

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

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Salle Outremont
Montreal, Quebec

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--- Resumption of hearing at 8:30 a.m., Wednesday,

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CO-CHAIR RENÉ DUSSAULT: We are going to resume the second day of our public hearings in Montreal with l'Agence de placement, and its president, Roger Obonsawin. Thank you.

ROGER OBONSAWIN, President, O.I. Agence de placement inc.: Good morning, Mr. Dussault, Ms. Sillett.

CO-CHAIR RENÉ DUSSAULT: Good morning.

ROGER OBONSAWIN: Thank you for giving me the opportunity to make a presentation this morning. I recognize that it is very early and that you have long days.

I have some recommendations that I believe are very important for the Commission and for aboriginal people across Canada.

A little information about my experience.

I am Abenaki. I now have three companies. I have worked in aboriginal communities throughout Canada for 24 years as the director of friendship centres, at the national level, and on

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reserves and in cities throughout Canada.

[ENGLISH FOLLOWS]

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My experience here in Quebec and in Ontario, my first experience, even before I worked in Aboriginal communities, was with the Centre culturel français in Sudbury during the 1960s.

At that time I recognized that the French had [agreements - Tr.] with the Crown here in Canada which were not recognized, which had been changed since their agreements were made, but that the situation was very different in the Aboriginal communities. Access to the government, the development of institutions, were very advanced in comparison to Aboriginal people. I had some difficulty in making comparisons between Aboriginal people and the French.

It troubles me to see what has happened in Quebec since that time. French-Indian relations are not at all good. These are two peoples who are seeking to define their rights here as Canadians and who are arguing between themselves that these rights are ... It is not Indians or French.

In many situations we have the same blood. We should argue [sic - Tr.]. We should say, together, that each of us has rights

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and that we respect those rights. It is not one against the other. Canada must recognize this.

[ENGLISH FOLLOWS]

CO-CHAIR RENÉ DUSSAULT: Thank you.

Thank you for your presentation.

At page 4 of the brief you submitted you set out four basic principles which should be accepted, as quickly as possible, so that discussions on the place of Aboriginal people in Canada and, of course, here in Quebec may bear fruit.

Some of these principles go right to the heart of the mandate of the Royal Commission, the whole question of economic development, the whole question of treaty rights and ancestral rights, and of the status of the Department and

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the role of the Department of Indian and Northern Affairs.

We are aware, given the scope of our mandate, that these are fundamental issues which we shall have to address in the interim reports and in our final report.

Having said this, we find ourselves in a situation which is somewhat, not ambiguous, but certainly delicate in a number of respects, in the sense that when the Commission was created one of the major concerns expressed by the various Aboriginal peoples, the various Amerindian nations, was that the Commission not be used to shield the Government, as an excuse for not moving ahead in various areas of public policy relating to Aboriginal peoples, including the process of constitutional reform which at that time, we are talking about late August, early September 1991, when we were established, was just being set in motion.

There was a very clear undertaking by the Prime Minister of Canada that the Commission would not be used as an excuse for doing nothing. In that spirit, specifically, we toured the provinces in the fall of 1991, we met with eight

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of the ten premiers, including the premier of Quebec, Mr. Bourassa, essentially to pass on the message, a somewhat similar message, that certainly the Commission had a mandate which was not technically at that time solely to have an impact in matters of federal jurisdiction, but a definite impact in matters of provincial jurisdiction.

And so it was intended that the provinces join in, participate in the work of the Commission, and not be taken by surprise at the end of the process. As well, it was intended to ensure that ... there were various working groups on various aspects of Aboriginal life under way in the provinces.

There were various land claims, which are on-going, and it was intended to ensure that we could not be used as an excuse for doing nothing.

On the one hand, this was the hope, and is still the hope, of the great majority of Aboriginal peoples in Canada.

On the one hand, we have this reality, and on the other, we are told now and again, and frequently, as

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you have done this morning, with great legitimacy, there must be no government action in this or that area before the Commission has completed its work, in the form of an interim or final report, because otherwise the game will be over and it will be very difficult to start again.

This puts us in a situation in which, on some points, we will be telling the Government not to move, so long as we have not done our work, and on others, and this is the main aim and the hope of Aboriginal people, we will be telling the Government to move, because we don't want to be used as an excuse for not doing anything.

I am saying this a little as background, because this is the situation we find ourselves in. When it seems appropriate, we are told to let things go ahead, the governments must move, and if things are not satisfactory, we are told to try to intervene before they are carried out.

I would like to go back to page 4 of your brief, to the four principles set out. Some of them are very fundamental, such as the well-known recommendation in the Penner

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Report in 1983, that self-government be negotiated under the umbrella, the hat, of an independent secretariat and not by the Department of Indian and Northern Affairs, and of course also on the recognition of ancestral treaty rights, your first point.

We are well aware that these questions go to the heart of the Commission's work and will have to be the subject of precise recommendations by the Commission. However, we have not yet reached this point, and I believe that even after the Commission's work on the recognition of treaty rights we hope to have set out clear principles to create an impetus so that there can be progress in such fundamental areas which go to the heart of the relationship between Aboriginal people and the governments of the country, the Crown.

It is apparent that in the short term, and I want to understand the meaning of your presentation, when you say that things must be accomplished before the expiry of the Commission's mandate, I would like to have a little more detail, in respect of to ancestral rights and treaty rights,

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among other things.

What we are trying to do is to have governments do something. The message we are giving, we are going to adapt, because if we have to use everything over three years, there has already been so much detail, there is so much catching up to do, that this is not the exercise in principles that was contemplated at the time by the Prime Minister and the consultations Brian Dickson held with the various Aboriginal people in the summer of 91, with the aim of creating the Commission, because once again there are undoubtedly grounds for those fears when we look at the experience of past commissions of inquiry, not just in the area of aboriginal rights, but more generally, there is always a fear that it will be used somewhat as an excuse to put off finding solutions during the term of the Commission.

Clearly, since the referendum last October 26, there has been a tendency on the part of both the federal government and the provincial governments to refer some problems to the Commission, saying that we will deal with them when we

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have the Commission's reports. Here again the reaction to this is negative because it is not seen as a good approach.

Even though it is sometimes a little frustrating for us to say that the future will unfold in our absence, nonetheless this is a situation in which we believe there is some benefit in having things move on. However, and this is what you are saying this morning, things are still not moving in the desired direction, and so you are telling us to "do something".

My first question, essentially, is ... there are two points in your brief. There are the four principles that you set out, and then you say, on those issues, we must move in the right direction, and right away, and also the question of the Commission's use of its subpoena powers.

We shall come to the second issue afterward, but I would like to ask you what the four principles you set out mean, essentially, when you say at the top of page 5 that it is your view that these principles must be enacted during the Commission's lifetime. The scope of some of them

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really gives the impression that we are going to need all of the deliberations of the Commission to create pressure that would be accepted by both sides, and by the general public, to move ahead on some of them.

In the meantime, if the governments can move ahead with implementing them, fine. That is the message we are constantly giving to the governments.

I would like to have a little more detail on this and afterward I would have one other question on the issue of the Commission's subpoena powers.

ROGER OBONSAWIN:

[ENGLISH FOLLOWS]

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ROGER OBONSAWIN: Thank you, Madam
Commissioner.

CO-CHAIR RENÉ DUSSAULT: And we shall
await your supplementary brief at the end of June. Thank you.

I would now like to ask the representative
of Canada World Youth to come to the table.

--- (Pause)

CO-CHAIR RENÉ DUSSAULT: Good morning.
Welcome.

**PAUL SHAY, Director General, Canada World
Youth:** Good morning. Thank you. I would like to thank you
very much for the invitation to come here to speak today.

But I am not making this presentation
alone. I am presenting it with Michèle Audette and her son

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Alexandre. Michèle is a former participant in Canada World Youth.

I myself, Paul Shay, am the Director General of Canada World Youth.

If I may, I am going to speak in English, and Michèle will speak in French.

[ENGLISH FOLLOWS]

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MICHÈLE AUDETTE: To start, I would like to go back to the beginning, the beginning of my experience. I was in Malioténam (PP), a Montagnais village where I live, and I was tired of going in circles. I had quit school, and I was unemployed.

Through television and my mother, I [saw? - Tr.] Canada World Youth. And so I applied. I was subsequently accepted. This was just the beginning.

My experience with Canada World Youth was in Quebec and in Brazil, but before this I would like to mention that we are very closely supervised. In the Canadian phase -- I'm a bit nervous, excuse me.

CO-CHAIR RENÉ DUSSAULT: That's OK.

MICHÈLE AUDETTE: There were 45

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participants, half Canadian, half Brazilian, six group leaders, and we were divided among three communities here in Quebec. Mine was Donnacona. So there were 14 of us. We lived with host families.

We all had different work projects. Mine was to work with my counterpart and teachers who helped the physically and mentally disabled.

Then in the Brazilian phase I worked in a silkscreen shop. Some of my partners and counterparts worked in health, in education, in the environment, all in quite an intense group spirit.

In Canada World Youth you have a mini-project in each experience, in each phase, Canadian and exchange country, in which you can grow and give feedback on your experience.

Then when we came back we were not just abandoned. We were followed up by Canada World Youth so that our integration would be easy, because it is a culture shock to see a culture other than your own, particularly for

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Amerindians who are leaving their village for the first time.

This was not the case for me, but I know some people who made this leap, and it is not easy. I am very grateful to Canada World Youth for that, because they do good work in this area.

I also believe very much in the fact that Amerindians here in Quebec or in Canada can have this experience, and that it is very enriching. When they come back it is not obvious, it doesn't happen right away, but when they come back, little by little, with time, they are going to get involved in their communities, I am convinced, whether it be in health, in education or in politics, because it opens your eyes. I think that we all know that travel is one of the most beautiful things in life.

I would also like to say that with Canada World Youth, travelling, also, and being able to see different cultures, expands your horizons and also your personal growth.

You don't really feel the change right away, but little by little it comes. You can work on inter-cultural development. You start to respect other cultures and to respect ours.

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Before I did this program I was aware that I was Métis, but that was all. Now, I am happy to have both cultures in me, to be Québécois and to be Innu. Before, I was lost. It helped a lot. I was going to say that it helped me to speak in public, but that is not the case just now, because I have the shakes, I'm being a baby, I'm a little shy.

I don't know how to explain it in words, but I know that this experience was very, very positive and very enriching. I am still young, and now I am working a lot in Montreal. We have just started up a new organization, Adjikwan (PH). This is an Aboriginal resource centre for both Aboriginal and non-Aboriginal people. It to some extent comes out of CWY, which encouraged us to do it.

And also this summer I tried to apply to go to the conference of Aboriginal youth in Australia. I still have the travel bug, and the urge to know other cultures.

PAUL SHAY: I am going to take this somewhat personal testimony and I am going to try to put it in a more general context.

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The goal of Canada World Youth is not only learning for its own sake, but a process which will lead to action.

[ENGLISH FOLLOWS]

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MICHÈLE AUDETTE: I would like to add one thing. I am a little tired, and I am not the only one, of hearing complaints and people complaining all the time about Aboriginal people or Québécois. I believe that young people have something to say. As everyone knows, the next generation will be taking over from you.

This is also perhaps a cultural exchange. It may be informal, but it is very, very, very enriching. It happens, how can I put this, there is no politics. I strongly believe in that. I hope that even though the message may have got a bit lost, you have understood it.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I believe this message is clear, and also refreshing.

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I would perhaps like to start by asking a few more technical questions about Canada World Youth. It has existed since 1971. In terms of funding, what is the source of your funding?

PAUL SHAY: A majority of our funding comes from the Canadian International Development Agency, which is under the Department of External Affairs of the federal government. We also have several thousand donors, individuals, who make donations to Canada World Youth every year.

Our partners in the South, because Canada World Youth always works in partnership; Canada World Youth itself does not exist in Brazil, in Uruguay. Rather there are national organizations which become our partners in implementing these programs, and so they make a real contribution in carrying out the programs as well.

Finally, we should mention all the contributions in kind which make up perhaps a third of our budget. The host communities which receive these young people do an enormous amount to receive these young people into the

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community. Canada World Youth is not capable of doing all this without the support of Canadian communities and the communities in the exchange countries. The program could not exist.

CO-CHAIR RENÉ DUSSAULT: And at present how many young people can you get involved in your programs in a year?

PAUL SHAY: There are about 700 young people who participate in our programs each year, half Canadian, half young people from countries in the South.

CO-CHAIR RENÉ DUSSAULT: And in terms of Canada, you mentioned that you would hope that more Aboriginal young people would participate. Do you have any idea, out of 350 or so, in terms of Canada, how many Aboriginal young people there are who, like Michèle ...

PAUL SHAY: There were only 15 this year. I do not believe that is adequate. I would like there to be more.

CO-CHAIR RENÉ DUSSAULT: Is information available in Aboriginal communities?

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PAUL SHAY: Yes. Sometimes the difficulty, and that is why we are happy to be here today, sometimes the difficulty is in terms of ... I will quote Sophie Pierre again. She said that it is one thing to have a Canada World Youth poster in the school on the reserves, but it is another matter for young people to be able to say: That is a possibility for me; I could do that.

This is where we are looking, with the Aboriginal communities, for ways to encourage young people to say to themselves, yes, yes, this is feasible, I could do that, because it is a real challenge.

CO-CHAIR RENÉ DUSSAULT: What I was going to say was are you trying to establish a communication network, because in fact a poster is often very abstract and young people don't imagine that it might be for them.

Do you try, with some aboriginal communities, to pass on the information to them in a less abstract and more concrete manner? Is that in fact possible?

PAUL SHAY: Yes, yes, I agree. The best

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way to explain our problems [sic - Tr.] is for the former participants themselves to talk about their experience. This is part of the reason why Michèle is here today with me.

If I myself talk with a young person they are going to say yes, yes, yes, but if he or she talks with a former participant who has done the program, they might have more of a tendency to say yes, that is a possibility for me.

CO-CHAIR RENÉ DUSSAULT: I have a question to ask you.

I understand that Canada World Youth was created to bring young people in Canada into contact with young people in other countries, and vice versa, that it is particularly worthwhile for Aboriginal young people to go to other countries to see how things are for Aboriginal people in other countries.

As things develop, have you considered the possibility of allowing for non-Aboriginal young people to stay in Aboriginal communities, and vice versa, because there is a real communication problem, a real problem of solitude, a

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sort of a parallel world.

Is this a project you have considered?

PAUL SHAY: Clearly we think that this type of program could be very worthwhile. I think that the basic principles underlying Canada World Youth could easily be adapted to such a program inside Canada itself. The challenge these days is to find funding for such a program, but in terms of the possibility of looking at setting up such a program, there is no problem.

MICHÈLE AUDETTE: It is also a question of adapting to the needs of Aboriginal people. I did some publicity after my experience. I went into classes in Malioténam and the reaction was "You went away for seven months! Seven months!" Like that was a lot, a lot. Then I asked them how much time they could go for, and two months, that was a lot.

I think that Canada World Youth is prepared to adapt to the needs of Aboriginal people, but as he said, it is the funding that is not apparent, on both sides, both

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among Amerindians and at CWY.

CO-CHAIR RENÉ DUSSAULT: Mary.

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

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CO-CHAIR RENÉ DUSSAULT: Thank you again,
and good luck.

We are going to recess for about ten
minutes. We shall resume with the Association provinciale des
trappeurs indépendants. Thank you.

--- Hearing recessed at 9:41 a.m.

--- Hearing resumed at 9:58 a.m.

CO-CHAIR RENÉ DUSSAULT: Would you please
take your seats. We are going to resume the hearing.

I would like to ask the representatives
of the Association provinciale des trappeurs indépendants to
come forward to meet with us.

--- (Pause)

CO-CHAIR RENÉ DUSSAULT: Welcome, and good

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morning.

If you can identify yourselves for the transcript.

RIVARD LAROUCHE, President, Fédération des trappeurs gestionnaires du Québec: I would like to introduce myself. I am Rivard Larouche, the president of the Association provinciale des trappeurs indépendants. On my left, Jean-Benoît Gagnon, who is in charge of the committee we call the beaver reserves committee.

We thought we would read the brief, since we could not provide it to you ahead of time, for which we apologize. I hope that this approach is agreeable to you, or if you have another approach you prefer.

CO-CHAIR RENÉ DUSSAULT: A point of clarification. We have two names, Association provinciale des trappeurs indépendants and Fédération des trappeurs gestionnaires du Québec, the brief we have just been handed. Is this the same organization, or ...

RIVARD LAROUCHE: It is the same

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organization, since we changed our title in March, from the Association provinciale des trappeurs indépendants to the Fédération des trappeurs gestionnaires du Québec. The organization is changing.

CO-CHAIR RENÉ DUSSAULT: And so at this point, when we are talking today, May 26, your official name is the Fédération des trappeurs gestionnaires du Québec?

RIVARD LAROCHE: That's right.

CO-CHAIR RENÉ DUSSAULT: And so that is what we will put for the transcript on the record.

You may proceed when you are ready.

RIVARD LAROCHE: Thank you.

The presentation of this document is intended to provide a brief retrospective of all aspects - cultural, sociological and economic - of trapping activity in Quebec. The division of the land area into areas set aside for the practice of this activity between the Aboriginal and non-Aboriginal nations has always been a source of conflict which prevents the harmonious development of the two nations.

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The approach proposed by the Fédération des trappeurs gestionnaires du Québec in this document would permit not only a fair distribution of the land on which trapping is carried out, but it would also mean that a new social contract could be signed and would promote the economic, social and cultural development of our two peoples. But before addressing the points mentioned above, we need to introduce the Fédération des trappeurs gestionnaires du Québec.

For several years, the Association provinciale des trappeurs indépendants (APTI), which was founded in 1976 and has now become the Fédération des trappeurs gestionnaires du Québec, an organization recognized by the ministère du Loisir, de la Chasse et de la Pêche as the official representative of trappers in Quebec, has made great efforts to improve the quality of trapping.

It is composed of 5,000 members in every region of Quebec. Made up of a board of directors of 12 presidents, each representing one of the regional councils in each part of Quebec, it meets four times a year in addition

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to holding an annual congress. More specifically, the objective of the Fédération des trappeurs gestionnaires du Québec is rational exploitation of fur-bearing animals through sound management of the 23 areas where trapping is carried out.

In order to promote the attainment of this objective, the FTGQ takes concrete action to educate the public and train trappers. Together with the MLCP, it initiated and designed a 35-hour trapping course dealing with the habits of fur-bearing animals, allocation of the land, regulation, safe handling of traps, humane trapping, and preparation of skins.

This course has been mandatory since 1992, and to date 11,285 trappers have been trained.

It cooperates with the various government departments, such as the MLCP, the MER and the MEQ and with fur marketing organizations, by, among other things, taking part in bilateral management committees on trapping with the MLCP, and making a financial contribution, through its members, of one half of one per cent of the value of the furs per year to the Canadian Fur Institute and the Wild Fur Council of Canada.

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In addition, the Association has joined the Alliance des trappeurs.

For several years the Association has been the main voice speaking for humane trapping in Quebec. The FTGQ is also very concerned with the rational exploitation of fur-bearing animals. On several occasions in the last ten years the FTGQ has taken a position in respect of protecting certain species being trapped.

For example, for the Canadian lynx, we ask that shorter seasons be established in some regions, with complete closure in other regions and mandatory registration of all animals taken. For mink, we advocated a reduction of the trapping season. With respect to the black bear and the racoon, a request was made to the MLCP to prohibit the use of dogs for hunting. Finally, for the beaver, the establishment of protection strips along watercourses was proposed under the Forest Act.

In addition, it took the position that the MLCP should improve control over the species trapped. It

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contributes to the Fondation de la Faune du Québec, in the amount of \$12,000 per year, and participates in scientific research by supplying carcasses.

It has further experimented with and proposed methods of controlling predator animals and taken an active part in developing a provincial policy on this subject.

The education of young people occupies an important place in the FTGQ's thinking. Accordingly, it has produced a package of teaching materials for use by young people at the primary level, and a video, "L'écosystème, c'est quoi?" [what is the ecosystem?], produced for use in the general secondary I ecology program. Every year, at an exhibition which is produced as part of its congress, the association invites the public to come and learn about all aspects of its activity, and particular emphasis is placed on young people of school age, for whom a full day is set aside. This is a very brief description of the FTGQ.

The economic aspects: Trapping of fur-bearing animals is a specific way of exploiting a renewable

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natural resource. The fur industry is one of the only economic activities in Quebec which integrates primary (trapping), secondary (processing skins and manufacturing the product), tertiary (marketing) and quaternary activities (research and development through, inter alia, the Canadian Fur Institute).

A study commissioned by the ministère du Loisir, de la Chasse et de la Pêche has recognized that the economic significance of the trapping industry goes well beyond the direct and indirect effects that we can calculate. Unlike other types of industries, the activities connected with trapping provide primary materials for which there is no ready substitute. This important characteristic means that businesses which process fur are particularly dependent on trapping. These industries alone support more than 2,000 jobs.

Thus trapping has a very important lever effect on this industry.

In this context, the elimination of a species, the profits earned by the professional trappers of Quebec, the price of skins, access to land areas, and so on,

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are all factors which can affect the fur industry. Year after year the fur industry generates 30 million dollars by exporting products from Quebec. There is a slight error here; it should read 30 million.

In order to carry out their activities, trappers in Quebec invest 28 million annually, according to a study done by the MLCP, of which 14.2 million is attributable to operating expenses and 13.5 million to capital expenses.

Under operating expenses, we have transportation expenses, 6.6 million, which is proportionally the largest, at 46 per cent. The other expenses break down as follows: equipment, 3.9 million or 27.5 per cent; supplies, 2.1 million or 14.8 per cent; and lodging, 1.6 million, or 11.2 per cent.

CO-CHAIR RENÉ DUSSAULT: Can I ask you to read a little more slowly, to give the translators a chance to breathe? Do the translators have a copy of your text? OK? Thank you.

