce tensions.

Other actions, such as the refusal of certain aboriginal people to pay their hydro bills, also inflame the situation. The same is true of the extremist or radical public statements uttered by both aboriginal and non-aboriginal leaders, politicians and others. When these statements deny the existence of one side as a people or, on the other hand, pass definitive, distorted and discriminatory judgments on the other, it is inevitable that the general level of frustration will increase. Usually, these statements merely testify to mutual ignorance concerning the identity, aspirations and

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concerns of the other side.

The media often stress -- and that is their role, after all -- such confrontational and negative actions. Newspaper articles, open-line shows, radio and televisions talk shows help to exacerbate tensions by abusively exaggerating a part of reality and, and this is quite regrettable, by not casting any light on the more positive actions -- agreements, teamwork, co-operation -- that ought to be more widely known.

On the question of cigarette smuggling in particular, the refusal of some aboriginal people to obey the existing rules governing the taxation of sales of products, such as gasoline or alcohol, are not contributing to an improvement in the climate either. In this respect the tax-free sale and especially the smuggling of cigarettes has for some time now filled the current political foreground. In fact, the phenomenon is at present monopolizing so much space and energy that it has virtually managed to maintain a climate of hysteria.

In this regard we should be more clear and

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place things in perspective with all the subtlety that is required. Here we should not fail to see the forest simply because of the trees. Smuggling is merely the symptom of an evil that is more profound in other ways; we must pay attention to ensure that we do not throw oil on the flames. In this sense no long-term solution can come out of an ill-considered use of force or out of irresponsible statements.

From being a very limited activity a few years ago, illegal sales of cigarettes, from which some aboriginal people as well as non-aboriginal people make a living, has become a much greater phenomenon, a flourishing trade supported by a large number of smokers who are not members of the aboriginal peoples, and they contribute to this gigantic fraud. Several factors have paved the way for this activity and we must bear them all in mind. The economic problems faced by the aboriginal communities, the successive tax increases on tobacco products, the proximity and the permeability of the border between Canada and the United States, the difficult economic times, the temptation to make a large and easy profit, the infiltration of organized crime are all factors that have

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helped to bring the situation to where it stands now.

Moreover, we should avoid associating automatically and without making any distinctions all aboriginal people, or even all Mohawks, with cigarette smuggling. We must realize that the Mohawk communities themselves are grappling with a social debate about cigarette smuggling, the massive sales of duty-free products and the question of gambling; not all Mohawks support the idea of economic development on these bases.

Some people, although this is not said openly in public, do not support these activities because they feel that they tempt people, especially youngsters, to look for an easy profit. The vast majority of aboriginal people also disapprove of the proliferation of weapons and the violence associated with, among other things, cigarette smuggling.

Given this phenomenon, we must, of course, act in the short term while making sure that we have no illusions. Otherwise the disease is too deep-seated and it is only by grappling with the most visible symptom that we can hope to build

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a more solid future. While we keep this long-term perspective in mind, I should like to propose the following short-term measures.

I feel that the social control of their communities should belong to the aboriginal authorities themselves, and that is why I am calling here on all aboriginal leaders, and especially the leaders of the Mohawks, to denounce cigarette smuggling and generally reject the unilateral action that has the effect of sowing the seeds of intolerance. Their support is essential to us if we are to begin establishing a more serene climate of openness; we urgently need such a climate if we are to work together and in depth to open discussions on the deep-seated factors that influence our current relations and thus come to grips with major issues such as economic development and self-government.

Together with the federal government, we must also continue to struggle against the distribution networks -- whether aboriginal or non-aboriginal -- and the supply networks. In the latter case this will require increased monitoring of our borders, close co-operation among

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all the governments concerned. We must strive to reduce the attraction for consumers of smuggled tobacco and at the same time consider deterrent measures such as harsher penalties and indicements to ensure that people no longer resort to the black market. Here -- and I cannot stress this point enough -- a decrease in taxes on tobacco products by both the Canadian and the Quebec governments could have remarkable effects. These effects could be all the more substantial if they were timed to match a possible increase in American taxes, as President Clinton announced recently.

These few initiatives must be interlinked and not taken in isolation; otherwise they would have no point. Primarily, however, I wish to suggest again that they will not fundamentally settle anything in the long term and that we must deal with a situation and problems that have other profound roots. We must strive to understand these problems fully, to grasp every aspect of them. If we are to do so, we must now clearly establish certain facts.

The judgments passed by the public on the aboriginal peoples result

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usually from an erroneous view of the actual situation in which the aboriginal peoples live. These judgments are most often based on a number of myths and prejudices. Relations based on unsupported beliefs can only ever be difficult and I feel therefore that the first step that must be taken is to re-establish a number of facts. I shall accordingly take the liberty of noting some of these especially tenacious prejudices that distort a great deal of the debate.

The popular image is that all aboriginal people do not have to pay any taxes of any kind. Nothing could be further from the truth. Essentially, in fact, only those Indians who work on reserves are exempt from income and consumer taxes. What is more, it is only rarely pointed out that there is very little income on the reserves to tax. People forget that the Inuit are subject to the same tax system as all Quebecers, as, moreover are Indians who do business or reside outside their communities and who account for a substantial part of the aboriginal population.

Practically not a single week goes by without someone

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pointing out that aboriginal people have a chance to live in houses graciously provided to them by others. This too is a lie. The aboriginal peoples pay rents that are comparable to those paid in public housing in Quebec; they also pay compensation for services such as garbage collection and so on. However, people do not know that it is practically impossible to own property on a reserve.

The hunting and fishing carried on by the aboriginal peoples are often regarded as privileges given to them; people want the same rules to be applied to everybody. Now, strangely enough, when the rules of the game are clear, as in the James Bay territories, there seems to be no questioning of the recognized rights. However, the opposite is true when the courts recognize, for example, the Hurons as having rights without defining the precise content of these rights. It is at this point that confrontation begins and it can be avoided only through negotiations.

You might believe, after hearing certain people, that we are living in a situation that is totally out of control, that there is in fact anarchy, with respect to

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the organization of policing in the aboriginal communities. Here again, the image is totally false. In fact, in 50 of the 53 aboriginal communities in Quebec policing services are provided on a completely normal basis, usually as a result of agreements with those communities. We must therefore rid ourselves of the general impression of the aboriginal communities as having been converted into ghettos.

Re-establishing these few facts is, however, not sufficient by a long way. What we must understand here is the make-up of these problems relating to relations that have not been resolved in the past. Over the last two centuries in particular the aboriginal peoples have experienced profound collective change. Their demographic weight has suffered an enormous decline in absolute as well as in relative terms. They have seen the vast spaces that they along inhabited in the past become populated at an increasing pace. The development of these lands has continued at increased speed to the detriment of their traditional activities: the earliest explorations were followed by the first trading posts, religious missions and villages and later

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by institutions, cities, major avenues of communication stretching ever greater distances and holding together a new political, social and economic network that was foreign to the aboriginal peoples. To repeat the expression used by Jean-Jacques Simard, they became displaced persons in their own lands. They have participated less and less in the development of the country and, especially since the enactment of the Indian Act, have been relegated to the margin of Canadian and Quebec society.

Some people will say: all this belongs to the past and we cannot now, at the end of the twentieth century, take on our shoulders all the burden of historical developments. But it is not a question here of feeling guilty, far from it. It is simply necessary to understand that, given the historical developments to which I have just referred, the aboriginal peoples of today feel that they have been dispossessed of the fundamental elements of their identity such as their land and the right to make collective decisions concerning their future. We cannot at a single stroke wipe out history, which still conditions the aspirations and claims of the

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aboriginal peoples.

We should remember in this context that even a major agreement such as the James Bay and Northern Quebec Agreement, which turned out to be one of the most important events in our relations with the aboriginal peoples, came into being first because of a claim and a legal dispute initiated by the aboriginal peoples, who specifically had the feeling that the land that they had inhabited for thousands of years was being invaded.

The Indian Act has played a major role in the existing structure of relations between the aboriginal and the non-aboriginal peoples. By creating reserves and Indian status in particular, the Act isolated the Amerindian community from the rest of the people. It created a system of guardianship and a paternalism that in everyday life affect the aboriginal peoples and throw their relations with non-aboriginal people out of balance. To a large extent it has helped to rob the aboriginal people of responsibility, has removed it from a situation where it could run its own affairs: we should note all the aspects of the Act that relate to the powers of the federal government,

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especially with respect to wills, with respect to aboriginal money, with respect to Indian status.

We believe that this guardianship relationship must give way to a relationship that is negotiated and freely agreed upon by the aboriginal peoples and our governments. After an appropriate agreement is concluded, the Indian Act should be repealed. Quebec is prepared to join in any efforts that will allow the aboriginal peoples to take charge of their fate and see an increase in their individual and collective responsibility. This is how we can bring to an end the isolation of the aboriginal peoples and enable them to have normal relations with all the people and institutions that surround them.

Despite the environment of the Indian Act and the often difficult context, the desire for closer relations has been made obvious on many occasions. In a way designed to balance the existing atmosphere, I should like to draw your attention to a number of success stories in our relations with the aboriginal peoples, which were often ignored by the news media:

- joint management of a supply business for hunters on the Cascapédia River by

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people involved in this sector and the community of Maria;

- the establishment of Caisses populaires Desjardins [credit unions] in several communities, including Kahnawake;

- multi-year funding agreements in the cultural field with Avataq and ICEM;

- construction and operation of the Kateri Memorial Hospital by the community of Kahnawake;

- management of part of the Laurentian Wildlife Reserve by the Huron-Wendats;

- agreement with the community of Mashteuiash concerning the issuance of bingo permits;

- signing of tripartite agreement with several aboriginal communities concerning policing; and

- the James Bay and Northern Quebec Agreement, which enabled the Inuit and Cree to take control of their own institutions.

This list could be extended with several other examples. It is not designed to glorify the existing situation but rather to relativize the problems. I suggest,

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however, that the conclusion of agreements be adopted as one of the most effective means of improving relations between the aboriginal peoples and the people of Quebec.

The situation in the aboriginal communities is often difficult. it is pointless to repeat at length the findings made by many people and bodies, including the Royal Commission. I shall summarize the problems encountered under three headings:

- first, major economic and social problems: lack of employment, family violence, drug and alcohol consumption and so on;

- second, communities with only a limited ability to take charge of their own affairs;

- third, isolation of the aboriginal communities from the surrounding peoples.