RIVARD LAROCHE: This 28 million which

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is injected generates an increase in the demand for goods and services.

In terms of jobs, apart from the 2,000 jobs in the fur industry, trapping creates 347 jobs annually. The total wages of these 347 jobs amount to 6.8 million, and the adjusted value (wages, benefits and profits) amounts to 12 million dollars. Government income amounts to 6 million dollars.

In fact, for each 1,000 professional trappers in Quebec, 17.9 indirect jobs are created. Thus, unlike other activities which are described as consuming wildlife (hunting and fishing), trapping generates not only a significant upstream impact based on the sizeable annual expenses, 28 million direct dollars, but also a downstream impact through the indirect effects.

The socio-cultural aspects: Generations of Quebec trappers. As we have just seen, trapping is a very important economic activity, but culturally it is also very significant.

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In a study commissioned by the MLCP in 1988, 64.8 per cent of all Quebec trappers stated that it would be harder for them to quit this activity than it would be to quit any other activity. For trappers in structured zones this percentage was 83.4. This statistic clearly demonstrates the extent to which Quebec trappers are attached to the social and cultural values of trapping.

Quebec trappers devote an average of 50 days to the practice of trapping. On the other hand, 30 per cent of trappers devote 61 days to it. Of that number, 6 per cent practise trapping nearly 120 days per year. Trappers assign great importance to their activity, but also to the way of life it provides for them.

In addition to the trapping season, which extends from mid-October to the end of March, trappers devote time to prospecting their allocated land or maintaining their paths, surveying beaver huts, not to mention that the animals caught are often brought to and worked on at the house, which encourages a certain amount of participation on the part of

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the family, who also accompany the trapper regularly on the land.

Trapping in Quebec did not start yesterday.

Trappers today benefit from skills that have been accumulated for more than 500 years and handed down from generation to generation. The *coureurs de bois* passed on the taste for adventure, respect for forest animals and the love of the great Quebec outdoors to their descendants.

Quite a few trappers practise their activity with a family member: father, son, uncle, and so on.

Trapping and its related activities are part of the culture and tradition of the people of Quebec.

What can be trapped in Quebec? First, on registered trapping grounds. This network covers 128,444 km² and represents 8.3 per cent of the entire land available both for Aboriginal people and for non-Aboriginal people. These lands are regulated by issuing leases. The person entitled to use the land may be accompanied by three assistant trappers and there is only one permit. Then there is the free zone,

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an area of 204,215 km², which represents 13.3 per cent of the land available for all trappers in Quebec, whether Aboriginal or not.

The following description clearly illustrates the area of the land available: registered trapping land, available to Aboriginal and non-Aboriginal trappers: 128,444 km², representing 8.3 per cent of the land area; free zones, available to Aboriginal and non-Aboriginal trappers: 204,215 km², representing 13.3 per cent of the land area; and beaver reserves, available only to Aboriginal trappers: 2,208,021 km², representing 78.9 per cent of the land area.

The beaver reserve network: The first beaver reserves [? - Tr.] because of poaching using weights and the use of the airplane as a means of transportation, there was fear for the survival of some species, including the beaver.

Moreover, given that airplanes were being used, white trappers bringing furs back were eluding control by Quebec and it was decided to create hunting reserves for use by Aboriginal people, because on April 28, 1928 two had been created and four more

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were added to them.

These hunting reserves were transformed into beaver reserves on March 24, 1932, and they were followed by 12 others, up to 1954, when the Saguenay and Nouveau Québec reserves were created. Regulation of beaver reserves would take too long to explain but only Aboriginal people are entitled to trap on them.

It covers [they cover - Tr.] 78.4 per cent of the land area of Quebec. Aboriginal people may fish there using lines or nets, hunt for family subsistence on their own land and, in addition, their right gives them permission to possess one head of big game and authorizes the person so entitled to take home what fish and game he or she has left at the end of the season.

And so here you have what is, I admit, a very rough outline of the rights of the First Nations in terms of hunting, fishing and trapping in Quebec.

Beaver reserves: A method of managing.
When they were created, the beaver reserves undoubtedly met

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a need for better management of fur-bearing animals in Quebec.

We are talking about 1932; there were fewer people on the land and therefore less exploitation. They did not know about the management methods we have today to ensure that the land on which the activity is carried out can continue to sustain it, for example the catch report, the trappers' log, the inventory of beaver colonies, population studies, sale reports, and so on.

The Hudson Bay Company also had somewhat of a monopoly. Who bought the furs from the Aboriginal people during that period? The answer is self-evident. It was the management method of 1933, and it is completely outmoded. Moreover, when these reserves were created, it was intended to eliminate poaching by airplane.

Today, by maintaining this management network, we promote poaching, because the numerous access roads created by logging encourage free movement within these areas, and some people profit from this, given the fact that these areas are unoccupied, to harvest the resource improperly. Thus

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one of the reasons for creating these reserves in 1932 has the opposite effect today, and with today's management methods we can ensure that the land continues to be able to sustain the resources.

This line of beaver reserves, which comes right down to the 47th parallel, is a legal and psychological barrier to the harmonious development of our two peoples. Whether or not this land is covered by Aboriginal title is not for us to debate.

For years, the FTGQ has been pointing out to both levels of government that by leaving the present beaver reserve system in place we continue to maintain an unhealthy social climate, we continue to maintain frictions between our two nations. We inhibit the economic development and reconciliation of our two peoples.

The FTGQ has always agreed with the thinking that the Aboriginal people should have land on which to carry out their traditional activities, meet their needs for food and perpetuate their culture. But that should not

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be a barrier to co-management of these lands in terms of exploitation of the fur-bearing animal resources.

The sly attitude of both levels of government in the negotiations with Aboriginal peoples only exacerbates the tension. The users are never informed of proposed settlements being discussed; we learn about them after the fact.

This approach does not appear to us to be the way to reach a solution that will lead to the establishment of a new social contract.

Establishing a new management approach for these lands appears to us to be one way of reaching a solution.

This new management approach will have to involve Aboriginal and non-Aboriginal people in a spirit of mutual respect between the two. This new approach for managing use of these lands must not and should not in any way taint or restrict the broader negotiations between the various levels of government and the First Nations. This formula could draw on the model that currently applies to other wildlife organizations in terms of

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allocating and managing the resource.

What would happen if a new formula were proposed for exploiting the fur-bearing animal resource: co-management of the land?

First, a better climate between our two peoples: Development of a partnership.

Second: Joint participation in decision-making respecting the use of the resource, based on needs and the capacity of the land to support the activity carried out.

Third: It would create an impact which would encourage the economic development of this activity: job creation, processing the resource in Quebec, technological development, establishment of a new structure for tourism development.

Fourth: It would also enable our two peoples to look in the same direction together, and to learn to help each other.

Maintaining the present network for use

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of the fur-bearing animal resource only undermines efforts to reconcile our two peoples and even helps to keep them further apart.

Recommendations: We recommend: (1) the creation of a bilateral body, in which the FTGQ and the Aboriginal people would have the mandate of defining a new approach to exploiting fur-bearing animals; (2) that the government undertake to accept the consensus that emerges from that body and to make the legal changes that will enable it to be carried out.

Thank you.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you for presenting this brief. This is of course an important question, both for the Amerindian nations of Quebec and also for a significant portion of the Quebec population.

I would like to start by asking you, with respect to your name, Trappeurs gestionnaires du Québec, you say that you have 5,000 members spread throughout all of Quebec. Are the members considered as small businesses or ... I am

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trying to understand your new title, Trappeurs gestionnaires.

I understand that this is management of the resource, but they are members on an individual basis?

RIVARD LAROCHE: They are members on an individual basis of the regional associations. One might say, a business, a mini-private enterprise, in which they exploit a resource. Naturally that involves expenses, and then they sell the product of their work. It is a business that is recognized as such by the ministère du Revenu as well, where each trapper must file an income tax return every year and pay taxes on the profits they earn.

CO-CHAIR RENÉ DUSSAULT: There is, as you said, a system that was established for beaver reserves 61 years ago.

Has your organization ever discussed that question with representatives of the Aboriginal people, such as the Assembly of First Nations Quebec section? In other words, what I am trying to see is what relationship, if any, has the Federation established with the Aboriginal communities,

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either in Quebec as a whole or in the regions specifically.
Can you elaborate on that?

Do you have contacts, do you have a relationship with the Aboriginal communities, or is this done solely through the government?

JEAN-BENOÎT GAGNON, head of the beaver reserve committee of the Fédération des trappeurs gestionnaires du Québec: For a long time the Fédération gestionnaire des trappeurs du Québec had a rather drastic position on the subject of the beaver reserves. We had very few contacts with the Aboriginal nations.

There was the Sommet de la faune du Québec [Quebec wildlife summit] which quietly brought us together to talk. We have always talked to each other, that is, through government officials, through government bodies.

When we have had relationships other than the management of the land, in terms of education, trapping courses, we have met with some Aboriginal bands and suggested to them, listen, we have the resources right here to train your

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trappers. Take them, see what you can do with them, and then we'll talk again.

They adapted a form of the course, particularly for the Algonquins at Lac Barrière and around there. We were able to do something, with the Aboriginals. In terms of education, we have produced 23 educational videos, a federal-provincial project to train trappers. We did this in cooperation with the Aboriginal people.

Things go well with the Aboriginal people until we mention the division of land, and I understand their point of view. What we are proposing in this document is a form of co-management of the land. But our relationship with the Aboriginal people, to answer your question, is good when we are talking about something other than the distribution of the land.

CO-CHAIR RENÉ DUSSAULT: In the context of the training courses, did you draw on ... was there an exchange of experiences with the Aboriginal people? In other words, there are people in the Aboriginal communities who have been

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doing this forever. Has there been an exchange or has it been strictly one-sided?

JEAN-BENOÎT GAGNON: You know, Mr.

Dussault, that we have to meet international standards.

Moreover, the European Economic Community has imposed some very specific rules on us. Our course is for training trappers on those new rules. When we developed and implemented the course on trapping in Quebec we did not share, if you like, the design of the volume with the experience the Aboriginal people have, particularly in respect of fur-bearing animal management.

When we met with the Algonquin nations, in particular, we said, listen, if you want to adapt the course in some way, we don't see any problems. Moreover, we insisted that it be Aboriginal instructors who gave the course to Aboriginal people. We did not want to impose ourselves. We simply wanted to cooperate and make the material already in existence available to the Algonquin nation. This was the form we developed.

We are in the very first stages of our

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dealings with the Aboriginal nations. I think that there is an opening on their side that is favourable, because, you know, it is often danger that leads to unity, and you know that our industry is often, excuse the language, in quotations, pushed around by some of the press, perhaps wrongly, perhaps rightly.

There are things we have to change in terms of management, but we are in the very first stages with the Aboriginal nations. And that is the path we want to explore.

CO-CHAIR RENÉ DUSSAULT: When you say that the courses are mandatory, that is under Quebec regulations?

JEAN-BENOÎT GAGNON: Yes. Under Quebec regulations no one may hold a trapping licence if he or she has not taken the 35 hour course, including a theoretical examination and a practical examination. These courses are approved by a bilateral committee, the ministère de Loisir, Chasse et Pêche and the Fédération des trappeurs gestionnaires du Québec.

CO-CHAIR RENÉ DUSSAULT: Do these regulations apply on the beaver reserves?

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JEAN-BENOÎT GAGNON: I do not believe so.

CO-CHAIR RENÉ DUSSAULT: So that when you talk about exchanges with the Algonquins, for example, concerning the content of the course, this is in the context of the part of the land that is not covered by the beaver reserves, or is it in the context of information, because technically the Aboriginal people are not required to take this course to trap on the beaver reserves.

JEAN-BENOÎT GAGNON: Technically the Aboriginals are not required to take this course, but the Aboriginal nations are coming to realize that if they want to continue the activity they must meet the standards of the European Economic Community. We have almost no choice. Whatever ethnic group the trappers may belong to, they will have no choice at a certain point but to unite and make common cause to develop our industry.

It is in this context that some Aboriginal bands, including the Hurons of Ancienne Lorette also. We made an offer to the Aboriginal nations: Listen, we are running.

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Don't reinvent the wheel, we have it. Use it. Adapt it to your situation. But we are prepared to make it available to you as good neighbours.

CO-CHAIR RENÉ DUSSAULT: Your discussions concerning regulation of the beaver reserves, these are discussions you have had with the government?

JEAN-BENOÎT GAGNON: For years we thought that ... but our thinking has evolved. We think that this line of beaver reserves is a barrier to social and cultural development, to the reconciliation of our two peoples.

You know, we live, to use an expression, in the northern part of Quebec. Some non-Aboriginal people live very close to Aboriginal people. We need think only of the North Shore, Romaine, Sept-Îles, Betsyamitz (PH). In Lac St-Jean, we have Roberval, with Mastoyish (PH) reserve, and we are in daily contact with that people.

You know, before there was regulation of the beaver reserves and pressure was put on them, I can tell you that my grandfather trapped with the Aboriginal people.

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Each of them took their side of the river, and they met up.
Today that is no longer possible.

In the brief, if you see it, we don't want to take the land away from the Aboriginal nations. We just want to sit down and co-manage with them. As well, the problem of the salmon resource was settled in that manner, with joint discussions between the Fédération québécois du saumon de l'Atlantique and the Aboriginal nations, and nothing more is heard about the salmon problems and sharing the land and the catch and all that.

All those problems underlie the conflicts.

It is a source of conflict. It prevents us from moving ahead, in economic terms as well. In the solutions we are ultimately talking about economic development. In economic development we could work together to create facilities where European tourists could come to visit. They are very fond of that.

From the point of view of establishing a joint body, Aboriginal and non-Aboriginal people, to manage the lands, quotas would be decided together, what animals to

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catch, what to do. We would learn their approach to managing the resource. We have our own; they have theirs. Why not put them together?

It is the simple barrier at the 48th parallel, which prevents us from working and sitting down together and getting to know each other.

As it has been so well put, whether or not there are Aboriginal rights over these lands, it is not for us to argue it. What we want is simply to co-manage it, together.

CO-CHAIR RENÉ DUSSAULT: As a way of getting to that, it is one thing to ask ... for example, you make a recommendation that a bilateral regional body be created.

The Fédération with the Aboriginal people, which would have the mandate of defining a new way of exploiting fur-bearing animals -- to have a bilateral regional body the two parties must agree to come and sit down at the table.

In terms of the recommendation, it is one thing to make it, the Commission could adopt it, for example,

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but it is another thing for it to be given effect. We cannot force the partners to sit down together.

I am trying to see what you are proposing.

Is it to ask the government to create this kind of body, is it to try, through your contact with the Aboriginal people, to do something to make it possible, by establishing the terms of reference very clearly. Obviously if this is seen as a forum for discussing land rights this opens up a whole different discussion from the discussion of co-management.

How do you see this recommendation being put into effect? Are you proposing any particular things that the Fédération would do to achieve it? I am trying to see how we on the Commission could get involved in a recommendation like this.

JEAN-BENOÎT GAGNON: In terms of the Fédération, we have local councils in each of the regions of Quebec.

For years we have centralized the issue in Quebec City, with government officials, and for years we

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have been frustrated. This is clearly stated in the document.

I believe that this cannot be resolved at the government level. It must be resolved with each of the local associations. Quebec is a big place, an enormous place.

There are social disparities, economic disparities. Each of the regions has its own relationship with the Aboriginal people, and not all are the same.

If we were to try to plan or negotiate at the provincial level in this area, I believe we would have little chance of success. It is my opinion, and I may be wrong, but if each of the regional councils of trappers sat down with each of the Aboriginal bands and said: Listen, we have land to manage together. Can we sit down and manage it together, without talking about property rights?

You know, I pay the Government of Quebec one dollar and something per square kilometre to trap. Paying it to someone else wouldn't bug me, excuse the expression. What we want is to establish economic strength, industrial development strength, management. So this has to happen, in

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my opinion, I believe in the Association's opinion, through each of the local committees, where there are better contacts with the Aboriginal peoples.

At that point, the entire political side of the issue of land rights is removed, and we are talking about co-management, and sitting down together. This is the mechanism we prefer. There is one important element in this document as well, which was mentioned. That is that for 15 years we have never in any way participated in the debate concerning the negotiations. All we have learned is the results.

In some places - take Les Escoumins, a small village. The problem was resolved through the government, to the dissatisfaction, I think, of some of the people there. This is not what we want, and this is not how we are going to solve the problem. The problem is a social contract. This document implies a social contract and a process of allocation that must be done with each of the Aboriginal bands, if you like, as with each of the reserves, of the people living there.

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The people who live there with the other nation, in a climate of mutual respect, and not something that has been parachuted onto us, excuse the expression, by government officials who are completely removed from the reality of the situation. In any event that is what has happened to us since the beginning.

RIVARD LAROCHE: I would perhaps like to add, I believe that in terms of this first recommendation the Commission could perhaps state that such a recommendation is advisable. That would perhaps permit the two groups to have faith in that sort of discussions.

That could also bring the government to place greater importance on the consensus that might come out of such negotiations. We must be aware that even if we and the Aboriginal people discuss a problem like that and reach a solution by consensus, if the government doesn't want to move in terms of its regulations, both groups have wasted their time.

I see the role of the Commission as a facilitator in this process, advising and influencing the

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government to act on it.

CO-CHAIR RENÉ DUSSAULT: There is no doubt that a strategy that comes from the grass roots is more realistic than a strategy to cover Quebec as a whole.

In that sense, when you talk about a regional body, if I understand what has just been said, you have in mind several regional bodies where your regional councils could sit down with the Aboriginal people in the region to discuss co-management of resources and economic vision in terms of the reality of the trapping situation.

Thus I think that we have to use the plural, to some extent. I am trying to see in relation to your recommendation no. 1.

As well, while there is government regulation, clearly if there were a consensus it would make it much easier for things to change. The danger is always that regulation may become a little like a kind of taboo. It has existed for so long and no one dares to touch it any more. We see this regularly in various sectors of the government.

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I come back to my original question. When we talk about a social contract, obviously that implies working together and sharing and common action on both sides, and for that people have to talk to each other.

What we find in some parts of our society is that there has truly been a branching off into a parallel world. You mentioned this in terms of your association for several years. I believe that now the situation is such that people can perhaps more easily, on both sides, see a common interest in working together with the objective of doing something.

I still come back to ... you say that you are in the very first stages in a manner of speaking. I believe that this does indeed appear to be a good direction.

Have you, for example, in meetings ... you have not initiated contact which would make it structurally possible to work together. Has anything been done in this respect or are you still at the thinking stage?

JEAN-BENOÎT GAGNON: For the first time

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this year, when the provincial congress was held in Chicoutimi -- every two years we change the city, this year it was in Chicoutimi -- we invited the Montagnais Nation to come to join with us for a workshop we had on trapping standards.

As a result of that we had meetings just before the Congress and during the Congress and we invited the Montagnais Nation of Pointe-Bleue to come.

We have contacts with the Montagnais Nation. We want to enhance these contacts to see how we might agree on some issues -- for example, education, integrated resource management, those things -- and see perhaps whether it is possible to establish a more solid relationship with that nation, which seems open, which appears to us to be open to some type of dialogue with our Fédération.

As you have pointed out, that will depend on the good will of both parties. What we wanted to say here this morning is that we are open, we are ready. We are not seeking abolition. We are simply seeking a body where we will get to know each other and how to co-manage the resource.

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I work with young people. I am a teacher by profession. What surprises me most of all is to see how racism toward the Aboriginal people has grown in the last couple of years, as a result of certain events given great play in the media. This growth in racism, there are things I hear coming from young people that scare me, because a people cannot allow itself to encourage or engage in racist discourse. I do not know why this has come about. It worries me greatly.

CO-CHAIR RENÉ DUSSAULT: Has your Fédération established a committee or a section to examine that phenomenon and to see what action you could take, in terms of your members, to try to combat it, because it is a cancer that is eating at society.

You are certainly in a good position to play a role in trying to combat these prejudices.

JEAN-BENOÎT GAGNON: The Association publishes a magazine four times a year. I was for a long time an advocate, without using racist language, of the hard line, and I have changed. I was myself the provincial president of

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the Association des trappeurs for two years. What appears in the magazine has changed. Our positions at general meetings have changed.

I believe that something that was done, you are going to tell me it was political, but which says a lot, at the last closing banquet of the Association we had invited a representative of the Aboriginal nation to the head table. That meant to us that we were prepared for reconciliation. To our members it meant that perhaps it was time to get together and talk.

At the general meeting I made my report and this was what I talked about, and the people accepted it, the presidents of the various regions, the board of directors, accepted it. The idea spread rapidly, and this is the course we advocate. That report was approved by various regional presidents. It is not a report by Mr. Larouche or myself or Mr. Lavoie. It is a report which was submitted to various regional presidents, which was adopted before being presented here, and it is a provincial position.

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If this continues I believe that we can reach an agreement. There is no problem on the part of our association, and we are developing this train of thought more and more.

CO-CHAIR RENÉ DUSSAULT: Did the Montagnais Nation, for example, which you invited to your last provincial congress, did the members respond to your invitation?

JEAN-BENOÎT GAGNON: Yes. They were present at the head table. They came to the workshops. We have talked again. We want to submit this document to the Montagnais Nation, and have them look at it, for their part, to see whether there are possibilities.

I believe that there is also a certain openness in terms of economic development. The trapping industry is economic development. We can develop economic strength together. With their skills and our skills I believe we will be able to do something worthwhile. Socially, it would be a good thing. Instead of always having bad news in the papers, it would be nice sometime to have good news, and I think

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we are moving toward that.

CO-CHAIR RENÉ DUSSAULT: Very well.

Thank you.

Mary?

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

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JEAN-BENOÎT GAGNON: Yes, we have examined the future of trapping. Yes, we have taken part in studies.

In the province of Quebec, in terms of mink trapping, we have sent 20,000 mink carcasses to the ministère Loisirs, Chasse et Pêche. Each of the carcasses was sexed by the trappers and submitted voluntarily.

The animal's genital tract was removed from these carcasses and the females' were examined. For every female and male one tooth was removed, and the cross-section examined, the pulp was X-rayed, and this gave us the age of the mink caught.

To follow up on these studies, in terms of the mink, we created policies in which we decided to trap early in the autumn and finish the season very early, on December 15. At that time we found we were getting adult males and juvenile males, in a four to one ratio.

When the trappers find that they are getting below two males for one female, at that point they stop trapping, even if it is before December 15.

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For the Canadian lynx, I myself participated in a study with the Wild Life Department at McGill University, where we caught lynx alive. We put radio transmitter collars on them and released them to observe their habits, their feeding habits. These radio collars gave us information on the animal's heart rate and various other scientific data.

For the beaver we ... we found that when we caught old beaver huts we were catching old animals, and so females who were producing few young, and we established a policy of asking trappers to catch mostly old animals and leave the young to reproduce.

In terms of the Laurentian wild life reserve, which is a huge land area of several thousand square kilometres, we found where there had never been trapping, and this land has been open for eight years.

We all sent in carcasses of canidae species, that is, the wolf and fox, and we found in the first year, by examining the genital tract of the females, that the

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females were carrying one or two young, and 50 per cent of the females were pregnant.

After four years of examining genital tracts we found that 100 per cent of the female foxes were pregnant and had from four to six young. All these studies are available from the Quebec ministère Loisirs, Chasse et Pêche.

Moreover, Quebec, with its biologists and with the cooperation of the trappers, has come out with policies that set the standard for sound exploitation of fur-bearing animals for Canada and North America.

In terms of the black bear, many studies have been undertaken throughout the world. The Association has come out in favour of very strict control on anatomical parts, the sale of anatomical parts of bears, for example the bear's gall bladder, the Association wants the ministère du Loisir, Chasse et Pêche to impose very strict regulation in this respect to prevent the excessive harvesting of some species.

And so with the means we have ... you know,

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we fill out catch logs and state the number of traps, our catch reports, we send in the carcasses. There is a lot of money put into research. The 23 species of fur-bearing animals in Quebec have been studied or will be studied. The majority have already been studied.

There is currently a project on the river otter. And the Association des trappeurs constantly cooperates, not necessarily just with the ministère Loisirs, Chasse et Pêche. The University of Sherbrooke, Veterinary Department, asked us to submit all carcasses of wolves and coyotes caught so a study could be done on heartworm. We did that. We are constantly participating -- this is one of our concerns. The Association des trappeurs, sound management of fur-bearing animals.

You know that we perhaps have a principle: Nature can do without man to survive, but man cannot do without nature to survive. We have perhaps often exploited certain species excessively, but not today.

This has been in answer to your question

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as to our concerns in terms of the land exploited.

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

JEAN-BENOÎT GAGNON: There may be no miracle solutions, but the people who live there, the people who live on the land, one day they are going to have to sit down together in a spirit of sharing of this resource, with mutual respect for the needs of each of the two peoples, with mutual respect for traditions and cultures.

This work may perhaps take place at the government level, but I think it is important, and essential, that the grass roots be directly involved in this work of developing a consensus between our two nations.

You know that we, the people who live on

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the land, we have often been left out of this kind of discussion, and in my view this has led to a great deal of dissatisfaction on the part of both parties in terms of the solutions proposed.

There is no miracle solution. The only solution we see, we did not want to set out precise details in this document as to how it should operate, because first we must find it together, how this is going to operate, this process of reconciliation. We did not want to impose anything in this document, we did not want to dictate anything, but simply to say: Listen, it is time we sat down, it is time we talked to each other about the ways in which our two nations are going to reconcile, not to form a single people, no, but to form a body where two distinct and different peoples, with different needs, are going to co-manage a resource. And that is important.

I believe, and I think that this is the position of the Fédération, that a solution that comes from the government and makes one side or the other the winner will not provide a solution, or as you say, Madam, in 20 years we

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will not be encountering these problems.

On the other hand, if the grass roots are involved, if we sit down, I can tell you that we can arrive at a solution in which, while our differences are taken into account, we will use those differences to create a strength, and the problems you are talking about, while they will not be completely resolved, will be very much diminished.

CO-CHAIR RENÉ DUSSAULT: We want to thank you for this message and its realistic content, which certainly also conveys some hope of reconciliation for the future, with the common objective of managing the resource.

We wish you well in carrying out your projects. For our part, we are going not only to reread your brief, but to see how we may be able, in terms of our recommendations, to support the direction you describe, obviously after consultation as well with the Aboriginal communities.

Essentially, what we hope is to bring about -- reconciliation is a big word, but in a very concrete way,

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cooperation and working together at all levels of society in the various sectors, between Aboriginal and non-Aboriginal people. This is where the fundamental problem of racism can be attacked most effectively.

We thank you for coming to make this presentation this morning. Thank you.

RIVARD LAROUCHE: We also thank you for having given us the opportunity to express our ideas.

JEAN-BENOÎT GAGNON: Thank you.

CO-CHAIR RENÉ DUSSAULT: I would now like to ask Rémi Kurtness and his colleagues of the Conseil des Montagnais du Lac St-Jean to come and meet with us at the table.
--- (Pause)

CO-CHAIR RENÉ DUSSAULT: Good morning.
If you would identify yourself for the transcript, and proceed with your presentation when you are ready.

**RÉMI KURTNESS, Chief, Band Council of the
Montagnais of Lac St-Jean:** Thank you, Mr. Justice Dussault,
Madam Commissioner.

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I am Rémi Kurtness, Chief of the Band Council of the Montagnais of Lac St-Jean. With me is Alain Nepton, who is also the policy adviser to the Band Council of the Montagnais of Lac St-Jean.

The brief we are presenting to you today is, as you had asked us, Mr. Dussault, last November when we presented it at Wendake, is further to the brief we presented to you in November, which dealt more specifically with our philosophy, the broad principles that guide us, and of course the issues, the problems in our land claim negotiations with the Atikamekw Montagnais Band Council and the other two governments, that is, the Government of Quebec and the Government of Canada.

You had asked us at that time to provide more details as to what we mean by a model for self-government.

We had spoken to you at that time about our Services Territoriaux, and that is what we are going to talk about a little today, in more detail.

Of course the Montagnais of Lac St-Jean,

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which in our language we call the Piekuakami Ilnutsh, represent some 3,700 people, about 50 per cent of whom reside in the community of Mashtéuiatsh, formerly known as Pointe-Bleue.

The other part lives in neighbouring places or in the hunting grounds. This is largely due to the fact that there is not a lot of living accommodation available and there are not many jobs in the community because we have an unemployment rate which, as we speak, must be close to about 45 per cent.

There is an average annual rate of growth of 8 per cent. Our population is very young, since a little more than half our population is under 25. That means that the future is of great concern for the members of our band council, and that the youth are demanding that we speed it up and manage to get all these young people and their children an environment and living conditions that will meet their needs.

Mr. Gagnon talked to you just now, just before me, about the region as well. We live in that region, every day. It is a relatively populated region, with 325,000

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inhabitants. Our community is surrounded on all sides by non-Aboriginal towns and villages which we must also go through to get to our hunting grounds.

We will also explain how important the ancestral land is to our people, who are nomads, and the things we have done in order to take part, despite all the constraints, in the management of our activities outside the reserve lands, properly speaking, and also to make representations at various levels throughout the region.

We shall also analyze the prospect of self-government and critique present federal policy on that issue.

Finally, we shall propose a number of very specific recommendations which the Commission might eventually use to rebuild and improve Canada's relationship with the first inhabitants of this country. I heard you talk just now about the rise of racism. We will be able to discuss this during the question period, because we have had some very serious problems, even recently, in our community with the rest of the

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region.

In November 1992 we presented a report to you which spoke of our main principles, which guide our actions and which, in our view, could also guide this Commission in making its recommendations. I would just like to review these principles briefly, because it is important that we put them in context before going into more detail.

The main principles which guide the Montagnais of Lac St-Jean are:

- defending the rights and interests of their members, in order to achieve and maintain complete self-government on the reserve and on the land;

- to provide, on the reserve and on the land, appropriate services in order to improve and maintain all aspects of the welfare and development of the people;

I said that these were the principles, but they are rather our mission, the mission of the Band Council of the Montagnais of Lac St-Jean.

This mission therefore relates to

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something much larger than establishing services for the people.

Its basis is the fundamental and sacred relationship between our people and our ancestral land, the source of our identity.

Our mission therefore consists in seeking the conditions that will promote the development of our culture and our original identity. This culture and identity are closely connected with each of the broad issues of social life.

They are more alive than ever; they are adapting, changing; they are political, economic, educational, environmental. In short, in a word, they are societal. Our culture and our identity are at the heart of our life, and our soul beats to the rhythm of our ancestral land.

Now I would remind you of the principles, that is that we, the Montagnais of Lac St-Jean:

- declare that we have the right to exist, to be recognized, to determine our lives and to pursue our development as a people and a nation with our own identity, exercising our fundamental rights and freedoms;

- declare that as a first nation we have

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the right to retain ownership of our traditional lands,
including the water and subsoil, on appropriate terms, to ensure
our independence and our economic and social self-sufficiency
in accordance with our traditional and contemporary values;

- declare that we wish to assume our
political autonomy totally, with a land base determined by our
own institutions, developed in accordance with our values, our
aspirations and our needs;

- declare that as a first nation it is for
us to determine who will be our members, to exercise exclusive
powers, to legislate and to adopt policies in matters that
concern us;

- declare that we have the right to practice
and preserve our language and our traditions, our customs and
our own cultural values;

- declare that we can exercise exclusive
control over all social, cultural, community and economic
activities on our land and can benefit from and control the
use and management of resources that derive therefrom;

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- declare that our ancestral and traditional rights still exist, are inalienable and must be respected;

- declare that we recognize the need to maintain harmonious relations, on a basis of equality, with Quebec and Canadian society, based on respect for rights and mutual trust.

These are the main principles to which we refer. The goals which guide us have been discussed in a broad community consultation among ourselves, and we filed them also with you last November at the Huron Village in Wendake.

For an Aboriginal community or nation such as ours, land is of great importance; it is our reason for living, it is the basis of our way of life and of thinking, and it is at the heart of our entire culture.

Any interference with the land therefore has an impact on the balance of our society, on our attachment, young and old, to the land, and on our spirituality, which is rooted in nature.

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We are not against development, we are rather against certain types of development which do not respect the rights, which do not respect the interests of the Montagnais of Lac St-Jean. What we would particularly like is a partnership, a genuine partnership in which we are integrally involved in the management of the land, the decisions on development, and the manner in which such decisions are carried out. Up to now we have been offered only consultation processes, or a partnership in which we have very little weight in the decisions.

The Montagnais of Lac St-Jean have always travelled the innumerable lakes and rivers of our land to hunt, fish, trap and rest. The land we have traditionally occupied and which we still occupy today includes the mouths of the Métabetchouan, Ouaitchouan, Ashuapmushuan, Mistassini, Mistassibi, Péribonka and Shipshaw Rivers, which amounts to the larger part of the entire Saguenay-Lac-St-Jean region.

The numerous developments that have been undertaken since the beginning of the 19th century with

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colonization, logging, not to mention the installation of six hydroelectric power stations and three large reservoirs, have considerably reduced and affected the possibilities of carrying on the traditional activities of the Montagnais and also the productivity of the habitats.

Yet the Montagnais carry on their traditional activities intensively on their ancestral land. We have plans for managing wildlife, we regulate the activity through codes of practice and of ethics. We also go there to find resources and a resting place, and for other activities relating to food.

The Montagnais people are historically a nomadic people who still today have a way of thinking and a certain mentality descended from the nomadic way of life, through the people's attachment and use of the land. To confine them to merely the land on a reserve is a social and cultural tragedy and a crucial misunderstanding of the needs and interests of our people.

The Montagnais Band Council was in a better

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position than anyone to assess the full importance of this for these people and, despite the fact that there are no programs, either federal or provincial, for activity off the reserve lands, properly speaking, we have proposed and implemented a centralized service on these lands, which we call the Services Territoriaux, and which you asked us to talk about in more detail.

For several years, our community has had what we call the Services Territoriaux. These services cover several areas of activity relating to development of the land, management of the natural and wildlife resources, and relations with other actors in the region. Thus it is a management tool that is outside the Montagnais Band Council, but it is nonetheless an integral part of the organization.

To assist it in its responsibilities, the Montagnais Band Council has first-class tools consisting in developing a process, developing a general code of ethics, wildlife management and harvesting activities plans, and codes of practice for each traditional activity. This allows for

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management based on protection of the resource, while preserving the rights inherited from our ancestors.

Some of the staff of the service, the lands officers, are responsible for applying these tools of management and regulation, and we are proud to say that, to our knowledge, there is no other like it either in Quebec or in Canada.

These lands officers supervise the application of the codes relating to the practice of traditional activities, collect data and statistics, supervise what goes on in general in the territory, and finally, provide a link between the Aboriginal people and other users of the territory, whom we call recreational users, sport hunters or fishers, or logging or hydroelectric workers, whatever.

As such, we no longer count the times they have facilitated dialogue and understanding between Aboriginal and non-Aboriginal users.

The Services Territoriaux also supervise and deliver certain programs that have been established to facilitate the use of the territory, such as trapper assistance

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programs, communications programs, and personal safety programs, which include, for example, medical transportation.

They also act as support people for the other sectors of the organization of the Montagnais Band Council, whether by helping in providing certain services offered in the community to people on the land, or by taking part in improving or establishing new services. I mentioned medical transportation just now. This is also the case for therapy, a day centre, summer camps for young people, the mookshams (PH) for old people, the entire community. This is often coordinated through the Services Territoriaux.

They also take part in various regional committees involved in wildlife harvesting activities, logging or preventive environmental activities. They also maintain direct relations with several government departments, including the MLCP and the minister of energy and resources, as well as with several agencies and companies.

Finally, they also engage in a form of public relations by being present at the most relevant

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conferences and also by giving a number of speeches and information sessions to the public to promote better awareness and acceptance of the place of the Montagnais of Lac St-Jean in regional development and in the use and management of the ancestral lands.

The funding for this type of service has always been a major challenge, because no existing government program provides for supervision of activities that take place off the "reserve", and so we do it out of our own budget.

You also asked us, last November, to comment on self-government policy, which we shall do.

In order to understand clearly the constraints we are under in seeking autonomy, we thought it best to present you with our analysis of the present situation:

The present situation: The methods that are currently possible for Aboriginal groups that wish to obtain greater autonomy are as follows:

- taking control of existing programs through administrative transfers;

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- greater operating latitude, through what is called AFAs (alternative funding arrangements).

- revision of the Lands, Reserves [*sic* - Tr.] and Trusts policy;

- obviously, the federal self-government policy;

- and the scheme negotiated within the framework of a land claim, as is the case for us through the negotiations with the Atikamekw and the Montagnais.

The stated objective of the federal policy is to enhance Aboriginal self-sufficiency and autonomy. The policy is designed to [TRANSLATION] "establish a new relationship between Indian communities and the federal government by developing practical new schemes for Indian government".

The policy also notes that the new schemes "must result in Indian governments being more responsible to their people than to the federal government".

The advantages of this policy are:

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There is a means of enhancing the current powers of the Band and its council, by removing the control imposed by the Indian Act in the following areas:

- title to the reserve lands, the title can
be held by the band and not by Her
Majesty;
- management of lands and resources;
- management of band funds;
- the structures and procedures of the
council;
- the creation of institutions;
- accountability to the members of the Band;
- membership;
- certain provisions for application of
laws;
- expropriation.

The protections set out in the Indian Act are still valid, and there is no prejudice to ancestral rights or to future claims.

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There are also other advantages, such as flexibility in the method and timing of implementation, but there are no established models of self-government which can be adapted to local characteristics.

Obviously the federal government is still the trustee for matters under its responsibility that are not included in the agreement

Apart from the philosophical question, the political and administrative latitude given to the band may certainly be a little more attractive, its legal capacity is enhanced, responsibility for making choices makes the leaders more accountable to their people, and the members more interested in political and community issues. The institutions established and the policies developed should better meet needs, since such institutions and policies arise from local analysis, that is, from our needs, our desires and our aspirations.

There are also some disadvantages. It is of course far from being responsible self-government in the sense of constitutional recognition of a new level of government

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which would better meet our needs. This change can occur only in the context of a resumption of the Canadian constitutional debate or in the context of international law.

All powers relating to the provinces' jurisdiction must be negotiated in the context of this policy, only in the presence of and with the agreement of the provinces.

The scope of these powers therefore depends on how open the provinces are, and Quebec seems to have decided to preserve the legal supremacy of the National Assembly. There is nothing that would show any change, at least in the short term, in this situation, and we will for some time continue to have to operate in the context of the integrity of Quebec's land base, its legislative assembly and its administrative machine.

Of course there are no new funding sources apart from existing programs, and the results are protected not by the Constitution, but by statute.

This approach also does not resolve the problems caused by legislation of general application, or by the constitutional jurisdiction of Quebec.

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Local autonomy under a land claim: The general federal land claims policy allows for negotiation of self-government, but again in a general context, in order to take account of the interest of Aboriginal people in the management of land and resources off the reserve which are the subject of the settlement and claim.

The big advantage is negotiating in the context of ancestral rights and therefore obtaining the strategic advantage of the inherent right to ancestral rights to go beyond the framework of the federal policy, of the Indian Act, and the division of powers between the federal and provincial governments. It is a question of the political will of the governments. This also enables us to get greater constitutional protection for some aspects.

Another advantage is that this allows several communities which have claims in common to join together. This is the case for the Atikamekw and the Montagnais.

However, in the case of a more local form

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of self-government, or if a group's negotiations are unsuccessful, it is important for a community to be able to go ahead with a self-government project for itself. This would make it possible, at the national level, to increase the number of claims settlements and possibly to develop new self-government models.

I shall close with some recommendations.

In the preceding chapters, there were several avenues that the Commission could explore, but we shall deal here with the broad approaches that must be taken, in order better to summarize them.

Thus there must be recognition of our right to be in charge of ourselves and of the matters that concern us; our right to self-government, continuing the process begun in Charlottetown; our right to self-government beyond the present federal policy which is restrictive and still reflects the paternalistic federal responsibility; our right to manage and preserve our ancestral lands.

We are recommending that an authentic

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formula for self-government be implemented that gives political effect to what we consider was won in Charlottetown. Although the Charlottetown Accord was not accepted by the people of Quebec and Canada and by the Aboriginal people, nonetheless all of the provincial and federal governments were in political agreement on the substance of the Charlottetown accord. This is one of the reasons why we say that Charlottetown is a minimum.

Of course there is the question of the funding and development of the Services Territoriaux for Aboriginal groups which so desire, of course for ours in particular, and implementation of the integrated lands and resources management formula in the sense of a true partnership between Aboriginal people and the provinces.

In conclusion, we would of course like to thank the members of the Commission for once again having given us the opportunity to bring forward some aspects of our vision of the relationship that Canada and the provinces should enter into with the other founding people, the First Nations, and also to tell you about our specific concerns in our capacity

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as descendants of the nomadic Montagnais people, without forgetting their role, which we do not find in the history books, as partners in the development and use of resources since the days of the first colonization.

This is the kind of objectives that the Montagnais of Lac St-Jean are pursuing in order to provide a better social, cultural, spiritual, economic, educational future, and a better future as a community, for our people. Inevitably we will have to continue to cohabit and coexist; we may as well do so harmoniously and peacefully.

On this great earth there must be room for everyone, for all peoples, but there should especially be room for the first occupants, the first inhabitants and the first nations in this part of the earth, in a spirit, of course, of respect for the values that have always been ours, that is, respect, sharing and hospitality.

Thank you, Your Honour and Madam Commissioner, and I am at your disposal to answer your questions.

CO-CHAIR RENÉ DUSSAULT: Thank you, Chief

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Kurtness, for that presentation. As you noted, this is the second time that you have had the opportunity to come before the Commission to present your views. I believe that you have done so this morning in a very reasoned manner, with a brief that will undoubtedly be useful to the Commission.

There are essentially two questions that we would like to discuss with you, for my part, in any event, the question of the Services Territoriaux which is, of course, as you mentioned, something that is somewhat unprecedented, and which may serve as a model for others, not only in Quebec but also elsewhere in Canada, and the question of self-government, which you present in the form of what may be done in the context of current federal policy, and also when it is taken together with land claims.

We know that there are negotiations under way involving the Atikamekw Montagnais. On the first question, the Services Territoriaux, if I understand it correctly, you have organized a unit which is under the Band Council but which has an independent mission. I would like you to give us some

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more detail on what you have said about this.

What is the relationship between the Band Council and the Service Territorial? Is it like a branch of the band administration or ... Do you have a separate administrative structure?

RÉMI KURTNESS: In fact, I told you just now that the mission of the Band Council of the Montagnais of Lac St-Jean, and the mission of the Band Council of the Montagnais of Lac St-Jean, which covers all branches, whether we are talking about education, health, social services, housing, of course the Services Territoriaux, is primarily to defend the rights and interests of the Montagnais of Lac St-Jean and to provide services to improve our quality of life.

In each of these sections there is a section called Services Territoriaux; this does not exist elsewhere, and we created it precisely to meet needs that are expressed by members of our community in respect of the entire relationship that should exist between the community, the reserve, and the ancestral land, that is, all our hunting grounds and trapping

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grounds.

The Services Territoriaux have a sub-mission, as all the other sectors have sub-missions, but it is connected with the Band Council of the Montagnais of Lac St-Jean and, in terms of structure, it answers to the Band Council of the Montagnais of Lac St-Jean. And so it is not autonomous, it is not independent. Just like health and education, it is an integral part of the structure of the Band Council of the Montagnais of Lac St-Jean.

CO-CHAIR RENÉ DUSSAULT: Is it an external extension of each of the missions, or does it cover, externally, all the missions under one service, the Services Territoriaux?