I feel that the future of the aboriginal communities requires first an improvement in their current living conditions. That is why I should like to propose the following series of approaches and actions.

It needs to be recognized that the settlement of social problems must be left first and

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foremost in the hands of the aboriginal peoples. The identification of the problems, the priorities to be established and the solutions all depend on the aboriginal peoples.

We must support the aboriginal communities in their attempts to resolve the social problems. For example, at the request of the community of Povungnituk, Quebec has intervened to help set up a residence for young people, to provide financial support for recreation and lend a hand to the village's community resources.

We must continue the financial assistance for aboriginal organizations involved in socio-economic matters: Association of Native Women, Aboriginal Friendship Centres and so on.

We must also continue providing opportunities for aboriginal people to participate in the institutions established by the government of Quebec.

Furthermore, we must support the economic development of the aboriginal communities: creation of infrastructures, airports in the north, for example, highways for the Atikamekw communities, which were announced just recently and so on -- giving priority to

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manpower training, access to resource exploitation, assistance in the development of business skills and encouragement of partnerships.

We must also encourage the assumption of responsibility for social services by the aboriginal peoples and, to this end, we must conclude agreements with the communities to enable them to manage their own institutions and to adapt the services to their unique cultural needs in areas such as social protection, youth protection and social rehabilitation.

We must also explore with the aboriginal peoples their involvement in the administration of justice by appointing aboriginal justices of the peace, creating local justice committees, using mediation and so on.

New tripartite agreements must be concluded that allow the aboriginal communities to take over responsibility for policing. These agreements will ensure that local public safety committees are established, that the communities manage policing and

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that there is co-operation among the various police forces.

We must also continue and develop the actions of the Department of Recreation, Hunting and Fishing relating to the wildlife resources of the aboriginal peoples. This approach focuses on the conclusion of agreements specifically to allow for the introduction of measures that meet aboriginal needs into the overall hunting, fishing and trapping system; emphasis must also be placed on aboriginal participation in the management of parks and wildlife reserves located near the aboriginal communities; finally, we are contemplating machinery for co-operation and consultation to maintain close relationships and implement solutions to local problems that directly concern aboriginal and non-aboriginal people.

All these measures and other initiatives that still have to be developed will enable us to take corrective action in the short term to deal with the situations currently being experienced by the aboriginal communities.

It is, however, necessary to go further. We must now talk about re-establishing a balance in these relations with, as the keystone, the

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development of aboriginal self-government.

The picture that I have just painted will help us to understand what the legitimate aspirations of the aboriginal peoples are at this time. Like any other community, they have developed a desire to recover an identity and a dignity that have been shattered in the course of history and to take responsibility for their own future. They wish to own and control instruments for development, whether these instruments relate to the land, natural resources or manpower. In short, they wish to be able to count on their own economic autonomy.

The aboriginal peoples have also clearly manifested their desire to have what I would call a form of cultural security in a very broad sense: to be able to act in all the major areas of their culture, whether in the fields of education, health, social services or justice. In summary, we are talking here about aspirations toward political autonomy.

Finally, the aboriginal peoples are only too well aware of the consequences of having been removed from the mainstream development of Canadian and Quebec society. The aspiration to autonomy that I

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have just referred to does not mean the perpetuation of this isolation. On the contrary -- and a large number of discussions with the aboriginal peoples have shown this -- they also aspire, with the help of this autonomy, to participate more serenely in the general development of society.

Genuine acceptance of the difference means that we must move on to concrete actions. In this sense, promoting the exercise of aboriginal self-government becomes fundamental in ensuring that the recognition of our differences is not meaningless. Furthermore, in turn, if this concept of autonomy is not to be devoid of meaning, the governments established must have real and significant political powers in such a way that the aboriginal community can leave behind its current dependence and regain its dignity. The emergence of autonomy can only improve relations between the aboriginal peoples and Quebecers as a whole.

The emergence of autonomy therefore implies a better balance in the power of each group to act in its own community. Furthermore, the aboriginal peoples must be able finally to leave

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their isolation by being given greater power to influence society and governments generally.

To develop a form of co-existence is the other challenge relating to autonomy. Aboriginal and non-aboriginal peoples inhabit the same territory and, as we saw earlier, are closely interconnected in one and the same social situation. The actions of the one side inevitably have consequences for the other side. In this sense, the development of some form of co-existence is essential for everyone: the autonomy of one side must not limit the independence of the other side.

Certain prerequisites are necessary for the establishment of genuine aboriginal self-government operating in a harmonious manner. Thus, as far as government is concerned, we must abandon any approach that involves "hegemony" over the aboriginal peoples. For their part, they must reject the use of unilateral action. In short, it is the whole approach built up over the last few decades -- confrontation and competition -- that must be replaced by a state of mind that involves co-operation and complementarity.

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Aboriginal and non-aboriginal leaders must undertake reciprocally to bring their actions into line with each other in order to avoid negative repercussions on their people and with respect to relations between aboriginal and non-aboriginal peoples.

There is also a profound need to examine some fundamental objectives in common. I am thinking of respect for fundamental human values in the various charters of rights and freedoms that themselves form part of the universal declarations on an international level. Respect for these basic values as far as individuals are concerned and regardless of membership in ethnic groups, can only facilitate greater respect for collective identities.

Let us see our societies as a social and economic ecosystem. In its document "Partners in Confederation", the Commission, Mr Chairman, mentioned the old pine tree that is no longer so isolated on the plain. That image is an accurate reflection of reality today. Some may contemplate a different future consisting of separate autonomies that are isolated from one another, where there is no interface and where each individual acts

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independently of his neighbour. But there is nothing to indicate that this path is promising; on the contrary, in such an environment existence and co-existence might well be, to use the expression of the English philosopher Thomas Hobbes, "nasty, brutish and short". From this perspective, then, let us look at the land and its resources as riches to be shared rather than as something that divides us and tears us apart.

Many discussions and debates have taken place in the past concerning general concepts such as the inherent right to self-government and the concept of a third order of government. Necessary though they were, these discussions have not yet moved on to a common in-depth exploration of the practical issues involved in self-government. It is now time to enter a more concrete area and I should like to suggest here some of the concerns that must be addressed and some avenues that should be explored.

At the outset, I must stress one major point: the purpose of such a discussion is not to define, together with the aboriginal peoples, the nature of what their institutions would be, what their

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regulations, their administration of their independence would be like. You will agree, I'm sure, that the development of all these issues is up to the aboriginal peoples; otherwise we are not talking about autonomy. It is, therefore, first and foremost a question of building a consensus in which the parties undertake reciprocally to develop and pursue together certain fundamental objectives and to bring their decisions into line accordingly so as to avoid negative impacts on their peoples or on relations between aboriginal and non-aboriginal peoples. This consensus, I should remind you, must form part of the handing over of real and significant political power to the aboriginal peoples.

This approach requires us to develop and discuss with the aboriginal peoples indicators, principles and objectives and that we work intensely to devise concrete mechanisms for establishing this self-government in a harmonious way. In this context we may have to determine a hierarchy of objectives such as, for example, in the area of fishing, where the Department of Recreation, Hunting and Fishing ten years ago established its four principles or objectives in order of importance

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as follows: first, conservation of wildlife, an objective to be worked toward above all the others; second, respect for aboriginal fishing and subsistence rights; third, respect for the general public's right to fish for recreation; and fourth commercial fishing, whether for the aboriginal or non-aboriginal people, when the previous three objectives were achieved.

Such an approach to discussing self-government, of course, is self-limiting. However, this limitation is valid for all: the first principle limits all fishermen, whether aboriginal or non-aboriginal, and the fourth activity is limited by respect for the first three principles, since they are equally valid for all without any ethnic distinctions being made. It is virtually unthinkable to contemplate unlimited self-government because of its potential effects on the aboriginal and non-aboriginal peoples and on relations between them.

We might think about the pursuit of objectives in practically all areas of activity. In the taxation field, for example, we

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could respect the principle of equivalent tax burdens for aboriginal and non-aboriginal people. In the health field we might state a principle that is common to all, such as respect for the rules of the profession in health matters and hospital care; moreover, this principle is one of the bases for the agreement between Quebec and Kahnawake concerning Kateri Memorial Hospital. As far as public safety is concerned, we may approve of the same fundamental approaches for all with respect to the functions and powers of police forces, the training of police officers and close co-ordination between the various police forces.

The density of the occupation and the occupation of the land varies a great deal in Quebec and these different realities must be taken into account. The extensive northern territories contain relatively few people and current and planned uses of the land are also relatively few in number. The picture changes considerably, however, outside the territories that are the subject of agreements and even in the vast areas -- North Shore and Abitibi, for example -- where ZECs, hunting supply businesses, CAAFs, parks,

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ecological and wildlife reserves, mining claims, private lands, municipal areas and the traditional activities of hunting and fishing are superimposed on one another. This host of activities has led to competition for access to the land and for access to the resources where each prefers one resource in particular or one means of exploiting it.

There is no need to stress the fact that the density of population on the land and the related problems change again even more markedly in the urban environment, where we find aboriginal communities. In this context, any approach to the land question as opposed to self-government must be as unideological, as concrete and as flexible as possible. Thus, in the more heavily populated areas, where aboriginal and non-aboriginal peoples rub shoulders, we believe that the aboriginal governments would exercise most of the essential powers at a local level, that is, in the communities.

It must be agreed, however, that beyond these basic lands the aboriginal peoples should have at least the ability to influence the development of vast areas of land

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for exploitation and multiple uses where, when they exist, traditional aboriginal subsistence activities may be carried on in harmony with the other users of the land. We might be thinking here of a general code developed jointly that would synthesize the uses made of these lands, the areas of which remain to be determined in discussions on the subject.

Again in a spirit of harmonization, it seems necessary for the aboriginal peoples to have a real influence in the process of assessing or authorizing development projects that would have a major and lasting impact on their heritage and the practice of their traditional activities on the territory in which they have local self-government as well as that subject to this general code. Here the discussions will have to go into greater depth concerning the mechanisms of this real influence; it will be necessary in this regard to avoid administrative encumbrances and complexity and their negative effects on the efficiency of mechanisms and relations between the aboriginal peoples and governments.