RÉMI KURTNESS: In fact, there is a mission, which I read you a few minutes ago, and which I have restated. There is also, in each branch, take the example of health, a sub-mission, which I do not know from memory, but which is specific, to improve the health of our members. This is the case for education, which has a double mission in terms of education, but which is still sectoral. It is to preserve

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the language and culture and at the same time to provide academic training equivalent to what is found in the other schools.

In terms of the Services Territoriaux, it is specifically to defend the rights and interests of the Montagnais of Lac St-Jean, but specifically in terms of the land, because the Indian Act covers solely the reserve. The entire question of the ancestral lands is the subject of a land claim, as you know, and that is off the reserve, there is no legislation that applies for the Montagnais or under the Indian Act on those lands. This is also the reason why we are in negotiations.

The mission of the Services Territoriaux is more specific to the ancestral lands, to the traditional lands of our hunters and trappers.

CO-CHAIR RENÉ DUSSAULT: And so it involves managing the lands, managing the natural resources, wildlife, relations with the other users of the land.

RÉMI KURTNESS: Exactly, and it is important to specify, if you will permit me, Your Honour, that

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the community has adopted management plans, codes of practice.

All of our members, all of the Montagnais people, must follow those rules. If they do not follow those rules they are brought before the Court and we do not defend them if they do not follow the rules.

On the other hand, if they are arrested and they have complied with our management plans we will defend them before the courts. We also have several cases which are already, as we speak, before the courts and for which the Montagnais Band Council will defend the individuals who have been arrested while practising traditional activities, but who complied with the management plans adopted by the community.

CO-CHAIR RENÉ DUSSAULT: This morning, in the preceding presentation, we had the Fédération des trappeurs gestionnaires du Québec.

You noted at the outset of course that they were in the same region. This is a very large land area. Do you have any relationship with the Fédération with respect to the plan ... you have lands officers who monitor the application

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of practices, and so on. Certainly they have members who are also on these lands. Not solely in terms of the beaver reserves, more to the south.

How do you see the relationship between your Services Territoriaux and the Fédération, with the Montagnais Band Council with the Fédération?

RÉMI KURTNESS: Of course when we are talking about application or how we are going to try to come to an understanding we must first have agreements which we call political agreements. Those agreements are not in place at present because we are in the process of negotiating with the Government of Quebec and the Government of Canada.

The Montagnais of Lac St-Jean in particular remain open to some form of partnership with those organizations. We contend that ... we don't contend, we are actually certain, that we must continue to cohabit and coexist, and also do so harmoniously and peacefully, as I noted earlier.

We are open to finding formulas that will enable us to co-manage the resource, on the condition, of course, and it is important

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to say this, that the rights and interests of the Montagnais of Lac St-Jean are respected, and we are in the process of defining them in the land claim negotiations.

What is necessary, in my opinion, is that these associations, federations or organizations talk more to their government, the Government of Quebec, in this case, and that they state the points or details they would like to have respected in managing the resources. In this case we are talking about the wildlife resource.

We are available, but of course this will not happen so long as there has been no land settlement or settlement of the land claim negotiations. We will never be able to go any lower than the right we have already had recognized. But we are available, we are open to finding any form of partnership which could, of course, as they have those objectives, us too, in which we could be assured that the resource will not be threatened, will be able to continue to develop and at the same time will be able to serve the interests of both peoples.

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CO-CHAIR RENÉ DUSSAULT: I understand very well the view you are expressing, that it must not affect rights.

I think that what was explained to us earlier was somewhat the same thing, stating that without threatening Aboriginal ancestral rights they want to try to see at the grass roots how the resource could be co-managed more effectively, and with the common objective of its survival and growth.

In that sense, if I understand correctly, you are open to discussion and are considering the possibility of a partnership, still from the position that it must not affect rights, but that it very pragmatically affect what is going on at the grass roots and how the situation can be improved.

RÉMI KURTNESS: That's right, Your Honour.

We are open to that. I must inform you as well that we are very vigilant. We have just had what was a rather painful experience. We went to hunt migratory ducks. We were not criticized by the Fédération des trappeurs indépendants. We also have observed a change in what they say and in their attitude to the Montagnais people.

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They are exhibiting a certain openness; we appreciate this and we respect it as well because it is mutual.

There would be no possibility of an agreement if there were not this mutual respect on both sides, and this mutual openness.

There are other associations in the region which have recently criticized the hunting of migratory birds.

We have always done it, every spring. We have always done the mookshams (PH) and this has been criticized, and this has even exacerbated, in my view, the divisions and the racism that exists between the Aboriginal and non-Aboriginal people.

I am saying that we are open, yes, we remain vigilant, but the interests of both parties must be respected.

I appreciate the new approach taken by the Fédération des trappeurs indépendants, but in our region in particular there are other associations of hunters and fishers which would benefit from discussions with the Fédération des trappeurs, which is not the case at this time.

We even have the impression that there are communications strategies behind this which aim at exacerbating

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the divisions between Aboriginal and non-Aboriginal people and of course at increasing the racism or prejudices against Aboriginal people. However, we remain open, we remain available to discuss this, but of course, you will understand, we remain very vigilant.

CO-CHAIR RENÉ DUSSAULT: Of course one cannot do otherwise than to encourage as much contact as possible between Aboriginal and non-Aboriginal people in terms of a common concern. I think that it would bring about a better mutual understanding and also avoid flare-ups of racism which at some point boil over, often by surprise, but which have to be lived with afterward. This is always unfortunate.

In terms of self-government, does the Montagnais Band Council operate within the project ... of the flexibility that is offered by the federal legislation as a pilot project for devolution of powers. Exactly what is your situation in this respect? There are some fifteen communities which are involved, for example at Kahnawake, at Wendake, in Québec.

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RÉMI KURTNESS: In fact we, it is not the local autonomy program, it is the self-government program, but in the context of the land claim, in which we have joined with the three Atikamekw communities and the eight other Montagnais communities. So self-government is being negotiated for all of the Atikamekw and Montagnais people.

CO-CHAIR RENÉ DUSSAULT: Otherwise, while waiting with respect to management under the Indian Act, are you in a situation of administrative autonomy, devolution ... I know that you are living in the meantime under the Indian Act and there is the land claim with which self-government is associated, which is on-going, and that everyone hopes will be successful, but in terms of the present situation under the Indian Act?

RÉMI KURTNESS: Well in fact you are quite familiar with the self-government process. We, the Montagnais of Lac St-Jean, there is only one program that we do not manage. That is the Lands, Reserves [*sic* - Tr.] and Trusts program, and that is for purely technical reasons. It is because we

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did not want to take it on, it is because -- and it must be said, this is the reality, and they will confirm this too -- it is because there are many technical errors in terms of the surveys of our community, and we have asked Indian Affairs to resolve these technical problems before transferring management of the Lands, Reserves [sic - Tr.] and Trusts program to us.

All the other programs, without exception, are managed by the Montagnais Band Council. Thus we have taken charge of the administrative programs. What we would specifically like is to move on, but not necessarily to political autonomy. We could call this, for us, the semi-political state, that is, where we could enact certain laws, certain rules, but inevitably so long as the land claim is not settled, in fact, and self-government over the land has not been established, we will always remain financially dependent on the government.

So we are preparing to start the semi-political stage. Of course is there is a land settlement, we contend, and we are certain, that we have all the skills needed for political autonomy, self-government in ...

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CO-CHAIR RENÉ DUSSAULT: In that case, I know that the negotiations, as you just mentioned, cover eight other Montagnais communities and three Atikamekw communities in Haute-Mauricie. Ultimately, you are the only Montagnais community in Lac St-Jean.

Are you proposing self-government in the context of the region and the Band Council of the Montagnais of Lac St-Jean or in terms of the Montagnais nation, Quebec-wide, including the various communities, or a little of both?

Can you tell us a bit about the model that you have in mind?

RÉMI KURTNESS: Allow me to give you a bit of background, Mr. Dussault, before answering your question.

Over the last few years, the entire Atikamekw nation and the Montagnais nation, in parallel, that is the three Atikamekw communities and the nine Montagnais communities, have worked on what we call a plan for our society, or what have you, for a land settlement and for a government.

What we have arrived at is that powers

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should remain with each of the band councils and everything that is common, we are talking about, for example, health, education, social services, environment, and so on, that would be a government that would be called the Montagnais government.

But that Montagnais government or that common government of the nine Montagnais communities is a government that would get its responsibilities from the band councils.

So these would be delegated responsibilities, because we could combine certain programs or certain things. But we want the decision-making power to stay with each community, because we contend that, unlike the structure of Quebec or of Canada, the power must remain close to the people because it is the people who know their needs, their desires and their aspirations best.

So we want the power to stay as close as possible to the people, and this is one of the reasons why we decided, the entire Montagnais nation, and this is particularly the case for the Montagnais of Lac St-Jean, that the power should be primarily local. This is what we call self-government.

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There could be a Montagnais government, but it would have delegated responsibilities.

CO-CHAIR RENÉ DUSSAULT: In terms of financing or of economic self-sufficiency, which is one of the key elements we discuss in our document, *Focusing the Dialogue*, in which we say that there must be considerable such autonomy in order for self-government to be meaningful. The funds must not continue to come 100 per cent or 95 per cent from the federal government.

How do you envisage the economic base for your community?

RÉMI KURTNESS: This is being discussed with the two other levels of government. If we have part of the land, because we don't want two-thirds of Quebec, contrary to what most people contend, we want part of the land on which of course we are going to be able to participate in the wealth. We are thinking of, for example, royalties; we are thinking of, for example, the management of natural resources which, just like Quebec and perhaps even better, we are also capable

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of managing these natural resources.

Starting when we are given a land base -- this is why I stated a few moments ago that there will be no government for the Montagnais of Lac St-Jean if there is no land base. This is one of the reasons why we want to secure natural resources and land so that we can be autonomous in financial terms and, of course, stop living in a state of dependence on the government.

Being dependent on the government is not very gratifying and does not provide much self-esteem. We are treated as unemployment and welfare cases, alcoholics, drug addicts. This is true to some extent, except that this is all we have to dull our pain. We have no economic development. A few moments ago I mentioned the unemployment rate that we had. The specific relationship we have for our social, cultural and community development is our relationship with the land, but if we want to have those sorts of development we must first have economic development, because if there is no economic development there is as a result no social development, no

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cultural development, no community development.

Thus our entire economic self-sufficiency is related to the land. Of course this is the subject of the land negotiations.

This is how we see the financing of our government.

CO-CHAIR RENÉ DUSSAULT: Final question.

In terms of your community's social situation, we regularly hear a presentation from the leaders at our public hearings and we also hear, in public or in private, from groups of women who describe difficult situations.

In terms of the budget allocated to social services, to health services, in your community, can you tell us a bit about what proportion, how that works.

What is your assessment of the social situation within your society? One of the discussions we had in arriving at the four key elements, we were told on the one hand that self-government is essential in order to resolve problems. On the other, we are often told, and we are often

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told by Aboriginal women, listen, don't add to our problems by going ahead with self-government. We have to resolve the social problems.

It is becoming harder and harder, in a way, for the Commission ... essentially the consensus that comes out, in the final tally, is that there has to be work done at every level at the same time. If we work solely on self-government without being concerned immediately with healing, with the difficult social situations in which women and children find themselves in the communities we are going to miss the boat.

On the other hand, Aboriginal women also often tell us that we have to go ahead with self-government, but at the same time work on the social problems; could you give us your assessment of the situation in your community in terms of the Band Council of the Montagnais of Lac St-Jean?

RÉMI KURTNESS: Technically I am told that this represents about 15 to 20 per cent of our budget, the financing or budget that is devoted to social services. I must

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also tell you -- there is no point in putting our heads in the sand -- we have serious social problems in our community and I do not want to start a war of statistics because that's a war we can't win. We have had 24 suicides in a single year in our community.

For three or four years, specifically, there have been efforts devoted to the young people in our community and to social services. As well, we have a group of people in our community who come under the Montagnais Band Council that we call the Centre Le Refuge [shelter], which also comes under social services, which works more specifically on the entire spiritual aspect of our community.

We have found that the people who go to this spiritual healing there or at the Centre Le Refuge often after these sessions no longer use drugs and alcohol. Nonetheless we still have a serious problem in the community, but this is where we are specifically putting our efforts.

During the last two or three years we have also set a theme each year. For the last three years the theme

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has related specifically to young people. So this will tell you the extent to which we are concerned with the future of our young people, who in our view have a dual challenge, that is, to protect the language and culture, but also to have a better social future, a better economic future, which is more or less the case at this time.

In terms of the question of self-government, we are convinced that it is our own decisions, and that is what self-government is, our own decisions that will enable our people to get out of this economic stagnation, and I think that the Aboriginal women in our community support our plans for self-government.

I know that there have been several presentations in Quebec from the Femmes autochtones du Québec, several legitimate presentations, because their concern was that their rights be constitutionally protected, and I am entirely in agreement with these demands.

We are a people, we have adults, we have young people, we have men and we have women, and I think that

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together we are going to be able to have a better social future, particularly a social future in our community, and in terms of Aboriginal people in general.

This is somewhat the assessment I would give you of the social situation in our community. Very considerable resources are assigned to social services. We have even, and I may be get my wrist slapped for this, but we have even somewhat neglected other areas in order to emphasize social services.

I would tell you that in two years we have had only one suicide, and last year we had none, when scarcely six or seven years ago we had 24. We cannot assess it just on the basis of statistics, but I think that there are results that show that since we took over social services the situation has improved.

CO-CHAIR RENÉ DUSSAULT: Final question.

With the extension of the land you are looking for, there is necessarily the possibility of having white people on this non-Aboriginal [*sic* - Tr.] territory. In your self-government

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strategy, how do you see this situation, which is of great concern to the general public, because the non-Aboriginal people on these lands are saying -- we have found this in the public hearings, for example, in Vancouver, we will be taxed without representation, because we cannot participate, it is not a public government. Is this a question you are considering in the self-government model you are thinking of?

RÉMI KURTNESS: I am going to be very honest with you, Your Honour, this is a question we should have dealt with when we worked on the plan for our society, but it is a question we did not deal with, unfortunately.

When we did the consultations in our community on the direction we would take, it is also a question that we did not deal with because, I imagine, it was not a current concern. So I will not speak on behalf of the Montagnais of Lac St-Jean, but personally, I can give you my views.

On this point I contend that if it is Montagnais land there should be, or there will be, Montagnais laws and the Montagnais people or the people of Quebec,

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regardless of what people will be living on that land, will be subject to and governed by the Montagnais laws. I stated at the outset, we are pursuing the objectives of harmonious and peaceful cohabitation. Inevitably we cannot live in a bell jar, particularly in our community where we are surrounded by non-Aboriginal towns and villages, and inevitably we will have to come to terms with those other societies, with those other peoples.

If it is Montagnais land which is recognized as our own, which should be ours because ... I said a moment ago that of all the names that are Montagnais, so it is our land, even though we are in the land claim process. The people who will live on this land will be subject to Montagnais law. That is how I personally see it.

CO-CHAIR RENÉ DUSSAULT: It is highly logical that the only other question that arises is will they be able to take part in forming the Montagnais government? This is where the question becomes more complicated.

RÉMI KURTNESS: Of course the concern

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there will be, for us, is the protection of our language and our culture. So if we are capable of adopting rules under which those rights, or those values, will be respected, personally, I do say personally, because I am not speaking on behalf of the Montagnais people, I have no mandate in this respect. Personally I am open to people being able to participate in decisions.

CO-CHAIR RENÉ DUSSAULT: I would like to close my questions by suggesting that ... because this is one of the problems, one of the major questions which we must examine, both of us, when we think about going ahead with self-government, by suggesting that you take this concern into account, collectively, in your plan for your society, and if during the year to come, the months to come, you had a view to present to us, not personally but collectively on behalf of the Band Council of the Montagnais of Lac St-Jean, we would be most grateful, because this is a question of great importance, which is certainly an obstacle that must be overcome in the mind of the public, how concretely to reconcile non-Aboriginal

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and Aboriginal people in an area which is recognized as Aboriginal land, in terms of forming a government. This is a difficult question.

RÉMI KURTNESS: You're right. It is a very delicate question, but we will have no problem in putting it to the Montagnais people if it must ever be debated. We have always done this -- sometimes we argue -- but it is a question that deserves to be debated and we will definitely do so.

On the same basis that we, who come from Montagnais lands, when we go to Montreal, I am subject to the laws of Montreal and the laws of Quebec. The same thing will be true when they are on Montagnais land, I think, in any event.

That is in any event my thinking. But we will deal with the question.

CO-CHAIR RENÉ DUSSAULT: Very well, thank you.

Mary.

--- (Pause)

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CO-CHAIR RENÉ DUSSAULT: Mary Sillett

tells me that the questions she had to ask have been discussed.

Thus at this point I would like to thank you for your second presentation.

I think that it is increasingly apparent that it is helpful, and this is precisely the objective that the Commission is pursuing by having four series of public hearings, to be able, where possible, to develop the analysis and dialogue further with the communities so as ultimately to get a better idea of the form that our recommendations should take in terms of solutions.

In this sense, I would repeat that we are interested in any additional ideas in part on a question such as the last one we just discussed. The question of people passing through Montagnais land, I think that that is fairly clear, but people who live there full time.

Once again, we appreciate the active part you have played in the work of the Commission.

RÉMI KURTNESS: On behalf of the

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Montagnais of Lac St-Jean, Your Honour, I would also like to thank you for giving us the opportunity to come and meet with you and to present our opinions.

We have continued to think about the somewhat delicate questions you raised. We shall do so, this is one of our responsibilities, and we will have to debate them.

I thank you too.

CO-CHAIR RENÉ DUSSAULT: We are going to recess the hearing, and resume at 1:30 p.m., with the presentation by the Université du Québec à Rouyn-Noranda.

--- Hearing recessed at 12:04 p.m.

--- Resumption of hearing at 1:33 p.m.

CO-CHAIR RENÉ DUSSAULT: Order, please. We are going to resume the hearing with the presentation of the brief from the Université du Québec à Rouyn-Noranda. I would like to ask the representatives of the University to come to the table.

Good afternoon and welcome. If you would identify yourselves for the transcript. You may proceed with

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the presentation of your brief when you are ready. Thank you.

GISÈLE MAHEUX, professor, Université du Québec à Rouyn-Noranda: First we would like to thank the Commission for inviting us. We are specifically going to answer one of the questions relating to education, which is how to train teachers and school administrators.

We are going to talk about an experience we have had, the people at UQAT, and the people in charge and the teachers at the Povungnituk and Ivujivik schools. To do this, I have on my left Gérald McKenzie, who is a professional working specifically with the Povungnituk and Ivujivik communities and schools in the Kativik school board, and on my right Jean-Pierre Marquis, who is a professor in the department of social and health sciences at the Université du Québec en Abitibi-Témiscamingue. I myself am from the department of education at that university.

We shall be making a three-point presentation. First, the origin of this collaborative project between UQAT and the communities. This presentation will be

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given by Gérald McKenzie. We shall then talk more specifically about the training of teachers and school administrators. I will be speaking to you on that subject. And Jean-Pierre Marquis will be drawing conclusions in respect of the collaboration and the conditions that must be present in order for there to be such collaboration in education and possibly in terms of the relationship between Aboriginal and non-Aboriginal people in Quebec as a whole.

I shall turn the floor over to Mr. McKenzie, so that he can describe the origins of this project.

GÉRALD MCKENZIE, Professor, Université du Québec à Rouyn-Noranda: Thank you, Gisèle Maheux.

First, I would like to show you on the map I have drawn at the front the two communities of Ivujivik and Povungnituk, which are two of the 14 Inuit communities in Nouveau-Québec where educational services are currently provided by the Kativik school board, which is one of the organizations provided for in the James Bay agreement.

These two communities, as you probably

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know, were historically opposed to the signing of the James Bay agreement, and had refused at that time to join the Kativik school board, which is part of the agreement.

Subsequently, after years of conflict over schools, the two villages secured the right to manage their education, to control their education, and secured powers from the Kativik school board under an agreement. Thus the two communities had direct power over educational budgets in their communities. They therefore also had the power to undertake and develop an Inuit teacher training project.

Given the requirement in Quebec, teachers must still have training, must have a diploma and a permit, and also a necessity inherent in the fact that these are people who, teaching in the schools, did not have sufficient education really to perform this job. Thus there was a real need. They decided to train their teachers.

The Kativik school board, and I emphasize this because the context is important to start with, the Kativik school board had inherited a teacher training system which came

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from the Nouveau-Québec school board at the time, and the Kativik school board operated this teacher training system for a while.

The two villages decided at that time to find something different, an alternative if you like, to take another avenue, different from the one taken by the other Inuit, not simply to be different but to look at other approaches -- not better, not worse, but different. Thus they decided to approach the Université du Québec Abitibi-Témiscamingue, for several reasons, given that it is a university in a somewhat northern region and also a university used to working in somewhat rural regions, if you like, where education goes back only 50 or 60 years. This to some extent brought the two communities closer to the university.

Approaches were made and there were meetings held in Val d'Or and in Povungnituk among community leaders, parents' committees, administration and the University. They drew up the framework for an operating agreement. The two communities' requirements at the time were to have a certain degree of control over principles and

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priorities.

Of course they required that the Université du Québec get involved, cooperate, collaborate with them, so that these teachers could become real graduates, in the legal sense, but also graduates in terms of a general approach which will perhaps be explained a little later by Gisèle, that is, development of their culture, their language, respect for the Inuit as people, and therefore a necessity for collaboration between equals, if you like.

Just to explain a little more, at the first meetings a working plan was immediately established, as you see on page 6 of the brief, which as you see is relatively general. It was not simply a matter of training teachers -- page 6 of the brief in French, maybe in English too. In English you have it at page 6 also, I think. Is it?

It was agreed that the teacher training would be part of a broader project, the development of human resources, teacher training and training of administrators. Then a project which would take into account the necessary

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development of tools, curriculum, teaching activities and learning materials, and which would also try to develop a school project together with the community. This all would be managed by the Inuit and the University in a co-management format.