For the more

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northerly territories, and especially in the case of the Inuit, the territorial approach could be very different, specifically because of the low level of activities.

The funding of the self-government system includes major factors that will, in my view, have to be explored in depth. Thus, we must examine the financial share of the aboriginal peoples themselves in light of their ability to pay, the costs of the services they are expected to receive from their governments or from other governments. Moreover, since this financial share cannot, even in the long terms, support more than a fraction of the cost of providing services, institutions and infrastructures, it will be necessary to sit down together and examine other potential sources of income. Thus, for example, we might consider the possibility of income derived from the exploitation of natural resources, explore new methods of allocating public funds by the Canadian and Quebec governments, examine the potential borrowing capacity of the independent governments in the

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financial markets and so on.

Pursuit of the objective of aboriginal self-government implies that they take responsibility for their economic development. This requires us to explore beforehand the possibilities in the area of structural measures and support action: economic development funds, specific training programs, aboriginal economic development structures, creation of socio-economic profiles containing basic information on economic activity, unemployment, employment, professional training, active projects, revenues and so on.

The contents of the discussions to be held on self-government are broad in scope, as it is easy to see. How to we get these negotiations started?

I believe that on this subject it is time to move toward a major political agreement concerning aboriginal self-government. Such an agreement could include the following outlines.

It seems essential for us to make the existing climate of

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discussions more serene and more creative so that in the long term we can introduce harmonious cohabitation with the aboriginal peoples. Since a broad aboriginal self-government seems for the future to be one of the keystones for this cohabitation, we should at once begin in-depth discussions on all the major components of this self-government in the following general spirit:

- the aboriginal peoples must have real and significant political powers in all areas as well as the levers that will enable them to protect and promote their identity and ensure their spiritual, social and economic development;

- aboriginal self-government and the autonomy of the government of Quebec must not develop in isolation. Everywhere where it proves essential it is of the utmost importance that all parties make a mutual commitment to ensure that the autonomy they obtain is not in conflict with that of other parties so that we can avoid negative repercussions on people and on the relations between the aboriginal and the non-aboriginal population.

The discussion must essentially look for concrete and

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operational avenues. Therefore, rather than theoretically tackling concepts such as the inherent right or its inclusion or otherwise in the existing Canadian Constitution, it is a question of noting the practical features in the exercise by the aboriginal peoples of broad self-government and of seeking concrete means of bringing the actions of the aboriginal, Quebec and Canadian governments into line. Thus, we must start thinking in depth and in a very practical way about subjects such as the area and extent of aboriginal power and the way they will interact with those of the Canadian and Quebec governments; on the area to which this self-government will apply; about the funding of autonomous governments and on the economic development of the communities.

This research, which is essentially geared to concrete action, must, if we are to be realistic, take the magnitude of the task into account. In this sense we must view the approach as a long-term undertaking since aboriginal self-government will have to be built up gradually.

In the spirit of the preceding paragraph the search for practical solutions must

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respect identity as well as the context in which each aboriginal nation finds itself and, whenever necessary, the unique features of the communities belonging to a nation. This search must also respect the pace of progress as well as the desires and abilities of each side.

These in-depth discussions must include all the aboriginal leaders from Quebec as well as the governments of Canada and Quebec.

Emphasis on and conclusion of a political agreement like that which I described earlier implies that we create the most appropriate means possible for effectively debating all these issues.

Rather than acting immediately on the level of nations or even of communities, we must at the outset, it seems to me, create a political forum that brings together all the aboriginal peoples of Quebec because the question of self-government affects every one of them. The exact form and composition of this forum, can be defined later together with the aboriginal peoples but it seems essential at the outset that it be political in the sense that it brings together the

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political spokespersons of the aboriginal peoples and the governments of Quebec and Canada. What is more, it is important to ensure that there is a balance in political representation: a balance between the governments, federal and provincial, and the aboriginal peoples and that all the aboriginal peoples are appropriately represented.

In addition -- and this is one of the essential points in a discussion geared to the concrete -- it would be necessary to create working groups that by means of in-depth analyses could regularly sustain the political forum so that the parties could determine to their satisfaction the practical consequences of aboriginal self-government and the task of bringing it into line with the autonomy of the Quebec and Canadian governments.

The forum's mandate, and especially its term of office, would have to be established by consensus. To launch the debate on this subject I should like to make the following suggestions concerning what should be in the mandate:

- to prepare for political agreement concerning self-government;
- to discuss concrete approaches to self-government;

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- to establish task forces on specific topics -- health, social services, justice and so on -- as they relate to self-government;

- to receive representations from all interested parties concerning the issue of self-government;

- to ensure that negotiations on self-government begin or continue with the aboriginal communities or nations; and

- to formulate opinions on the approach to be taken to self-government.

To these general outlines I would also add the task of establishing means of preventing and resolving differences and disputes. The differences and sometimes the confrontations that have flared up over the last few years increasingly affect the various facets of self-government, especially powers and land. The number of disputes is also increasing constantly and the duration of the confrontations tends to be on the rise.

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Hitherto we have not had overall mechanisms that would enable us to act to prevent confrontations and, when these things occur, to achieve truces and channel tensions. There's no need to emphasize the consequences of inaction, which in the disputes that arise or in potential disputes are often catastrophic. Hence the urgent need to create methods of preventing and resolving disputes that are recognized by everyone.

It is at this point that we must imagine flexible customized mechanisms that emphasize openness and allow for the expression of resentment; we must multiply opportunities for dialogue that make it possible fully to understand the context, history and dynamics of confrontations. What is done elsewhere may prove useful in this regard: experiments like the Tribal Waitangi in New Zealand and the British Columbia Treaty Commission are, in the broad sense, approaches to the prevention and resolution of problems of antagonism.

Over the last few years the

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courts have played an important role in disputes between the aboriginal peoples and governments. They have played and will continue to play this role to an increasing degree, often specifically because there is no political machinery to promote conciliation and reconciliation. Consequently, we should remember that if we are to provide lasting resolutions for confrontations, they must be resolved by the protagonists themselves.

All these issues that I have raised since I began my presentation make up an unbelievably large picture a priori. What is essential is to have a global vision while we avoid the trap that consist of seeing action as something that must be taken as a whole and immediately.

The situation we are experiencing today itself has a long history. Let us therefore be patient and to some extent humble: we will not solve all existing problems in the short term or all at the same time. There is a lot to be done in the short, medium and long terms; we must arrange our priorities and keep in mind a general philosophy into which these actions will fall. Now, at the outset this philosophy must

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be one of openness and we must begin discussions on that basis. Let us take the time to examine things in detail, very concretely and without any rhetoric or ideology.

I firmly hope that we can succeed in devising together a harmonious vision that respects the differences and aspirations of both sides. And there are two points of convergence between the aboriginal and the non-aboriginal peoples that lead me to speak with such confidence. The first of these points is the desire, which all seem to have within them, to ensure that existing and future generations will have access to the resources of the land, that these resources are preserved and developed rationally and in a sustainable manner. The second point of convergence lies in the fundamental hope, which we all share, that we can live in social peace, mutual respect and dignity.

Thank you very much. I think that we are the only ones who can build our future together. I am at your disposal, Mr Chairman and Commissioners, for an exchange of views with you after this

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presentation, this long presentation, I might add.

CO-CHAIR RENE DUSSAULT: I should first like to thank you for this long but substantial presentation, which, I feel, goes to the essence of the problems that we are currently witnessing.

There are obviously a lot of questions that occurred to us as we listened to the presentation that you have just made. I think it is certainly, overall, a step in the right direction. Perhaps, in the amount of time that we have, we could examine more specifically questions that are rather concrete and also rather important at the same time.

The first relates in a certain way to the idea that you advanced that a forum be created so that we can reach a political agreement with all the aboriginal peoples in Quebec and that in a way would crown the action relating to each specific nation and would take their individual characteristics into account. You said on page 34 of your brief that rather than going to work at the level of the nations immediately or even of the communities, it was preferable to create

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this political forum to bring together all the aboriginal peoples of Quebec.

In fact, of course, you are well aware of the different kinds of situation in which the aboriginal peoples find themselves and also even of their desire for self-government. I feel that, overall, the aboriginal peoples want to determine their own future. In essence, you said that we must instead place the emphasis on concrete action, we must be less ideological in our discussions and allow time to do its work in the task forces that would supply the forum with opinions.

What occurs to me is the following and this will be my first question. I think that the aboriginal peoples are prepared to be patient and to invest all their energies in this, and on that basis they have gone into each of the communities, to each of the nations. However, the real question, and it is absolutely essential to clearing any road-block, in the view of the Commission and on the basis of all its meetings across the country, is that the aboriginal peoples need a clear signal that any new step that is taken, such as for example the forum that you suggested, will occur within the context of a renunciation of the policy

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of assimilation, integration into the majority society; and thus one of non-recognition in the long term of differences in culture, nations and the peoples as such.

For the aboriginal peoples recognition of their right to self-determination seems something fundamental like a signal that in fact the dynamics are changing. that the governments truly want to enter into discussions between equals where the aboriginal peoples can assert their points of view on an equal footing, and in a context where they do not have the impression that they are begging and constantly have a feeling of inferiority. Hence the insistence that is placed on recognition of the inherent right to self-government as a starting point in a discussion where everybody knows that the exercise of this right must be limited to the extent that we are living with neighbours, where we must reach agreement with the other levels of government; as a starting point.

Also, as far as resources are concerned, discussions on the sharing of resources -- and you said it very clearly in your brief -- that is the spirit in which these things should be done.

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But, all too frequently, discussions in the past have started off with the idea that in essence the land belonged to the Crown or to private parties -- we've only just begun in the last 20 years in Canada to recognize the reality of ancestral rights -- and thus there is a situation lacking in balance.

Basically we have a kind of sound barrier that must be crossed with respect to the conviction that the approach will be different and will not simply be a detour that leads back to assimilation because of the way events have occurred in the past, including the time down to the federal government's White Paper in 1969, which clearly was seen as the final step, since at the time it gave Indians the vote, to genuinely make them full citizens but in the sense that they would be assimilated and integrated.

I understand your insistence on concrete action, less rhetoric and less ideology. On the other hand, however, I do not think that we can ignore these fundamental questions that constitute a starting point that is not only symbolic but also very concrete as far as the balance of power is concerned, to some extent, in the discussion as part of a

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forum like the one proposed by you.