Thus we can say that this is the basic agreement made between the Université du Québec and the two communities -- you can't find it in English? There is no diagram in the English version.

CO-CHAIR RENÉ DUSSAULT: That's OK.

GÉRALD MCKENZIE: You see that this all goes together ... In the co-management committee there are school administrators, pedagogical counsellors, who are Inuit, representatives of school parents' committees and an adviser, who is assigned to the villages of Povungnituk and Ivujivik, who is from the Kativik school board at present, and then the people from the University.

We shall describe the type of work that will be done a little later.

To close my presentation, I would like to

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explain why there are no Inuit here today. The two principals of the schools were supposed to come. This will give you some idea of the context we are working in.

The Ivujivik principal left five days ago for Saqluit (PH) by skidoo, and because it is spring he was unable to return to Ivujivik in time to join us. The Povungnituk principal's wife was in hospital in Montreal for two weeks, and so he could not leave his family of nine children.

That gives you some idea of the context in which we are working. These are not abstract individual teachers who come to the University; they are people who live in a community, who have a full family life and who live in conditions that are somewhat different from those in the south.

I just want to say as well, in closing, that historically the Université d'Abitibi-Témiscamingue connected with Ivujivik and Povungnituk for political reasons in the beginning, that is, given that they were dissident villages, but subsequently they were integrated into the Kativik school board and the Kativik school board made room in its budget

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and administration for our project. There is complete independence, complete autonomy of operation within the Kativik school board. There is accountability in terms of the budget, but the two villages and the University have to date had real control over the management of the project.

GISÈLE MAHEUX: Before continuing with the question of teacher training, perhaps just a word to explain the documents you [have] in hand.

First there is the document referred to as the brief, properly speaking, which is some twenty pages long. Essentially, this document repeats, with updated material, a document which appeared in English several years earlier and which described the process and the experience of teacher training. You should have that document in hand, separately.

Appended to the document itself there are three other documents. The first sets out the "unité de recherche, de formation et de développement en éducation en milieu inuit et amérindien" [educational research, training

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and development in Inuit and Amerindian communities unit] of the Université du Québec en Abitibi-Témiscamingue.

The second is an activity report submitted to the Canadian Donner Foundation which had given a grant for educational development in the communities.

The last one is the text of a speech given in Copenhagen, but which essentially sets out the history and context of the project.

So, training of teachers and other resource people. At the outset it must be noted that when we started this work with the people of Povungnituk and Ivujivik there were certain givens. The first was that working with people who are adults working in a profession, who have a professional practice, we take into consideration and rely on those people's knowledge gained from their experience and their professional work. People who have been teaching for two, five, ten years have acquired a bundle of skills and abilities on which we must rely in doing training. Thus we work from the point of view of professional development.

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Another given is that it is very important to put the knowledge that is acquired in training courses into application in practical situations, and finally, to name the three most important, we at UQAT had acquired experience in relation to educational development in remote, sparsely populated regions.

This experience has taught us that an approach that is relevant to the work was a collaborative approach which is designed to have the people in the communities take charge of educational development.

These guidelines, if we can call them that, are translated into a program of studies which is a preschool and primary teaching certificate in northern communities. This program was approved by the ministère de l'Éducation du Québec for the purposes of issuing a teaching permit. It is a certificate composed of 14 courses.

The students in this program, of whom there are 30 more or less, in a two to one ratio, approximately twenty in Povungnituk and ten in Ivujivik. I say approximately because

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it varies. The courses are given in Inuktitut. Communication between the students and the professors takes place in everyone's second language, that is, in English.

These teachers, who are the students in the program, have perhaps a grade nine education or less, with a bundle of experience, as was noted earlier. This was the situation nine years ago.

Now the young people who come to the school, first as substitutes and then in permanent positions, have a higher level of education, perhaps Secondary 3 or 4.

It must be noted that the people with whom we work and who are leaders in the school, in the communities, are people who were born before or at the same time as the process by which the communities become sedentary.

Now, the context of the work. First, the training activities take place right in the communities. This goes on during the school year. Activities are programmed, taking into account, sometimes with considerable difficulty, school calendars, family demands and community events. This

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context is very demanding for the people taking the training course, because it is in addition to their professional duties and their family obligations.

The work calendar is fairly flexible, so as to adapt to events in life which have a great influence on what goes on at the school. I am thinking in particular of a sickness, a death, some event in the community.

Finally, one very important point in the training experience. This is that the professor giving the course is twinned with a resource person in each community who is specifically assigned, in quotation marks, to that course, to provide a reference point and support for people between visits from the professor.

As I was just saying, the courses are given in the first language. Perhaps one point should be emphasized in this respect. The language becomes a subject of development in this context. For example, if we give a course, I don't know, in learning measurement and assessment, there is no vocabulary to name the concepts needed. So in discussing it

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the students make the concepts their own, understand them, and develop a word to name the concept. And that is repeated at every training session. This is an on-going thing.

Perhaps one other peculiarity of the learning situation, which was noted earlier, is putting what is learned into practice. This is very demanding for the people who are involved in the training activities because it requires, one, that they acquire the skills or the know-how, and also that they develop strategies for putting them into application.

That latter activity particularly is worked on between the training sessions.

Now, in terms of the professors what can be said is that the professors have to adapt and interact with people, particularly in the beginning, people for whom they have no clear picture of who they are, what they know. So that forces the professors to be very attentive to what goes on during the training activities and to make the necessary adjustments both in terms of the methods used and in terms of the way of saying things.

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For the professors who come from the Abitibi-Témiscamingue region there are also the distances. The physical and geographic distances are very considerable. There is also a cultural distance, call it daily lifestyle.

Perhaps an important element of adaptation, or a constraint which must continually be managed, is the question of time. At the university, time is something that is planned in advance and it is accepted that one does not stray far from an action plan, while we find ourselves in a situation where time adjusts to events and to the contingencies of life.

Just a word on curriculum development.

Curriculum development was also something requested by people in the initial agreement. This work was also undertaken in collaboration with the teachers concerned.

In concrete terms, what has been done to date is work on defining what the children ... guidelines on what children should learn in kindergarten. At present there is a working group which is trying to update what children should learn in terms of their

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first language. This was the choice made by the people in the communities, to invest in curriculum development in this respect, in terms of the school.

Traditionally, in our society, curriculum is developed for the entire system, both in Quebec society and in the Kativik school board.

What happens in concrete terms when the people work on curriculum development, the objective, is to achieve harmony between the pupils' experience in school and in the community. By doing this, the people ultimately determine, the teachers, if they are involved in curriculum development, determine the learning situations they are going to offer to the pupils in the school.

There are two products generated by this process, so to speak. They are: (1) determination of the contents of the instruction; (2) training people in planning, carrying out and evaluating instructional activities.

The role of the university participants in this aspect consists in accompanying, providing expertise

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on content, such as language content, how to teach, and also on the process of development curriculum programs.

The basis of all this is truly the aim of having participants take charge. The working methodology is a problem-solving methodology, and the preferred approach is to permit each of the partners to interact with the other, respecting the other's world view and trying to acquire a common understanding of the problems we are dealing with. Jean-Pierre will be speaking to you about this.

JEAN-PIERRE MARQUIS, Educational adviser,
Kativik school board: Without taking up too much time, what Gisèle has just told you is that the fundamental idea of the activity in which we are engaged is based on interaction, and also on working with the communities. When we say "with", it is really with. We are not consultants who go to do a job for them; we are there to work with them on developing or doing things at the same time as achieving the objectives they established or which we took part in establishing together.

And so this "working with" presupposes a

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great deal of individual respect, and a period of personal adjustment and of considering all the individuals as equal. We are not better, because we are professors at the university, than the people we are working with. That means that a certain humility is demanded of us and we say that at the outset each of us has characteristics, knowledge, skills and experiences which are his or her own, so that if we put them together, we can develop things together.

So it is at that point that a genuine cooperation starts to develop. At the beginning, of course, the period of adjustment is over, and we realize fairly quickly that there is a climate of trust and we can gradually succeed in genuinely determining and using the process we are familiar with in order to solve the problems and difficult situations in which people may find themselves, or what is happening and going on in the school or elsewhere.

Another condition precedent for this cooperation is also the interdependence between each of the people, the cooperants and the collaborators, whichever, in

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the activity. This interdependence, which means that each group, when an activity is decided, must carry out the activity in accordance with its abilities and what it was decided was to be done. It is up to the group to understand what has been done and how things have been done, always from the point of view of local and community development.

Working with teacher training, of course we cannot hesitate to deal with school projects and all the other problems that may exist. This is when, as Gisèle mentioned earlier, the problem-solving process is generally used, and this is a process that often means lots of discussion and research or something else, which is always done in collaboration with the people concerned, who get involved when things get going.

The same is true for questions which relate both to the school, to training, and for questions such as, for example, drop-out rates. At that point, when a problem like that appears, we must really sit down, put what is really happening on the table, analyze a specific situation, develop

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proposals for solving it and select one, make a decision and carry it out, the activity, and then evaluate that activity, which enables us to close the circle of the problem-solving process and then, of course, see how things happen to find solutions both in the school and in the community, because a number of things also involve the community.

As the school project develops, we are finding increasingly that we are going to have to go a little further into the community, with the people in charge, because all of this is very clearly interrelated. The problems that exist, like future development and the entire question of job prospects that the children may have in these communities.

So this is, broadly, how we work, and I shall leave it to Gisèle to conclude with our thoughts at this point.

GISÈLE MAHEUX: And these thoughts are common to us at UQAT and the people with whom we work.

First, education is a priority in the communities. I think that it must be recognized that it is

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the primary tool for local development, and this is perhaps a trouble spot, if you like, in the history of the communities because it is a time of transition from a more traditional form of education to a form of education that is more connected with society, or the majority.

Secondly, I think that we must be sensitive also to local dynamics. When people have a project, when they want to take over on their own, we must be sensitive to that and provide them with discreet support and facilitate their efforts to take over. That is also connected with the process of bringing complementary skills together, I would say.

For example, in this experience with the people of Povungnituk and Ivujivik both of us are learning. We are learning about our differences.

Finally, the existence of this project and the circulation of information about it is slowly, but probably surely, changing people's perceptions, I am referring to people in my region, or people in my region in relation to Aboriginal people.

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Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Thank you. A few brief questions in order to understand the project.

If I understand correctly, this project has been operating since 1984. You say at some point in your brief that to date 16 people have completed the program, another ten have completed half, and six people are starting course activities.

Essentially, what I would like to know is ... and there are six professors and three instructors who have been involved in the program. The 16 people who have completed the program, that has taken place over a period of time.

Does this vary? In other words, do people complete the program in a period of two years, three years? Is there a time objective?

GÉRALD MCKENZIE: That is our first experience, that is, they are the first 16. We determined, as things stood in 1984, the educational level required a lot of preliminary work, if you like. It took some ten years to

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accomplish our goal, but I think we could go faster because we had to integrate a whole set of concepts and ideas.

For example, we find that the youngest teachers, who have already done modern mathematics, as a concrete example, the new teachers are people who have done mathematics as we know it in the schools today. When they come to the segment on teaching mathematics, it goes faster. So we think that the program will be done in a little less time for the new students.

CO-CHAIR RENÉ DUSSAULT: Are the 16 people who have completed the program employed in these two communities?

GISÈLE MAHEUX: The 16 people who have just completed the program -- 12 in Povungnituk and 4 in Ivujivik -- are teachers working in the communities, are pedagogical counsellors, and one school principal. They are permanent employees who work in the school every day.

CO-CHAIR RENÉ DUSSAULT: So the program goes on in addition to, parallel to their teaching duties.

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GISELE MAHEUX: That's right.

CO-CHAIR RENÉ DUSSAULT: And with the objective to be qualified as that expression is used by the Quebec ministère de l'Éducation, is that it?

GISELE MAHEUX: Exactly.

GÉRALD MCKENZIE: There is one small aspect which should perhaps be explained. That is the training of Inuit administrators. Given that we have two Inuit principals and Inuit pedagogical counsellors, they must at the same time take the course to be trained as teachers, but at the same time develop their skills at administering the school, which requires special training.

There are a number of workshops, a number of courses which were designed to meet these needs of the administrators. So we don't make any separation between training teachers and training administrators. We put everyone in the same batch, a little like here -- you get trained and afterward you become an administrator, but we wanted everyone to work together, and so that is what ...

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CO-CHAIR RENÉ DUSSAULT: Are there people who are teachers but who do not participate in the course experience like everyone else?

GÉRALD MCKENZIE: This is in fact a condition under the collective agreement. It is also their wish, but at the same time it is an obligation for a teacher ... if the teacher does not have his or her diploma, that teacher is obliged to take a certain number of courses, or he or she will not have a teaching permit. This is in the law, but at the same time of course there is the other reason, which ...

CO-CHAIR RENÉ DUSSAULT: In comparison with what is done elsewhere in the Kativik school board in the other areas, the teaching staff for the other Inuit communities in northern Quebec are not ... in terms of recognition by the ministère de l'Éducation, what is their status at that point?

GÉRALD MCKENZIE: In the Kativik school board, the teacher training system, they have permission from the ministry to train their teachers in collaboration with McGill University and the ministère de l'Éducation, and so we

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cannot compare it as "better" or "not as good". It is high quality. We know that teacher training in the Kativik board is recognized as very effective and very good by everyone.

We have to start, I must also specify, that the communities have now decided to exchange information and people. The people at the Kativik school board would come to our sessions and we would go to theirs. So there is a start for a relationship to be created in the future between the two systems which are probably equivalent, we could say.

CO-CHAIR RENÉ DUSSAULT: If you had to describe the difference between the two systems in a nutshell, because here we have two communities which have decided to experiment with different avenues. I know it is not easy, but I am trying to grasp ... certainly there is a difference in emphasis, in accent.

GISÈLE MAHEUX: Perhaps I can give you my understanding of the situation.

Based solely on the published documents relating to teacher training elsewhere. It appears to me that

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the fundamental difference is the community approach. The context in which we are working is truly that of the community in which there is a school, and for that school people have got together to define the plan or the objectives, the goals, and what is happening, while the teacher training program in the Kativik school board appears to me to be more classical in the sense that it is a program addressed to all the teachers working in all the schools, appears to me to be based, and appears to me to have an important psychological perspective, and that is the general trend in teacher training in Quebec. I think that this is the fundamental difference.

Two, the andragogical approach, we would have to look more closely to see how it works.

CO-CHAIR RENÉ DUSSAULT: How often do professors from the Université du Québec go into the communities? In other words, is it a period ...

GISÈLE MAHEUX: For a 45 hour course, under our rules it is generally three trips. The sessions are given in 15 hour periods. What happens in concrete terms is that

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the professor defines a course proposal, travels there, works together with the resource person to make the adjustments so it can be translated, says everything orally and in writing and draws up the timetable, the work agenda, works with the people, and comes back. He or she does that three times.

Between the periods there is supervision on a long-distance basis, using the telephone and fax, at this point. In mathematics, however, it is different, given that the professor, who is our instructor, is already in Povungnituk, which makes it much easier to carry out activities and supervision.

CO-CHAIR RENÉ DUSSAULT: These three separate sessions, the professor does this in a week, two weeks, three weeks?

GISÈLE MAHEUX: It is a one-week trip if the weather is good.

CO-CHAIR RENÉ DUSSAULT: In terms of classroom time, is it a normal week?

GISÈLE MAHEUX: Yes. It is a one-week

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trip, that's right.

GÉRALD MCKENZIE: One of the little problems connected with that -- the travelling, the presence of the UQAT professor in the north at times throughout the year.

We have to organize our school calendars on the basis of that, and that requires evening work. It is for three or four days.

But we can't take, say, two full weeks right in the middle of the year, so it requires short periods on site and following up with the people who come from the outside but who work in collaboration with us.

The Inuit resource people, that is ... these are really, essentially, Inuit professors in training, who are going to become ... at some point professors who will themselves give the training and the Inuit are going to do it, which is happening in Kativik now since they have been working on it longer.

In Kativik, for example, most of the teachers are Inuit in most of the courses because, of course, that is what will [probably? - Tr.] happen in five or six years.

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When our professors are trained, our resource people are trained, the courses can be given to the new professors by an old professor, if you like, guided by the University.

CO-CHAIR RENÉ DUSSAULT: In terms of teaching materials in Inuktitut, your situation in these two communities, how does it compare with the situation for the general program? The teachers give their courses in Inuktitut at the Kativik school board.

GÉRALD MCKENZIE: In both villages there have been discussions undertaken to try to create their own materials and not just follow their own teacher training, but actually to create their own materials. But problems have arisen because there is a lack of materials.

Kativik has created a lot of good quality materials. The teachers in these two places decided to get the training they need to be able to evaluate the materials they would be getting from Kativik or elsewhere. But they do not want to fill themselves up, if you like, with ready made programs and materials, which are perhaps very good. They want

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to be prepared to receive it and interpret it, to judge it.
This is more or less where we are at now.

So there is a real lack of materials, there is a lack of resources to create materials. We have three people in the two villages who are doing, who are creating materials as needed, which the professors request from them. This is a long and difficult process. We are certainly going to have to start looking at materials developed outside. The people have nonetheless insisted that they be prepared before taking the leap, if you will.

The main idea in Povungnituk and Iqviqivik that comes up in this and that also comes up in developing materials is this. It has to come from them. This is a longer and more difficult process, it is often more annoying, more demanding for everyone, but in the run what they are going to have, they will own. This is more or less the idea behind the project.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Mary?

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COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

GISELE MAHEUX: The teachers who are students at the University teach kindergarten, grade one, grade two and grade three. They teach religion, traditional skills, and that is all -- in secondary and primary.

So it is a group of students a majority of whom are full-time teachers in the first segment of primary school and the teachers specializing in Inuktitut, religion and traditional skills teach in primary and secondary. But the teaching permit is issued for primary pre-school.

However, under the hiring and personnel administration rules in Quebec, when the teacher has a teaching permit the employer may assign him or her to whatever position

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it deems best.

GÉRALD McKENZIE:

[ENGLISH FOLLOWS]

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CO-CHAIR RENÉ DUSSAULT: Thank you, and good luck.

GÉRALD MCKENZIE: I would like to answer one of your questions.

CO-CHAIR RENÉ DUSSAULT: Yes.

GÉRALD MCKENZIE: Not because I want to have the last word, but we want also to answer one of your questions which asked whether the relationship between the people of Quebec and the Aboriginal people can be improved.

We have really observed this, that people in the North know the people in the Abitibi-Témiscamingue region, but also the Québécois in Abitibi-Témiscamingue now are more sensitive and have some understanding. So in projects like these we think that this is a concrete way of helping rebuild bridges.

CO-CHAIR RENÉ DUSSAULT: It is clear that this sensitizes both sides and assists in bringing about a reconciliation. In that sense it is very concrete and positive.

GISÈLE MAHEUX: I would like to add one

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small thing in relation to what you just said, Madam Commissioner, why the school, why education.

To bring this up to date, the purpose assigned to school is for students to develop their skills so as to hold a job, but in the communities where we are working there are not many jobs. Jobs do not exist for all the young people. This is true now and it will be increasingly true for all young people in all western societies.

So I think that we will perhaps have to rethink education somewhat from the point of view of the overall development of the individual and not solely from the point of view of training workers.

CO-CHAIR RENÉ DUSSAULT: I think that we could spend an hour exploring that avenue. You know that there is great pressure to have economic autonomy. That is not easy, and it poses a challenge to many young people, to stay in their community or to leave.

Thank you very much.

I would now like to ask the representatives

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of the Mining Association of Canada and the Falconbridge Company
to come to the table.

--- (Pause)

CO-CHAIR RENÉ DUSSAULT: Good afternoon.

[ENGLISH FOLLOWS]

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CO-CHAIR RENÉ DUSSAULT: Thank you, and
good luck.

I would now like to ask the representatives
of the Association des Métis et des Indiens Hors-Réserves du
Québec to come and meet with us at the table.

--- (Pause)

CO-CHAIR RENÉ DUSSAULT: Good afternoon.
If you would identify yourself and proceed with the
presentation of your brief when you are ready.

**MARIO PARADIS, Vice-president,
Association des Métis et Indiens Hors-Réserves du Québec Inc.:**

I am Mario Paradis, Vice-president of the Association, and
René Boudreault, research adviser.

When we appeared the first time before the
Royal Commission on Aboriginal Peoples in November 1992 we
wanted to draw the attention of the Commission and of the media
to the magnitude of the Métis situation in Quebec and in Canada
as a whole and to the absence of any concrete recognition of
Métis status, not only in the Prairie provinces. We also

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pointed out the magnitude of the needs of the Métis and Indians off reserves in respect of assistance programs to which they should have access.

We know that some big analyses have been presented to you by Canada-wide organizations which, more than us, have the resources to have thorough studies and research carried out by experts on all the issues that are of concern to your Commission. We shall leave it to them to present the overall picture of the Canadian perspective, and we shall deal specifically with the situation of the Métis and Indians off reserves in Quebec.

After reviewing the nature and objectives of our organization, we shall explain the meaning of the concepts and words that we are using. We shall then deal with the question of the status of Métis and Indians off reserves. We shall deal with their socio-economic situation and we shall conclude with a number of recommendations.

The Association des Métis et Indiens hors-réserves du Québec Inc. was created in 1972. It has been

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operating for 20 years and, through the stability and significance of its objectives, has demonstrated the important role it plays for its members.

The Association has a variety of objectives. It seeks to bring together the Métis and non-status Indians of Quebec, to have their status concretely recognized, to study, promote, protect and develop the material, cultural, social, economic and political interests of its members in every way possible, and to maintain a permanent secretariat in order to develop links among the members.

To this end, the Association has a mandate to publish magazines, newspapers, periodicals and any other publication of a cultural, informational or promotional nature.

The Association must also make the necessary representations to public institutions in order to promote and advance its mission. This is the reason we are appearing before you today.

At present, the Association has 3,000 members, spread throughout Quebec. Its head office is in

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Roberval, in the Lac St-Jean region.

In 1989 the Association established a special service to provide job search assistance, SEMAQ.

The expressions used: In order to understand what we are talking about, we should first specify some of the main concepts that we use: Métis, Indian and reserve.

In order to make things a little easier we are going to leave the expressions Indian and reserve out.

The reality of the Métis situation may be understood in its simplest and most obvious sense, but not necessarily in its most useful or meaningful sense. It is the result of the genetic mixing of people of different ethnic groups or races. The Métis in question here are thus descended, one or two generations back, from an Aboriginal parent and a non-Aboriginal parent.

It is more useful, however, and more characteristic of our situation, to define being Métis as follows:

[TRANSLATION]

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... a social base where cultural, economic, political and ideological values, which together attest to the place held by Métis people within a social structure, are expressed.

This structured social base is therefore a potential and useful vessel for advancing the feeling on the part of the Métis of Quebec of belonging, and for developing a plan for affirming the community or the people which will enable us to take our place proudly in the joint efforts of the Aboriginal and non-Aboriginal peoples of Quebec and of Canada.

In [relation] to the definition of being Indian, some researchers have defined being Métis in various ways:

... a person of mixed blood (Indian and European), a person who considered himself or herself as Métis, an emancipated Indian under a treaty, someone who received land

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before 1870, a person who identifies with a group which calls itself Métis, an Aboriginal person who is not considered to be a registered Indian, a person who marries a Métis. ... Non-status Indians, ... Indians who were not registered in the census ... those who get their Indian blood solely from their mothers.

We see that it is possible to describe us on the basis of a number of our origins, but particularly as compared to or by excluding us from the Indian Act, and for legal and administrative reasons.

A broad definition of being Métis covers all people who have mixed Aboriginal and non-Aboriginal ancestors, who identify themselves as Métis and who are accepted by the Métis community.

The question of the origin of the Canadian Métis is a complex one. Even if we identify the descendants

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of the French and the Aboriginal people in the Red River region as the real Métis, Métis cultures have developed a variety of historical and regional forms that make them difficult to categorize. Some Métis groups existed both before and after the period from 1880 to 85 around the Red River.

The Métis population is still concentrated in the Prairies, but it is also distributed throughout Canada.

The Métis situation in Quebec is different from the situation in Manitoba, where the Métis are an organized socio-cultural group which has been identified as such for generations and who, moreover, inhabit certain specific regions of the Canadian Prairies and have full ownership of land.

The Métis of Quebec have varying characteristics. Several small groups live in places close to the Aboriginal community from which they take one part of their origin. Others are more isolated and have moved to the regional capitals of Quebec. Other, still more numerous groups have established themselves in large centres such as Montreal or Hull, on the outskirts of Ottawa.

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In general, the Métis have mainly been identified in [relation] to the legal definition of an Indian.

The Indian Act governs the relationship between the government and Indians and deals with the Métis by excluding them, denying them any right to any of the benefits reserved for Indians.

We ourselves use a broad definition which presumes mixed ancestors and recognition of the Métis identity of the individual and of the group to which he or she belongs.

It is not sufficient, however, to want to be an Indian or a Métis at heart in order to become one. One must be Métis in reality. Without a justifiably restricted definition of what it is to be Métis, we run a great risk of diluting the essential values and ending up with a bunch of interests that are to varying degrees diffuse and reasonable.

The essential characteristic that distinguishes our situation from that of non-Aboriginals is the Aboriginal part of our identity. We are proud to belong to this group and we want to advance it.

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Aboriginal cultures are cultures with an oral tradition, with specific languages, a unique spirituality, a specific vision of life and of nature, and a unique mental world, tales and stories. In short, they have a wealth that is largely passed on by word of mouth.

We therefore adopt this as the basic criterion for defining Métis status, because this basis is the most meaningful to us. We believe that Métis pride, the living knowledge of the Aboriginal portion of our culture and our fundamental values are passed on during a person's lifetime, and that a young child has the opportunity to receive what is passed on by his or her living ancestor, who tells the stories and passes on his or her knowledge.

Starting with the Aboriginal parent, who produces a Métis generation, we are then talking about three or four generations. Beyond that period, living contact is lost and there is every possibility that cultural contact will also disappear. The fundamental meaning of Métis culture no longer exists because the conditions it requires to flourish

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no longer exist.

Métis status must therefore be based on the three or, at most, four meaningful generations of Métis culture.

If we use something other than this meaningful and reasonable definition, we are serving interests other than the Métis truth and we attribute ethnic Métis origins to almost half of the people of Québec.

Aboriginal people naturally distinguish themselves on the basis of their nations, their cultures, their languages and their environment. In addition to those factors, legal distinctions have been introduced into the definition of Indian status in the legislation which, starting in the 1850s, led to the basic version of the Indian Act in 1876.

Indian status is connected with registration in the federal register and with the reserve lands. Categories of Aboriginal people are also defined by exclusion. For example, the benefits and rights guaranteed to Indians were denied to the Métis of Manitoba. As well, all persons

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who are not entered in the register and who do not satisfy the definition of male consanguinity set out in the Act are excluded.

Until it was amended in 1985 by Bill C-31, the Indian Act systematically cut out women who were born Indian but who married a non-Indian, as well as their children. The children of those non-status Indians [are] Métis to whom the Act does not grant Indian status, unlike the Métis born to an Indian father and a non-Indian mother, who have Indian status.

At that time, and until recently, we spoke of emancipation, of registered Indians, non-status Indians, treaty Indians, Métis, *de jure* Indians, *de facto* Indians, status or non-status Indians, Indians living on Crown lands, Indians off reserve, agreement Indians, C-31, C-1, C-2, and so on and on.

These legal and administrative categories are each as stupid as the others. To us, there are only different Aboriginal people and cultures and peoples, including the Métis people.

The Indian Act therefore governs the

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relationship between Indians and Canadian society. It marginalizes and eliminates all people who are not given Indian status, and it provides for the entire life of status Indians to be regulated as wards. This relationship must give way to a relationship between governments and Aboriginal peoples, including the Métis people.

The Métis will therefore did not have their legal existence recognized until 1982, when for the first time section 35(2) of the Canadian constitution set out a provision to the effect that

In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis people of Canada.

This section is supplemented by section 35(1), which states:

The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

This fact is interesting, because this is the first time that the Constitution of Canada recognized the

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Métis as an Aboriginal people.

On the other hand, this section of the Constitution does not say that they are in fact Métis, what rights they have, or whether they are considered to be Indians in the sense of the federal responsibility set out in section 91(24) of the 1867 Constitution.

According to constitutional logic, even if it is not stated explicitly, the Métis people have ancestral rights. It seems legally logical to believe, as well, that ancestral rights in the sense of the rights of the first inhabitants of the country or of aboriginal rights are not included in the rights conferred on the Métis, because by definition part of the origin which defines the Métis is non-Aboriginal. Supposing that we have ancestral rights, we would still have to know concretely what they are. This is something the legal profession can argue about for a few years, but in the short term it gives us no clear rights.

In practice, the federal government has never assumed any special responsibilities toward the Métis,

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so that the provinces, some specifically and some through their general services to their public, have taken this on under their constitutional jurisdiction.

The Métis question is therefore dealt with at present by the provinces, even though in 1984 some Métis groups asked to be placed under federal jurisdiction. The Manitoba Act of 1870 and the Métis Betterment Act of Alberta grant certain rights to Métis people in situations in which they are concentrated in certain regions. That is not the case in the other provinces, particularly in Quebec. Recognition of legal status for the Métis should reflect the diversity of these situations.

In Quebec, there is no specific reference in official documents to the situation of and recognized status for Aboriginal people living off reserve lands. There are no specific policies in the government's program for non-status Indians and Métis. We talk about Aboriginal policy, Amerindian and Inuit societies, Aboriginal people in general and Aboriginal nations. However, in the 15 principles adopted by the

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provincial cabinet in 1983, Quebec recognized, in the first article, that the Aboriginal peoples of Quebec are distinct nations and are entitled to their own identity.

Given that the expression "aboriginal peoples" could legally correspond to the expression "aboriginal people" in section 35 of the Constitution of Canada, that would mean that Quebec recognizes the Métis as an Aboriginal people and as a nation which is entitled to its own identity.

However, the resolution of the National Assembly in 1985 recognized the existence of 11 Aboriginal nations and that list does not include the Métis. The orientations and priorities adopted by the Quebec cabinet on January 14, 1993 do not refer to non-status Indians off reserves, or to the Métis.

In the section on objectives, the Canada-Quebec cooperation agreement on Aboriginal economic development, concluded on September 30, 1987, states that we must analyze the obstacles to the participation of registered and non-registered Indians, Inuit and Métis in the economic

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life of Quebec. There was undoubtedly a federal influence on the wording of that agreement, because Quebec does not recognize that we exist in its official documents.

In a brochure published by the Government of Quebec, there is a general description of the present situation of Aboriginal people in Quebec. There is an outline of the actions and initiatives undertaken by Quebec, but nowhere is there any mention of the situation of Indians off reserves, whether non-status Indians or Métis.

In October 1991, in the agreement to develop an Aboriginal policy, the Government of Quebec published a pamphlet setting out the action taken by the government in respect of the Aboriginal people of Quebec. At page 9 of that document, the question of registered and non-registered Indians is addressed in the following terms:

[TRANSLATION]

In Quebec, we use the expression "Métis" less and less to refer to non-registered or non-status Indians.

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At page 10, it is noted that:

... in addition to the 62,000 members of Amerindian and Inuit nations we must count some 15,000 people of Amerindian descent who are generally non-status Indians.

This is a far cry from the 90,000 people who were counted in 91, to which we shall return later, and from a specific consideration of Métis rights. We would like to note, however, and we are extremely grateful, that in its budget policy the Government of Quebec assists by providing core funding for certain organizations which are not designed specifically to serve status Indians, such as ours.

Apart from the discretionary funding of a few organizations which serve Aboriginal people, and based on an analysis of official government publications, it does not seem that there is and that consideration is really given to specific legal status for non-status Indians, for Indians off reserves and for the Métis of Quebec.

The Native Council of Canada, which defines

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itself as the representative of Métis and Indians off reserve in Canada defended the relegation of self-government for its constituents in the constitutional debate and in the proposed Charlottetown accord. The Métis National Council largely defended the interests of the Métis on the Prairies. The NCC demanded political, legal and administrative control over specific judicial, correctional, educational, social, health and cultural institutions, as well as taxing powers. These tools are seen, in the absence of land and a common aboriginal language, as essential to affirmation of a collective identity.

The Charlottetown proposal provided that subsection 91(24) of the Constitution, which assigns constitutional responsibility for Indians and lands reserved for the Indians to the federal government, would apply to all Aboriginal peoples, which would include the Métis, section 54.

Section 55 of that proposal preserved Alberta's legislative jurisdiction over the Métis and Métis settlement lands. The Métis National Council, Canada and the provinces of Ontario, Manitoba, Saskatchewan, Alberta and

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British Columbia were to enter into an accord to determine the obligations of the federal and provincial governments and the Métis nation.

This accord was to make provision for self-government, lands, natural resources, the transfer of programs and services and cost-sharing arrangements relating to Métis institutions, programs and services. A process was to be developed for legally defining Métis status and registering the Métis nation. This specific provision did not concern the Métis in eastern Canada and in Quebec in particular.

It was therefore considered important to define and delineate status for Métis on the Prairies but not for the Métis in eastern Canada, including Quebec. This definition and delineation should also cover the Métis of Quebec, who have no fewer rights than the Métis in the rest of the country. An accord to be negotiated in the constitutional context should cover all of the provinces and territories and include all the Métis of Canada.

In the Charlottetown proposal all of the

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constitutional gains concerning a third level of government and the inherent right of Aboriginal peoples to self-government, however, were guaranteed to Aboriginal people, and therefore to Indians off reserves and Métis. The question was still whether that could mean, in fact, self-government for the Métis and Indians off reserves in Quebec.

The president of the NCC, Ron George, gave some examples of self-government with a land base. He gave, as an example of self-government, the code of ethics of professional corporations, their regulations and their discipline committees, the separate school system, the parallel system that exists in the army with its martial law and parallel and complementary judicial system.

These forms of jurisdiction are the evidence that different ways for citizens to exercise their rights may exist, and that different legal systems may exist at the same time and in the same geographical area. It is a question of flexibility in the legal system to enable groups of people to control their own institutions without society

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as a whole becoming disorganized and suffering as a result.

We must not pretend we are shocked maidens and trot out the gamut of all of the holes that Aboriginal jurisdictions might produce in the cheese of the present legal system. We are all quite aware that several simultaneous jurisdictions may operate in the same geographical area, in respect of the same people. For example, one part of that area may contain a federal riding, a provincial riding, a city, a regional municipality, a school board, a diocese, and so on and on, all at the same time.

There is therefore no theoretical problem in having an Aboriginal jurisdiction take its place in a geographical area or in the Métis people being able to exercise a prerogative without adversely affecting the rest of the population of Quebec.

It is too early to develop precise goals in terms of the form in which self-government might be exercised in our situation in Quebec. It is clear to us, however, that our existence must be identified in the Constitution of Canada

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and in the statements of principle and policy issued by Canada and Quebec.

It must be clear that we are an Aboriginal people, not only in the Constitution of Canada, but also in the context of the principles for action by the Government of Quebec and in certain policies that could enable us to control some educational, cultural, social and economic institutions.

We are not planning, first and foremost, to demand what anyone could call financial privileges in a time when our governments are experiencing such great problems in public expenditures, but rather the means to strengthen our Aboriginal identity and to recognize the initiatives taken by specifically Aboriginal organizations such as our own to promote our culture. It is a question of the wealth that the diversity of Aboriginal groupings will bring for the Quebec community in general.

Because of the fact that we are spread throughout Quebec, we propose eventually to develop what could be compared to a form of Aboriginal government in conjunction

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with the other members of Aboriginal peoples living in urban areas. Our organization has adopted the mission of developing and recognizing the collective identity of its members.

The size of the Indian population off reserves, the Métis population, in Quebec, the stated desire of our members and the spectacular phenomenon of self-identification of the Aboriginal people in the last Statistics Canada census clearly demonstrate this situation.

In Canada, the most recent census, done in 91, concludes that 1,452,885 people are of Aboriginal origin, an increase of 41% compared to the 1990 data. Nearly 1,002,675 people identify themselves with their Aboriginal origins or as Indians.

The figures available for Quebec are of more interest to us. The figures for the Aboriginal population increased 70 per cent between 1986 and 1991, from 80,945 to 137,615 people. The official data are unfortunately not yet available for each of the regions of Quebec. There are 60,662 registered Indians in Quebec, of whom 14,911 live off reserves, or nearly 25 per cent. There is therefore a total of nearly

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90,000 Aboriginal people living off reserves in Quebec, including registered and unregistered Indians and Métis.

This is a sizeable population, which must be considered with new assistance from the point of view of self-government adapted to the situation in Quebec, and must not be completely ignored any longer as it was in the past. We know that this Aboriginal population receives almost no specific services, if we compare it with the population of registered Indians living on reserve lands. The time has truly come to consider this unavoidable reality.

Indians off reserves and the Métis of Quebec are not claiming land, or the establishment of an Aboriginal super-government. At this point, that would be putting the cart before the horse. Life on the reserve or in the ghetto is of absolutely no interest to our members, most of whom are well integrated into Quebec society and move quite easily between the two cultures. The reserve formula must even be questioned for those who live there, to the extent that cultural homes may continue to exist.

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Government superstructures also involve the danger of creating a new breed of bureaucratic parasites to the detriment of ordinary people. Those who promote this type of idea in Quebec are harming the cause of the Métis and Indians off reserves, because it is an excessive argument designed to scare people. We first need an identity, recognition of that identity, some powers and resources for self-sufficiency and social, cultural and economic development.

The living conditions of Aboriginal people living off reserves and of the Métis people are determined by the historical context in which their relationship with non-Aboriginal people grew up. Métis and non-status Indians in Quebec are spread throughout the province. According to an expert report, 48 per cent of mixed marriages are in urban areas; 42 per cent in rural areas; and 9 per cent in isolated areas. Also according to that study, non-status Indians and Métis are divided as follows: 23 per cent in Abitibi-Témiscamingue; 13 per cent in the Outaouais; 24 per cent in the St. Lawrence Valley; 15 per cent in Lac St-Jean

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and 25 per cent on the north shore and in Gaspé.

Although these figures date from 78, we may easily suspect that these proportions have changed little today, with the exception of the strong attraction that a large centre like Montreal can exert in some respects. We think these figures are plausible, despite the difficulty of counting the population in question.

In cultural and ideological terms, we may distinguish two trends among the Métis and Indians off reserves.

The first is defined first by its Aboriginal element. These people have problems identical to status Indians and are claiming more or less the same rights and benefits as them. The second trend concerns people who have similar problems but who are concerned with the question of Aboriginal identity and want to strengthen that part of their identity.

Some Métis have adapted well and integrated into the general social and economic activities of Quebec life.

Others, who are numerous, suffer serious consequences from the fact that their identity is not accepted by non-Aboriginal

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people, who consider them to be Indian, and by Indians, who consider them to be strangers.

The phenomenon of the loss of the Aboriginal first language is more pronounced among people who live near urban centres and there is a general acculturation in terms of language. The problem is also social, because according to studies done for our Association in 78, Métis and non-status Indians are recognized as having the lowest level in Canada.

We do not know of anything that might have changed this situation in seven years. Comparable studies confirm the lamentable general social conditions of Indians off reserves, non-status Indians and Métis: poor health in 28 per cent of households; income generally below the averages for Quebec and Canada; widespread social assistance; no participation in social life; crime; juvenile delinquency; school drop-out rates; job loss; and so on and on.

This is where the need is felt. It is here that specific organizations must intervene to support the

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process of autonomy in terms of health, housing, employment, training, culture. Control over certain concrete resources for development is certainly the path to self-government and self-sufficiency for us. We do not want the moon, but simply our place in the sun.

We recommend that Métis status be recognized and delineated by a constitutional definition concerning Métis throughout Canada and not only the Métis on the Prairies and in the provinces that so choose.

We recommend that in the process of recognizing the rights that flow from this status and the negotiations that will follow, organizations devoted to promoting the rights and culture of the Métis people would have to be involved in each province concerned.

We recommend that in this process the form that the rights of the Métis may take could vary depending on the specific situation in the regions and provinces and depending on the needs of the group concerned.

We also recommend that the definition of

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the legal status of Métis be based on the cultural truth that is made up of the living generation, who are capable of handing down Aboriginal culture orally, and therefore over a maximum base of three or four generations.

We recommend that the rights that may flow from such status attach to each Indian or Métis individual or to an Aboriginal people, but not to specific lands.

We recommend that all the legal and administrative categories relating to Aboriginal people in Canada be abolished and with them the forms of discrimination that flow therefrom as well, to consider only the category of Aboriginal people already set out in the Constitution of Canada and which includes the Métis people.

In view of the delay in socio-economic conditions which has been observed in all the studies that have been done to date in the Métis communities of Quebec and Canada, we recommend that the programs and services that are currently available to Aboriginal people be also available to recognized Métis.

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Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Thank you, Mr. Paradis, for this second presentation to the Commission, which goes further than the first in terms of details. I also know that you received some funding, minimal though it was, but nonetheless, from our program of financial assistance to people appearing before the Commission to prepare this brief.

I would like to start by clarifying a few things in respect of the statistics you provide at page 17, and of course without in any way starting a war of figures. I think that there is a lot of confusion in the public's mind as to the figures from the 1991 census. I am going to give you our understanding of those figures.

In Quebec, they are not identical to those you set out at page 17 of your brief. In fact, you are correct in saying that there has been a considerable increase in the number of people who say that they are of Aboriginal origin, a 70 per cent increase where in the 1991 census there were 137,000 people, in round figures, who stated that they were of Aboriginal

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origin.

However, there is another figure which comes from a study done by Statistics Canada on Aboriginal identity, which was published at the same time as the census and which states that when people are asked whether they identify themselves as Aboriginal -- that is not the same thing as being of Aboriginal origin -- then there are 56,295 people who identify themselves as Aboriginal.

The figure of 1,002,000 in terms of Canada as a whole falls to 625,000 when we take identity rather than origin. And so coming back to the Quebec situation, the 137,000 people of Aboriginal origin breaks down into 112,590 of North American origin [*sic* - Tr.], 19,480 of Métis origin and 8,480 of Inuit origin. So if we add these three figures we get 137,000.

Breaking down the total figure for Quebec as to Aboriginal identity, which is 56,295, we get: 41,660 identify themselves as North American Indian; 8,690 identify themselves as Métis and 7,030 identify themselves as Inuit.

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Also, one last figure, the population of registered Indians in Quebec was 50,728 status Indians, 35,936 of whom live on reserves and 14,775 live outside reserves. This figure of course is incomplete because there are several reserves which did not participate in the referendum [*sic* - Tr.], for example, the Mohawks, and so on.

I believe it is important to work with the same figures and to make these distinctions. So you can look at them yourself, these figures came out all at once in March and we are all trying to understand them, but this is our understanding at this point, at the Commission. So of course, in terms of the Métis population in Quebec, we are working with 19,480 of Métis origin and 8,690 who identify themselves as actually Métis.

So I thought it was important to make this clarification and I think that it is important for you to have a look to see whether we are in agreement on this understanding.

The second point I would like to discuss with you is at page 14 of your brief, and it is a rather

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fundamental question of understanding. You say, you said earlier, in the second paragraph, you state: [TRANSLATION] "It is important that we give real consideration to specific legal status for non-status Indians, for Indians off reserves and the Métis in Quebec".

I think that registered status Indians may live on reserves or, as we have seen in the statistics, some live in towns outside the reserves, but they are registered Indians. My question, essentially, is as follows: how does your Association see the distinction between Indians off reserves and Métis?