So I should perhaps like to hear your views on this, because it seems to me to be a prerequisite for the success of an undertaking like that.

CHRISTOS SIRROS: I would say that if there is a society that knows what it is to be different or distinct, that society is Quebec. And if Quebec is incapable as a society of recognizing that others are different in the same way as Quebecers are different, I think that would create an obvious contradiction. In that sense the whole approach taken by Quebec in the area of relations with the aboriginal peoples clearly challenges -- and I feel from the outset of our relations with the aboriginal peoples -- the objective of assimilation.

It is not a question of assimilating the aboriginal peoples into the operations of society. However, I would make a semantic difference, if you like, between the integration of people ... not people, but of becoming integrated, if you wish, in the operations of the economy, for example, and assimilation. They are not the same thing. Assimilation is something that we can challenge quite clearly. We don't want that

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to happen to us; that is one of the reasons why we have proposed political structures, political positions and so on. For example, we would not accept it if tomorrow morning our political institutions such as the National Assembly were to disappear, if everything quite simply became an integral assimilated part of North America in some way.

What is at issue here is the development with the aboriginal peoples of the political institutions that will have significant and real power over those elements that will enable the aboriginal peoples to take charge of their destiny as peoples, as communities, as specific identities and also be capable of functioning with those elements of society that are also there.

We often talk about the land question in terms of "our land". I personally would say yes, it is our land. But this "our" has a collective meaning; we all live on the same land. It is not a question of determining who has title as such to the land; it is a question of determining how we can all have access to the land, how

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each of the uses that we would like to make of the land can be brought into line with other uses; how to develop, in some way, truly integrated management of our land and our resources.

In that sense the approach we intend to take is one that is designed to be worked out jointly with the aboriginal peoples. That is also why, deliberately, I did not go into or give details about the make-up of the forum, or its precise mandate, or the form the dispute-resolution or conflict-prevention mechanisms might take, because those are things that have to be worked out together.

So the invitation is issued right now to the aboriginal peoples to come and sit down so that we can work out that approach in greater detail.

CO-CHAIR RENE DUSSAULT: I should simply like to note by way of an addition that when I talk about a signal, in essence, that the aboriginal peoples expect from Quebecers and other Canadians that they are prepared to abandon the objective of assimilation,

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in the sense of which we spoke, for a partnership, of dealings among equals; for them that signal revolves around recognition of the right to self-determination and, obviously, after that the majority will say: "We are prepared to grant self-determination within Canada by way of self-government in connection with the other levels of government." As a prerequisite, however, we must say that this is an essential signal.

Fundamentally we know that the question of the inherent right to self-government has caused a great deal of ink to be spilt. Understanding of what happened in the negotiations leading up to Charlottetown, it was that at the time we wanted explicit confirmation that among the existing rights recognized in 1982 was the right to self-government, the inherent right to self-government, and the Charlottetown agreements did not enshrine or did not confer that right for the first time; it was not delegated but it was officially recognized in the Constitution and this had the merit of clarifying matters.

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At the present time, we are obviously falling back into the legal debate concerning section 35. The Commission wished to provide a number of factors to sustain the debate concerning historical or legal sources.

What was said in "Partners in Confederation" was: [TRANSLATION] "If governments feel that there is ample reason for believing that ultimately this would be the situation if the Supreme Court of Canada had to make a ruling, can we not avoid all the years of court challenges by taking this as the starting point for our discussions and negotiations?" In essence, that is fundamentally the question that I am asking you. I know that the premiers in Cape Breton in August came out in favour of continuing on that basis.

Within the framework of the forum you propose, is it a prerequisite that would be acceptable to you and acceptable to the government of Quebec at this time?

CHRISTOS SIRROS: I shall begin by saying that the government of Quebec accepted the inherent right when it agreed to the Charlottetown Accord and the principles it contained. That,

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that is, it is already something that has been done in the negotiations we've had leading up to the Charlottetown Accord. Now, the Charlottetown Accord failed to go through.

What I'm telling you in a way is the following: Must we continue to debate at this time if, yes or no, the right to self-government is inherent immediately rather than beginning to determine the concrete scope of self-government?

You yourselves said in the document from which you quoted, while noting that it was quite possible that it already fell within the ambit of section 35, that the inherent right to self-government was not, however, an unlimited right whose scope and application must be determined in co-operation with governments. So now, people would like to skip over a stage in the sense that, whether it is inherent or not, this will have one of two results: either there'll be a political agreement to achieve a constitutional amendment, to recognize it in the Constitution as an inherent right, or there'll be a decision of the Supreme Court that will decide and

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rule as to whether it is inherent or not within the scope of section 35; that too is not something that will happen in the short term.

The urgency of the situation that I described leads us to believe that we must move on immediately to develop this self-government, how can we achieve it, how can we move on from the unknown to the known, and then events will occur, whether a constitutional amendment or a judgment of the Supreme Court, that may guarantee it.