When one is not a registered Indian, and so is not entitled to live on a reserve, one is living in the city or elsewhere, in a rural area, what is the distinction between a non-status Indian off the reserve, who is not a registered Indian, and a Métis, according to your Association?

MARIO PARADIS: A Métis is primarily the child of an Indian woman with a white father. An Indian off reserve, to us, is --

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CO-CHAIR RENÉ DUSSAULT: Non-status.

MARIO PARADIS: A non-status Indian,
excuse me.

CO-CHAIR RENÉ DUSSAULT: And off reserve
by definition?

MARIO PARADIS: And off reserve by
definition, is an Indian who is just that, who lives outside
the reserve. He or she does not have access to all the programs
-- well in any case, not necessarily all the time.

CO-CHAIR RENÉ DUSSAULT: Because this is
one of the difficulties with which we are struggling, in a way.
Non-status Indians, often the reason they have no status is
a question, it can be a question of recognition at the same
time, but it can be also a question of Métis status in part.
When we try to clarify these concepts, in terms of public
education, they are extremely complex.

I understand that your Association is made
up, as the title says, of Métis and Indians off reserve in Quebec.
So for Indians off reserve, do you have Indians who have status

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but who do not live on the reserve, or Indians who do not have status and by definition do not live on the reserve?

MARIO PARADIS: To date, we have C-31 Indians. We have C-31s too.

CO-CHAIR RENÉ DUSSAULT: You have both.

MARIO PARADIS: Precisely with the advent of that Act, there were some who went directly from the Métis stage to C-31. In that respect, you have adjustments to make, that is official. Basically, given that our letters patent, the whole package, start in 1971, we are readjusting things, that is, can we work for both because by being recognized as such they have recovered certain rights.

CO-CHAIR RENÉ DUSSAULT: Now I come back to my first question, essentially, the difference between Métis and non-status Indians who necessarily live off reserves. In your Association, how do you make that distinction?

MARIO PARADIS: I will find this again, it won't take long, if you will give me 30 seconds.

RENÉ BOILEAU: I could perhaps just add

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something to your comments. In the presentation you just heard, we gave a fairly general critique of the multiple statuses or categories that apply to Aboriginal people and which we had no choice but to use at this time, and which we would really like to see disappear as well to avoid the forms of discrimination which may ensue and the forms of discrimination which often underlie situations that are not real to us.

In the analysis given to you and presented to you, the only status that should exist is the status of Aboriginal peoples and Métis peoples. This is a status of peoples within the meaning of section 35(2) of the Constitution, so that as it is, associations like ours would simply make it possible to serve people on the basis of their needs, not on the basis of twelve or fifteen possible categories of Aboriginal people that occasionally are due to the fact that the registrar came by on a bad day in the year when the Aboriginal people were in the forest.

But it seems that this situation, in terms of non-status Indians, is much more significant in western

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Canada than right here in Quebec. In the studies that the association has done, there are few places where the census-taker did a really bad job and created a whole big generation of people who have Indian status, in a true cultural sense and in terms of identity, and who, unfortunately, are not in the federal Indian register.

This is really a question of legal membership. The Association has never made as much of a difference as you are suggesting concerning non-status Indians, the Métis themselves and Indians off reserves. We think that status should attach to individuals, and not to whether or not one lives on a reserve or accidentally missed the census-taker at some time in the past.

CO-CHAIR RENÉ DUSSAULT: But Mr. Boileau, I am in fact basing this on your Association's title. In the title, you make the distinction, essentially, and so I understand clearly what you are telling me and what you hope to see in future, but in the title you make the distinction between Métis and Indians off reserves, and you must have

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non-status Indians and Indians off reserves in mind.

At this point, I wanted to see whether this is essentially the same thing ---

MARIO PARADIS: It is as I told you just now. When the Association was formed in 1971 and C-31 did not exist. There were no Indians off reserves, there were Indians on reserves, and there was everybody else. We had based our report, in any event, on Indians who were considered as off reserve, and on the Métis.

CO-CHAIR RENÉ DUSSAULT: Now, of course, some of them have become ---

MARIO PARADIS: As I was just saying, we have to make some adjustments because there are some who have become C-31.

CO-CHAIR RENÉ DUSSAULT: I suggest this because apart from the problems that ... in fact, the question is whether, in reality, among your members, there were registered Indians who were not registered under C-31?

MARIO PARADIS: No.

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CO-CHAIR RENÉ DUSSAULT: I don't think so, no. So these are members who did not have status, who regained status under Bill C-31 in 85.

MARIO PARADIS: That's right, exactly.

CO-CHAIR RENÉ DUSSAULT: Because it's a bit, those definitions are a bit like statistics. At some point, in order to be sure we are talking about the same thing, it becomes extremely confusing and when we think in terms of the public, we lose people very quickly, and in that sense I think that it is very important that we engage in this process together.

The other point, and this one is more delicate and more complex as you well know, the western Métis whose origins lie around the Red River and who have branched out as far as the west of Ontario, the Northwest Territories, to some extent in British Columbia, but essentially in Manitoba, Saskatchewan and Alberta, who were the subject of the political accord parallel to the Charlottetown Accord, called the "Métis Nation Accord".

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Of course, the western Métis tell us that they, the Métis Nation, are the nation whose origins lie around the Red River and which, over several generations, developed a desire for a common political life, which led to the provisional government of Louis Riel and to which you also referred in your brief.

We are having a hard time -- we at the Commission are not in a position to organize activities, for example a national round table that would bring together the Métis Nation from the west and the Métis from the east, from Quebec, from Labrador -- Ms. Sillett is from Labrador -- who are found in Nova Scotia and New Brunswick. This is a debate which has not become clear and which is very complex in Canada.

Of course section 35 does not make these distinctions. Section 35 talks about -- the Constitution Act, 1982 talks about Métis.

So if I understand your recommendations correctly -- and we will have another Métis association later this week or today which, essentially, is proposing a distinct group for eastern Canada.

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MARIO PARADIS: Yes, I know.

CO-CHAIR RENÉ DUSSAULT: So I am trying to see how you react to this fact which makes the situation still more complicated.

MARIO PARADIS: It makes it more complicated in the sense that this is also the reason why we would like to have a clear and precise definition of the expression Métis. At a certain point, if you have 50 associations with 50 different definitions, nothing will ever get done. At a certain point, we have to start with a point of view that is basically realistic, without necessarily falling into the other extreme.

If we accept 10, 12, 20 generations, we can organize, it will be the whole province of Quebec, ultimately, which will not be any more brilliant. I want to say because there again, it will, the more people you have, the more abuse you have. It is not a matter of going and looking for land and starting a claim. We do have to adapt to the position too.

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It is acknowledged that the original Métis almost never lived on reserves, were almost never on the reserves. We also say in the brief, that they adjusted very well over the years. I would not see why all of a sudden all the Métis would get together at a very specific spot. It is not necessary in this respect that we should want to argue among ourselves, not us in any case.

We should start by having a clear basic definition, then after that we will be able to advise. There is no point in starting to ask for things that may or may not be possible, in my opinion, in any case. That is why, as I was just saying, that fine, reconciliations among various associations, we have had some. There are always points that are a little obscure in the sense of acceptance, like the number of generations, and so on and on.

It would perhaps be a very good thing for this to start by someday clarifying in this respect that we would indeed like to work.

CO-CHAIR RENÉ DUSSAULT: And I come back

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to it again because it is a question that is very difficult with which we have to work. In the west, the Métis are telling us, we are different from non-status Indians who live in the cities because we have developed, around the Métis Nation, a political will to live together, and there is a nation. In eastern Canada, essentially, my question is does this distinction exist in relation to Indians who do not have status and who live in the cities, which would allow for a distinction to be made between the two in terms of whether there is a distinct Métis nation?

MARIO PARADIS: A non-status Indian who lives in an urban area still has some reference points, it may be a native friendship centre, it may be some other form of assistance. Not too long ago, the Métis did not necessarily have these resources, minimal though they are. This is a distinction which may be made.

CO-CHAIR RENÉ DUSSAULT: But the native friendship centres are open to all Aboriginal people?

MARIO PARADIS: They are open, yes, to all

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Aboriginal people, but if we start from the idea that the Métis were not recognized before, I would be somewhat curious to know how many Métis may have gone there. Although in recent years, certainly there has been a reconciliation, but we are still going back not just the last two or three years, but to everything that has taken place.

CO-CHAIR RENÉ DUSSAULT: Because in all the briefs, we will have one this week from the Regroupement des centres d'amitié autochtones [association of native friendship centres] and we want to work in terms of services without making distinctions between status Indians, Inuit and Métis.

MARIO PARADIS: We have been approached on that as well. These are new developments. At the beginning that was perhaps not the base as such. Not all Métis had all the resources to organize or to know what was happening. Now there are organizations precisely to inform them about this and in that respect it is very important.

RENÉ BOILEAU: If I could perhaps add a

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comment. Perhaps with the evolution of the entire question of Aboriginal self-government, the people we consider today, in the words we use today, to be non-status Indians could ultimately join with their people of origin and it seems that there is openness to that on the part of the Aboriginal peoples.

Or, if they want, join what we may call the Métis people. What we have tried to do here, and you will tell us this, you are lawyers and you certainly know more about it than we do, we have tried to recommend to you the definition of a single and uniform general legal status for the Métis throughout Canada, knowing full well that in this process we would have to protect the specific rights of the Métis on the Prairies and their specific circumstances and their specific rights to property which have moreover been enshrined in the laws of Manitoba and Alberta.

We are thinking that it is possible that the status could be uniform and at the same time also possible that these rights could apply in different ways in accordance with the needs in Quebec, in Manitoba or elsewhere. Legally,

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we do not really know how that can be done, we are not experts in that field, but we imagine it should be. I do not know whether this is a heretical suggestion or just a dream, but we imagine that this is how it should happen.

CO-CHAIR RENÉ DUSSAULT: Listen, there is no heresy, there are political realities that make some things complex. As well, I would like to come back to your approach of saying that we are going to define the Métis as you do, but only in terms of the first three or four generations at a maximum because at that point the Aboriginal roots are still living. Of course with C-31 we see that we have passed the problem on to the next generation in terms of the children, the difficulty that this sort of distinction creates.

My question is are you not afraid that if we start off with this sort of legal definition with the number of generations we would revive the problems? We would be bringing back a distinction again which would cause all the problems that Bill C-31 is now creating.

MARIO PARADIS: For us, our approach on

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this is not necessarily a definition to explain Bill C-31 or whatever. What we are talking about is the situation of the Métis. Before, there was nothing, in any event. There was nothing, [they buried themselves in words?], but that was as far as it went.

As I was just saying, at a certain point you have to have a base somewhere. If you get together with a book that has 49 pages and 286 paragraphs, at some point you lose it all, you might just as well start -- for us, in any event, it is essentially an oral tradition, as we said. At some point, you have to have a starting place. And if you don't have that starting place, you can't get off the ground. The important thing is to get there, but you have to start somewhere too.

CO-CHAIR RENÉ DUSSAULT: Listen, your basic principle and the basis for the reasoning is clear in your brief, and the reasons. Of course the question is whether we should get into legal recognition with legislation and go from the principle to applying it based on generations, of course

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we have to give it some thought, because we again risk raising the problem of drawing the line, where do you draw it, where the line goes.

All this by way of saying that of course these are complex questions and we need better counsel and better analysis than what was involved in the first place.

Mr. Boileau.

RENÉ BOILEAU: Nonetheless we should say that at no time did we want to compare the definition of possible Métis status with Indian status. We believe, and it is easy to imagine, knowing full well what many Aboriginal organizations believe, that Indian status should be status based not on generations, but on definitive personal status.

Métis status, on the other hand, originates much more in the cultural situation. It is not necessarily the same type of status which entitles someone to the same rights and the same responsibilities and benefits as Indian status.

For the Métis in Quebec, for example, these rights and privileges or these responsibilities are not necessarily of

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the same nature as those that attach to those of Indians, with the exception of certain programs which the Association would like to be accessible to Métis as well by virtue of their socio-economic situation.

But we did not want to compare the two statuses, as little as possible, and we should try to distinguish them as much as possible. I certainly do not think that the Association wanted or hoped that this definition could also apply to Indians.

CO-CHAIR RENÉ DUSSAULT: One final question, Mr. Paradis, at page 16 of your brief, the third paragraph, and I understand it, but you say: [TRANSLATION] "It is too early to develop precise goals in terms of the form in which self-government could be exercised in our situation in Quebec in urban areas."

Of course I do understand what you are saying. On the other hand, the Commission has to look at the horizon, which means that in a year and a half we must make recommendations on the issue of self-government, including in

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urban areas. Obviously, we realize that there are no universal solutions. There will be a variety of models and formulae. Probably we will have to be satisfied with recommending a number of them and allowing room for growth in each situation that exists in Canadian cities.

But nonetheless I would like to draw your attention to the fact that it is certainly useful and worthwhile for us to have as much input as possible from an organization such as yours on this issue because we are going to have to wrap things up in a limited time frame.

MARIO PARADIS: When we talk about self-government, this goes back somewhat to the first brief we submitted. It may be that in some areas, perhaps cultural, perhaps from the point of view of education, to have certain powers. As we were just saying, the social position of the Métis is not the stuff dreams are made of, if you will excuse the expression.

Not necessarily in the form of a government, not necessarily in that form. When we were talking

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at one point about incorporation, it could be somewhat in that style. Then we also say, fine, if we have neither the resources nor the skills to put it all together right away, that is also why we always say, to the extent possible, but first we always come back -- I am going to come back to this again -- to the definition, which is very important in our mind, because I believe that could be where it all starts.

Self-government itself will remain to be defined, as I said, but I do not necessarily see, with the time we have, getting a government, the whole package, all at once.

A riding is not the same thing, and we cannot compare ourselves to that.

CO-CHAIR RENÉ DUSSAULT: I think it is clearly expressed in your brief, but if you have further ideas, do not hesitate to let us know over the months to come.

Thank you.

Mary.

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

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CO-CHAIR RENÉ DUSSAULT: So thank you.

We are now going to recess for ten minutes
and we shall resume with a presentation by Alwyn Morris.

--- Hearing recessed at 4:14 p.m.

--- Hearing resumed at 4:33 p.m.

CO-CHAIR RENÉ DUSSAULT: We shall now
resume the hearing.

The next presentation is by Alwyn Morris,
president of the Alwyn Morris Educational Athletic Foundation.

[ENGLISH FOLLOWS]

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CO-CHAIR RENÉ DUSSAULT: Thank you for coming and sharing with us.

I would now like to ask the National Steering Committee for the Law Students Constitutional Conferences in Canada to come forward and meet with us.

CAMILLE BOLTÉ, President of the National Steering Committee of the Law Students Constitutional Conferences in Canada: Thank you very much, Mr. Dussault and Ms. Sillett.

First, with respect to the brief --

CO-CHAIR RENÉ DUSSAULT: Can you first identify yourself, for the transcript?

CAMILLE BOLTÉ: Yes, so I am Camille Bolté, and I am the head of, the president of the organization itself. And Ms. Pion, she was the Quebec regional representative at the constitutional conference.

So Ms. Pion will start first with the introduction and some of the brief, and I will then continue with another part of the brief, and Ms. Pion will finish with

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the recommendations in the brief.

DANIÈLE PION, Quebec representative:

Good afternoon.

At the second law students constitutional conference in Canada in which I participated, in Sherbrooke from March 4 to 7, we had an opportunity to work with several Aboriginal students in addressing questions raised also by the Royal Commission, with the same objective, of resolving the problem of the Aboriginal situation.

The right to self-government, which is the cornerstone of our discussions, is a concept which is addressed by the Royal Commission in its documents, by referring to the history of the relationship between the Crown and Aboriginal people. The manner in which it was interpreted has left us somewhat puzzled. The Royal Commission interprets that relationship between the Crown and Aboriginal people as being a sign of recognition of Aboriginal self-government since it dates from long ago.

Yet if we try to look at the history of

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this relationship from another angle, precisely by looking at the various legislatures [legislation - Tr.] that we have, that is, section 91(24) of the Constitution Act, 1867, which establishes federal jurisdiction over Aboriginal people, and the Indian Act, or the concept of the federal government's position of trustee for Aboriginal people, so on the basis of all this legislation we interpret the relationship between the Crown and Aboriginal people rather as a political compromise, and this prompts us to take a slightly different view of that relationship. It also prompts us perhaps to differ from the position of the Royal Commission, which intends on that basis to establish recognition of Aboriginal self-government.

The quality of the relationship between the Crown and Aboriginal people indicates to us that there is probably also an unequal relationship between the parties since we find it hard to see how we can see the parties as equal when one of the parties is under the jurisdiction of the other. The nature of the relationship between the government and Aboriginal people must therefore be seen, rather, as a

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partnership in the economic and political development of Canada.

In our view, the right to self-government is not a fact that must be analyzed by examining history, but rather depends on the context. International law uses three criteria to recognize an autonomous government: legitimacy, legality and effectiveness. Effectiveness is a criterion which we have considered, since in our view it raises a major problem.

The question of the effectiveness of a future Aboriginal government leads us to foresee direct conflicts between Aboriginal powers and the powers of governments at higher levels, such as the federal and provincial governments. It would therefore be more practical to draw a parallel between an Aboriginal government, and its responsibilities and powers, and the responsibilities and powers of municipalities, municipal governments, if you like.

So if you would continue, Camille.

CAMILLE BOLTÉ: So as to the question of inherent rights which has often been addressed in the Commission's proceedings, Aboriginal people have on various

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occasions recommended and demanded that these inherent rights be recognized, or even the Constitution.

The federal Commission, in parallel with the relationship between the Crown and its Aboriginal tribes, and to demonstrate that these rights have always existed and that essentially recognizing them would only be a matter of justice. We believe that inherent rights are rights that must be understood not necessarily in the very nature of the right, but rather to ask the question whether they are rights, how shall I put it, they are not temporary and instantaneously that they can be seen in a period in time.

If, for example, we ask the question of whether language rights are inherent rights, as they are entrenched in the constitution by sections 20 et seq. of the Canadian Charter of Rights and Freedoms. That question -- some people, there are fervent nationalists who would say yes, our rights are inherent and we have always had them. But the day when we can foresee a tiny portion of the population speaking French in Canada, will we still see the importance of recognizing

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these rights as they appear in the Charter?

In this respect, we are aware that the fact that Aboriginal people are claiming a right to self-government is progress in terms of the present situation. But to go from that to characterizing it as inherent rights, as fundamental in relation to other rights, we have more qualms in that respect

In its document on the comments on constitutional law, the Commission suggested two systems, suggested, in fact proposed two systems which had been addressed in its discussions, and in this respect we believe that system number one is the system that would probably result in the fewest disputes among the various levels of government, and would therefore be the one that is most likely to be approved by the other levels of government because when we are talking about constitutional amendment we must not forget that any constitutional amendment requires the [assent - Tr.] of that province in some cases or unanimity in other cases plus the [assent] of the federal government.

So a government that did not affect the

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powers of the other levels of government, or affected them as little as possible, would probably be the one that would receive the most attentive hearing.

Now if we consider the law of the self-determination of peoples, the question of what we believe, and we have also found in numerous discussions with Aboriginal people, is that this right has not yet taken uniform shape in the claims. Each community, for example, the Hurons in their claims are claiming not only the right to self-government, but much more, a right to self-determination of the peoples themselves.

If we find, on the one hand, again in the document you presented to us on the Constitution, which dealt with the discussions at the United Nations in respect of the right to self-determination of peoples, one point should be raised, how shall I put it, in respect of the scope of that right, because we are still in a preliminary stage in terms of these discussions and before all countries sitting in general assembly recognize the right to self-determination of

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Aboriginal peoples, we believe that there will have to be several changes, not to say perhaps even that the whole matter isn't in danger of being completely shelved.

Now if we consider the question of the courts, because several Aboriginal representatives in some cases are demanding that if the question of Aboriginal self-government does not lead to an accord between the governments and the Aboriginal people, at this point, in the Charlottetown Accord, for example, it was provided that after five years the Aboriginal side, for example, could take their rights before the courts to have the courts rule on the right to Aboriginal self-government.

In the documents produced by the Commission, several recommendations suggest that the right should be automatic, that is, that there should be no five-year waiting period, but that application could immediately be made to the courts if the governments and the Aboriginal people should happen not to reach a consensus on this subject, to resolve the dispute. We personally believe that imposing a decision

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may raise more passion and more discontent not only in the governments if the settlement favours the Aboriginal people, but vice versa, if the settlement favours the provincial or federal governments, and causes discontent among the Aboriginal people themselves. So entrusting the task to the courts of resolving a conflict which normally is resolved by negotiations would, in our view, be a short-term and not a long-term solution, because in the long term the problems could become worse.

With respect to article 2.1 of the James Bay Agreement, at page 8 of our brief, with respect to the effect of the right to autonomy in reconstruction, we note that the creation of an autonomous Aboriginal government, one of the main components of Aboriginal self-government is the question of land. On this subject, two situations could easily be imagined, that is, Aboriginal self-government with land, while on the other hand we would see autonomous Aboriginal governments which had given up their land in a contract or a treaty and which would therefore be governments without land.

So there would be allegations of a form

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of discrimination, and quite properly, we believe, Aboriginal people who had ceded their rights to that land could ask whether they can rely on the amendments proposed by the Royal Commission in terms of section 35, and in terms of the actual content of these rights to self-government, it might be thought that by Bill section 35, the validity of the clause in article 2.1 of the James Bay Agreement could be abrogated and nullified retroactively.

And on the other hand, we must recognize the fact that significant amounts of money have been paid out in consideration for the reconveyance of these rights over these lands. So here again, we can imagine consequences that might further poison the situation between the provincial and Aboriginal relationship.

Now, Ms. Pion will address the question of the Charter.

DANIELE PION: The question of the Charter is a very important one, if we consider what was proposed in the proposed Charlottetown Accord, in which it was proposed

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to create an autonomous Aboriginal government, including a clause derogating from the Charter, a Charter which protects the rights and freedoms of everyone.