That should not prevent us from going forward, in the same way as the appeal made by you not, for example, to wait for the results of the Royal Commission but to go ahead. I say the same thing: we should not wait until a decision is made as to whether or not the right is inherent under a constitutional agreement or a judgment of the Supreme Court, we must move forward. And in moving forward, we should like to do so in conjunction with the aboriginal peoples in concrete terms, the starting point being recognition that, whether or not it is inherent, it is not an unlimited right, it is not

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something that can be determined in a vacuum alone, unilaterally, by only one group.

CO-CHAIR RENE DUSSAULT: Listen, on this last point, I think that I can tell you that there is a very broad consensus and we have seen this quite clearly, among the aboriginal peoples, that they want self-determination within Canada. The approach is very clear in your brief and you have just described it.

I am simply making a signal that -- and it is to some extent the famous chicken and egg situation -- to succeed in getting the process started and to set it in motion ... because the approach you propose is to construct from the base up and give substance to self-government and, at the appropriate time, when it is possible, to give it a label and a hat. I think that is very clear.

However, in order to succeed and to bring people to the table and conduct those discussions, we must find a means of giving a very clear signal that we are no longer in a situation where, in the long term, we think that the aboriginal situation will disappear over the years, will

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become integrated into the majority society, but that the difference in dealings between equals will be there. And, of course, the aboriginal peoples wish subsequently to become involved in a partnership with the broader society. When you talk about the basis, cultural and economic security, which is essential to self-government, that is exactly it.

So there is no magic formula but it is a point that is extremely sensitive at the outset, if we are to succeed in getting the process going.

Now, concerning the process itself we had a presentation this week from the Forum paritaire Québécois/Autochtones [joint Quebec-aboriginal forum] which submitted its brief essentially on the assumption that Quebec will achieve full sovereignty but they said: "This is a model that can apply within Canadian Confederation; so either in Quebec or in Canada." They suggested a kind of sovereignty-association with the aboriginal nations and with the people of Quebec.

CHRISTOS SIRROS: (Microphone off)

CO-CHAIR RENE DUSSAULT: Finally,

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an approach that has echoes on another level in Quebec, that has not been discussed very much in those specific terms but which is certainly interesting.

Simply, what I would like you to explain is this: The political agreement that you have in mind, which would be the ultimate achievement of the forum, and also the forum itself, do you see an analogy with this concept of sovereignty-association within Quebec with the aboriginal peoples ... and a constituent part of an eventual political agreement because that is what we're talking about.

I am trying to see whether, since everything is relative, we are going in the same direction, whether it's the same thing more or less that is involved.

CHRISTOS SIRROS: In my case, it is certainly not in terms of sovereignty for Quebec.

CO-CHAIR RENE DUSSAULT: I have fully understood that. But in the Quebec framework with respect to the aboriginal peoples, is the political agreement that you are thinking about ... this goes back to my first question, in essence, because the concept of peoples and of sovereignty-association with the aboriginal peoples,

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with the people accepting this concept of equality at the outset, and the concept of a constituent part also, and saying: "This is how we're going to develop the vision of a society where we can live together."

So I am trying to a certain extent to determine more concretely the nature of the proposal you are making.

CHRISTOS SIRROS: Perhaps I can describe it in another way.

We have today a situation where the aboriginal peoples do not have genuine autonomous entities. It is one jurisdiction, as we said at the outset; it is a jurisdiction in the same way as the mail, a federal jurisdiction in the sense of a fiduciary role or guardianship.

What we advocate is the establishment of a relationship of equals in the sense of autonomy, a recognition that we are dealing with distinct nations, something that was recognized by Quebec a number of years ago now, that we should try to make concrete achievements on the basis of the principles ... I think their time has come to some extent; we must make them a reality today and move on to this relationship

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where, in the final analysis, it is the province with the aboriginal peoples, on a federal-aboriginal axis in terms of the guardianship relationship, to an exchange between governments and aboriginal peoples.

For some time now I have been convinced that it is necessary for the federal government to retain its responsibility through the Department of Indian Affairs and Northern Development, but the federal government wears two hats. It has the hat of a trustee toward the aboriginal peoples and I think that today this role is manifested in the support and assistance that the aboriginal peoples wish to have but they have to decide what the positions are that they will advance and the approaches, as was to some extent the case in Charlottetown. We were all around the same table. Even though the federal government had a fiduciary relationship with the aboriginal peoples, the aboriginal peoples were talking for themselves and the federal government was talking for itself and the provinces were also talking for themselves. That is the situation that must be recreated.

In that sense it is a relationship that recognizes the identity of the other side at the level of the aboriginal peoples. It is a dialogue, an exchange, yes, between one nation and another.

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With respect to self-determination, however, and so on, that is a completely different debate. Self-determination does not depend on anybody other than those who want to determine their own future; and precisely how far they wish to take it will depend on their desires and the surrounding reality.

So in that sense, it is a process within a greater Canadian whole, recognizing the aboriginal peoples as distinct nations and peoples with the concrete need for development of genuine self-government for those entities that hitherto have had none and still have none; and that is exactly the opposite of assimilation.

Now, ultimately, at a particular point, what is the purpose of anchoring this recognition in political institutions such as the Canadian Constitution? It seems to me that when we have determined this in greater detail, as you said, we will be able to put a cap on it at some point.

My fear is that if we continue to try to resolve everything at one stroke with respect to the recognition of the major principles ... we have been trying to do that for the last 12 or 13 years