If we consider the Aboriginal communities and their problems, the problems they have to deal with, particularly on certain reserves where we find deplorable social conditions, the status of women also being not very enviable, and there are lots of problems of marital violence, I do not believe that including a clause derogating from the Charter, if self-government comes to pass, would be desirable in view of all the obvious facts.

I have become sensitive to the cause, but I do not really know the statistics, and everything that is needed. I believe that it is necessary to do so, to take into consideration the fact that a clause derogating from the Charter is not desirable.

We have therefore also developed solutions to the problems in the Aboriginal situation and also in the Métis situation, since the Métis are still not recognized as

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Aboriginal people in the Constitution Act. These are two very different situations. The Métis are seeking recognition in constitutional legislation, while the Aboriginal people, who are recognized in the legislation, are rather seeking self-government.

First I am going to address the Métis situation. If we try to compare the Métis in eastern Canada and the Métis in western Canada, we immediately find a difference in the way they see themselves as Aboriginal people. The Métis in eastern Canada seek to find their place by connecting with the Aboriginal people, while the Métis in western Canada -- not find their place -- but find their identity rather by connecting with their French side, their European side.

Here again, we can try to imagine a basis for identifying Aboriginal status as Métis which is fairly difficult and ambiguous even at this stage. The Métis situation and dynamics are very different from those of the Aboriginal people. Aboriginal people refer to their culture, their lifestyle, their traditions to claim their right to

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self-government, while the Métis are still seeking to be identified and recognized as Aboriginal people in the Constitution Act.

The parallel between the Métis and Aboriginal people is very interesting since even here the ambitions of the two groups are very different. We have therefore made a proposal on the basis that the Métis will one day be recognized as Aboriginal people in Canadian constitutional legislation. The situation of the Métis revolves largely around their dispersion over a very large area.

There are not really any Métis reserves, that does not exist, and there is not really any concentration of Métis in Canada.

So our first proposal would be to try to bring as many Métis as possible to gather in one place to provide a base for their government. Second, would be to create strong alliances with the various levels of government, whether provincial or federal, so as to be able to start a dialogue, to build good relations with the aim of sound management of their government.

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In conclusion, with the objective of finding lasting solutions on which there would be a national consensus and of responding to the needs and natures of each of the Aboriginal nations, genuine self-government is desirable. However, the issue is whether it is possible. We believe that it is possible, but there are preliminary steps that we have considered, that we have found to be essential.

First, in order to be able to contemplate genuine Aboriginal self-government, we would have to eliminate all vestiges of the paternalistic attitude of the federal government in order truly to respond to the Aboriginal desire for autonomy. We are also suggesting abolition of the Indian Act. We also suggest abolition of the fiduciary role of the federal government, since it makes Aboriginal communities dependent on the federal government.

Section 91(24) of the Constitution Act, 1867, which gives exclusive jurisdiction over Indians to the federal government, no longer seems to us to be relevant with Aboriginal self-government. Decentralization of the

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Aboriginal situation seems to us to be the best solution for promoting and encouraging negotiations between the provincial and Aboriginal governments, as Quebec did in the James Bay Agreement.

The federal government remains as the arbitrator in the event of an impasse in the negotiations between the provinces and Aboriginal people. The advantage of such a solution is to eliminate as many intermediaries as possible between the parties concerned, that is, Aboriginal people and provinces, which inhabit the same area, and thus to reach solutions, lasting negotiations between the parties.

Thank you.

CO-CHAIR RENÉ DUSSAULT: And thank you.

I believe that your presentation shows once again how complex this entire question of the right to self-government is, and I believe it is important for various organizations in society, and certainly for law students, such as constitutional law sections like yours, to take an interest in the question because it is a question that is in the public forum and that will

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certainly remain there for several years, even after this Commission completes its work.

I would simply like to clarify a few things in terms of the Commission's work. In February 1992 we published a commentary entitled "The Right of Aboriginal Self-Government and the Constitution: A Commentary" and at the time, we were coming from the position that federal proposals had been tabled for constitutional reform, which ultimately led to the Charlottetown Accord.

We wanted, before undertaking the discussion and especially the negotiations, to indicate to the government at the time that we believed that if we took the constitutional approach it was a sterile battle to say that the right to self-government would be a delegated right, that this right had to be recognized as being inherent, in terms of its source.

However, we added that in terms of the Commission we could apply all the restrictions that the parties considered appropriate, and that this was part of the

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negotiations that moreover went on for seven months thereafter and resulted in the legal texts that were the subject of the referendum of October 26, 1992. This was where we were coming from.

In that commentary, we noted, *inter alia*, the situation of section 35 of the Constitution Act, 1982, which recognized existing ancestral and treaty rights and essentially we said that we believe that we will not aim right away for successful negotiations, that if we don't have a base that is at least equivalent to that -- because we have good reason to believe -- which exists in section 35 and this is a question that will have to be debated so long as the Supreme Court has not ruled, that is, do existing rights include the right to autonomy in terms of the internal affairs of Aboriginal peoples.

Today, we are in a different situation in which, of course, there has been the constitutional failure and we must look at the issue of self-government from the point of view that there will perhaps ultimately be a resumption of constitutional discussions, but in the short term it does not

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appear to be the priority of the governments, after the effort last year, and so try to see what the legal situation is under the present Constitution.

Here again, it is obvious that, when we consider the situation in each of the communities of the Aboriginal nations in Canada, there are quite different levels of development and essentially we are being told there will not be a single, [Canada-wide] model; that would perhaps be ideal and easy for non-Aboriginal people but the variety, the reality is such that in some cases we are being told, in our case, we want to use the municipal model; in others, we want to use a community model.

So there are almost all varieties of possibilities and what we must see, on the Commission, is how, essentially, these models could operate in terms not only of powers, but also of funding.

Nonetheless, in the present constitutional context, the question of inherent rights arises in respect of self-government, and I do not believe that the discussion is

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closed because of the failure of Charlottetown. So it is very plausible that in the short term a large portion of self-government will come about through delegation under provincial or federal legislation, but nonetheless the Commission believes that it cannot dismiss the possibility, on the other hand, that inherent rights to self-government will be conferred by section 35.

In this context, this raises a whole series of questions and of course the negotiation approach is more beneficial than the judicial approach, and this is to some extent the route that was taken by the people who negotiated the Charlottetown Accord.

So simply to say also, to clarify the concept of self-determination in relation to the concept of self-government, of course self-determination is a more fundamental and broader concept than self-government. It means to decide one's fate as a people, and what is said, inter alia, in the document entitled "Focusing the Dialogue", which was published after the second round of public hearings. In

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terms of the key element affecting self-determination, essentially we say at page 22 that it is a broader concept than self-government, that it is based on the desire of a people to choose the institutions that they will govern. Self-government is one of the mechanisms through which self-determination may be exercised.

And essentially what we are saying is that our reading of the situation is that a large majority, not all, but a large majority of Aboriginal nations in Canada are choosing to exercise their right to self-determination by taking the route of self-government within Canada, and not on the international level, not all, but a large majority, and that is what we have found during our hearings.

So I thought it useful to give this review of the situation as we see it at this point. It is apparent in your brief that you raise quite a few questions. I believe that you were present this afternoon when we had a discussion with the Association des Métis et des Indiens hors-réserves. We shall be having another discussion with another

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representative of the Métis of Quebec.

However, I would like simply to point out that since 1982, the Métis have been recognized as an Aboriginal people in the Constitution Act which was enacted at that time, in section 35(2) where Aboriginal peoples are defined as Indians, Inuit and Métis. The question lies in the issue of the federal responsibility under subsection 24 of section 91 which refers to Indians, and by a decision of the Supreme Court the Inuit were added in 1939, and the question of the Métis is being debated. It had been dealt with in the Charlottetown documents, but we have come back to the earlier situation. So the lack of certainty is in terms of federal responsibility.

Essentially I understand from your brief that you favour the delegation approach and an approach that would define self-government more in the sense of the powers of a municipality. This is an approach that has been expressed by several groups and by a segment of society, and it is certainly a legitimate approach, but it is perhaps simpler than the reality with which we have to deal in the present constitutional context

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and not only of the Charlottetown Accord proposals.

So starting from this, what I would say is that I believe that we cannot dismiss, on the other hand, including in the present constitutional context, the idea that there are inherent rights. This is a major question, and it is a question on which the Commission places some weight, and will have to reconsider in a context not as we did in the comments made during the period when the constitutional negotiations were starting, but in the context of the present Constitution.

These are more or less the comments I wanted to make after receiving your brief. I believe that at this time there would be several specific questions such as the abolition of the Indian Act and the federal government's trustee role. A white paper was tabled in 1969 which essentially wanted to do this and it did not work, and it raised a lot of concern and problems because it did not at the same time propose in return what would be done for the transition, and what would be done to preserve the cultures.

Because opening up the reserve system

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without doing anything else and saying -- the forestry industry proposed to us yesterday that it be done over a ten-year period.

This is a major question because it is the great concern of Aboriginal people. We are told, listen, you have put us in a situation we did not ask for. We want to open up, but before making the transition, before making as radical a change as that, we must have guarantees that we won't be jumping into some situation and find ourselves leaping into thin air in terms of cultural security.

So this debate is of considerable significance. They are themselves asking us to abolish the Indian Act because it imposes too many controls, but on the other hand, we do not want to abandon the federal government's fiduciary role. There is a certain paradox here, and this is part of the difficulty in the issue, to see what we are going to replace the Indian Act with, how we are going to do things in terms of self-government and the relationship that exists with the trustee's responsibility.

We have not heard many proposals with

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respect to how to replace the Indian Act, apart from the radical suggestion that we abolish it, which leaves us with thin air.

I for one think that this would be absolutely unrealistic. We are certainly interested in any additional thoughts you might give us on how to start the transition, because this is absolutely fundamental.

I don't know whether you have thought about that at this point or whether you plan to do so in the months to come, but this is a very, very important concern.

CAMILLE BOLTÉ: Just to clarify one point.

The question of the fiduciary relationship of the federal government with the Aboriginal peoples versus the right of the peoples to self-determination or to self-government, reconciling these concepts, does that mean, eventually, when the peoples have a government, adopt a government, still contemplating there being a dependency relationship as we think of it in the concept of trusteeship, is that not somewhat contradictory?

CO-CHAIR RENÉ DUSSAULT: Precisely, the

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same problem is being experienced in the United States. I believe that it is fairly clear that when the Aboriginal peoples have an economic base of economic self-sufficiency, at that point the issue will no longer be the same, in terms of the fiduciary responsibility.

The difficulty arises from the fact that at present there is very little in the way of an economic base.

In some cases there is, but in the large majority there is no economic base, and that is the essence of the issue before the Commission. If we want to move toward self-government, we must find, and there is no one method of enhancing economic self-sufficiency to a great extent.

CAMILLE BOLTÉ: Have you ever considered looking in more depth at the James Bay Agreement as a model for a contract between Aboriginal and non-Aboriginal people, because the responsibilities are shared. For example, hunting, trapping and fishing grounds, there are committees set up by both the Aboriginal people and non-Aboriginal people to resolve differences that might arise between Aboriginal and

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non-Aboriginal people and also to promote economic development in these regions.

That Agreement is very detailed and sometimes proposes solutions that in practice have been found to be very effective. Could one not simply move from the concept of the fiduciary relationship to a concept of partnership between the governments, on the one hand, and the Aboriginal people who live on these lands, on the other hand, but not in a relationship where if things go wrong one of them will have to look after picking up the pieces and putting them back together, but rather in a relationship where both are responsible and both promote the development of their two communities?

In this respect, the Agreement seems to us to be an example worth considering.

CO-CHAIR RENÉ DUSSAULT: You are certainly right to say that this is undoubtedly the most highly developed modern treaty we have in Canada. Of course, yesterday we saw the more or less definite kick-off of Nunavut, and that is a

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whole other matter, but there again, essentially when we talk about the trustee role, it is in relation to economic security.

I believe that Aboriginal people want to get out of a dependency relationship, and this is a normal reaction. How to do it, however, is not as clear everywhere, and among other things we are regularly told that they hope not just to get lump sums of money, but they hope to be able to participate in the resource development that will secure economic self-sufficiency not for a few years, when they will to some extent not be subject to the contingencies of the situation, what are we going to do with our money, but they will have a guarantee that there will be funds, that money will be coming in.

Land claims in this respect are extremely important because this is in part how economic self-sufficiency will come about, not solely and not always through this, but partly through this. So considerable thought has been put into it, and is still to come, in terms both of the fiduciary responsibility, but also in terms of economic self-sufficiency.

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Of course, the consequences must be weighed. We cannot just change eighty-five cents to a dollar, and then say we are now going to call the Indian Act system self-government. If nothing has changed in the meantime, we will have done nothing and the dependency relationship will continue, the frustration from being controlled will continue, and so on.

I for one cannot do otherwise than to encourage you to continue your analysis and let us know what you think. We will still be working up to the fall of 1994 and I believe it is important that these questions be discussed and that we look at the various aspects. This is a complex issue but it is also an issue that I think, if we discuss it, will become much better understood than it now is, and it is part of the Commission's public hearings to help in making the public better informed on questions that are, after all, rather technical.

Mary.

COMMISSIONER MARY SILLETT:

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[ENGLISH FOLLOWS]

CAMILLE BOLTÉ: With respect to the Inuit and registered Indians, in terms of the federal government, to us, at least, the Indian Act applies and should apply. With respect to the Métis question, however, I must tell you that to us, the Métis are a culture straddling two cultures. They are peoples who do not really belong either to the Europeans or to the Indians, under the concept, the definition in the Indian Act.

So I think that the Métis should seek their own definition of their own culture, and not try to join with one group or another. In that sense, giving self-government or Métis government over a specific region such as, for example, in the context of Nunavut would, in my view, be to create a

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government which would best correspond to the interests of the Métis, in view of their conceptual differences which, say with the other Aboriginal tribes, the other Aboriginal peoples, who see self-government as -- for example, it may be that the Hurons, the Micmacs or the Ojibway have a completely different vision of the scope of the responsibilities of these autonomous governments.

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

CAMILLE BOLTE: One of the problems of the Métis is that they are spread throughout the country, but not concentrated in a specific area. It is very difficult for their needs in terms of the scope and extent of the responsibilities of their government, it is very difficult to create a government

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which would have a land base spread over several locations.

So we have the impression that if they were spread over a more specific geographic area, then they could exercise greater political power and then claim self-government, but in our view such self-government would be much more similar to a level of government such as the provincial governments.

We are referring to history, for example. When Louis Riel created his provisional government, it was a government that was considered to be like a provincial government. So that does not have all the same implications as, for example, the claims of other Aboriginal tribes who are saying, for example, that the Indian Act is a temporary passage that will enable them eventually to accede to self-government.

So to us the Métis have claims that are distinct from Aboriginal people as a whole and that is why we believe that giving them land like Nunavut, for example, would be something that would truly meet the Métis people's needs.

We are aware as well of the fact that there are Métis everywhere

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throughout Canada but more precisely in the Prairie region and in the three Prairie provinces, Alberta, Manitoba and Saskatchewan, there are many more Métis in that region and so, that would perhaps be a place which would be very suitable for creating a land base.

We have also read some documents from the Métis movement which had established that their national capital was Batoche, in fact national, in fact completely symbolic, but we believe that this referred to a fact situation not only in geographical or social terms, but also in historical terms.

And in that respect creating a government with a land base would, in our view, be -- different from what now exists -- would in our view perhaps be a solution which might promote the development of the Métis community.

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

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CAMILLE BOLTÉ: We would say that this is because the claims for self-government as we most often encounter them, those which are generally presented to you on the Commission often refer -- the question of land base is practically related -- we cannot dissociate it from the question of the scope of the powers relating to the question of creating self-government institutions.

For example, Indians off reserves, to give them self-government powers, or the question of whether an Aboriginal person living off the reserve who decides that according to him, according to his traditional customs, there is no stop sign at some place on the street and he is going to keep on going because according to him there has never been a stop sign when he is operating in his world, but outside the reserves, the scope of these powers and the people who are governed by these powers create, how shall I put it, reactions of fear and caution on the part of non-Aboriginal people who

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are trying to imagine the extent of these powers.

And it is for this reason that in our view the question of the land base is so important, because determining a land base will often assist in understanding the scope of these rights, and that is why in terms of the Métis question establishing a specific territory with a form of government that corresponded to the needs of the Métis nation would in our view be a compromise that would satisfy both the Métis, because they would have precisely the government that represented them, and non-Aboriginal people, who would know exactly where the powers of that government stopped and started.

So this is why the question of land base is very important, in our view. Essentially, it involves determining, [it makes it possible to avoid] conflicts of law involving the various levels of government.

DANIELE PILON: The ideal would be that the Métis could transport their powers from eastern Canada to western Canada. A Métis with power "x" in eastern Canada, whether he or she is in central Canada or western Canada, should

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be able to keep it except that at some point these powers will conflict with other provincial powers. And are the Métis in eastern Canada and the Métis in western Canada going to have the same powers? At some point such a system could become anarchy.

That is why we still believe that a land base is essential when we are talking about the Métis, for example.

CO-CHAIR RENÉ DUSSAULT: Thank you for the attention you have given to this issue and for the exchange of opinions you have enabled us to engage in. I would reiterate that this issue is with us for a while, and we are open to any additional ideas you may have. We are interested.

Thank you.

So this brings us to the final presentation of the day, l'Alliance autochtone du Québec, the St-Jérôme local group. I would ask the representative to come forward and meet with us.

MARGUERITE CARDIN, Elder, Alliance

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autochtone du Québec: I am going to speak on behalf of the Alliance autochtone de St-Jérôme.

The Alliance autochtone is composed of Indians and Métis living off the reserve. We have several local groups, but I do not represent the entire Alliance, but simply some problems that exist in terms of our organization. Some are general points, some are more local.

CO-CHAIR RENÉ DUSSAULT: Madam, yes, you are Marguerite Cardin, that's right.

MARGUERITE CARDIN: Yes, Marguerite Cardin of the Centre de St-Jérôme de l'Alliance autochtone.

CO-CHAIR RENÉ DUSSAULT: Thank you. So you may go ahead.

MARGUERITE CARDIN: The biggest problem that arises for Aboriginal people off reserves is the problem of identity. There are some people among our membership who are pure Indian, and who cannot obtain their Indian status, because the baptismal registers were falsified, or because family histories were falsified or because registrations were

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not done correctly.

We have one member, the secretary, Ms. Simon, her mother is a Canard Blanc, her father is a Simon, and despite all her papers, on the various occasions she has gone to Ottawa she has always been refused her papers because [a woman] suggested, she decided that her name was not Canard Blanc, it was Leblanc, she had changed it, because she wanted to pass herself off as an Indian.

So there is no special privilege in being Indian because there is a lot of prejudice, we suffer a lot of prejudice, often ridicule from whites and no stranger, no white woman at a desk should decide who is Indian or not Indian and no government should decide who is Indian, not Indian, Métis or whatever.

They should have a section, in the Department or elsewhere, that can accept Indians without having to do family histories back to Adam and Eve so we can have our identity even though many Indians want to have their identity as Indians without claiming any right other than the right to

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be Indian.

As for the Métis question, there are Métis, and I have just heard these young people, and I say, my God, how unfortunate, but they have no experience, it is all very well to look at papers, to decide everything on paper, but it is still experience that is what people know and what is reality.

The Métis of Quebec do not all belong to one nation. There is no Métis nation in Quebec because we have many Indian nations and the Métis may be Mohawk Métis, Huron Métis, Algonquin Métis or some other Métis so that it is not the same Métis as in the West where there is a one group of Cree or Sioux, where they are going to have one basic ethnic group.

So what often happens among the Métis, the biggest problem is also to be accepted but it is not a problem of straddling two cultures, that has never bothered me, I am not Métis, but I am Métis in the sense that I have several Indian nations within me, and as between Algonquin and Mohawk, I preferred to take the Mohawk tradition because it was more in harmony with me and my way of thinking and particularly there

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is a great deal of morality among the Mohawks.

Have you been given the Iroquois Creed?

CO-CHAIR RENÉ DUSSAULT: Yes.

MARGUERITE CARDIN: You should read that, you will see how the real Mohawks, the traditionalists, are raised. We have laws that are inside us, it is our education, and because we are raised that way, the other laws are no longer necessary because we have a system of ethics and morals.

We must not forget that the laws and the Constitution of the Six Nations served as the basis for the American Constitution and that the Charter of the United Nations for human rights and freedoms were taken from Mohawk law. So often when I hear whites saying, the Indians should obey white people's laws, well I want to say why don't you listen or why don't you study our laws a little because you may have something to learn too.

So the needs are not the same for the western Métis as for the Métis here. The biggest complaint we share is not only identity but particularly our culture.

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That is, that we could have elders, as they are called, who could come to give us presentations on the various cultures, traditions, give demonstrations and also provide the opportunity to learn our language.

Since multiculturalism, which is so generous to all the other ethnic groups, giving them so much money to support their principles, their language and their culture, their folklore, why isn't there any for us, for the people living off the reserves? I don't see any anywhere. So I have applied to the government. I don't know whether we will be able to get money but they have received 42 million for Quebec to give out, I don't know, for culture, but I don't know whether we, the poor Indians, will get any. We are always the last to get in on everything.

I also believe that in the self-government process, self-determination for the reserves, people often say, oh, it is appalling what goes on on the reserves, women are battered, and so on. And I am sorry to say that this is white civilization on a reserve. This does not exist in Amerindian

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traditions because among Amerindians the woman is to be respected to the highest degree, even in the Mohawk tradition, it is a matriarchal system, it is a clan mother who decides everything and the woman was equal in the other societies, among the Algonquins, in the great Algonquin nations, women were equal. Children were respected, there were no rapes, there was no drinking, and there was no violence.

So the Indians' problem does not come from the Indians but often, as people say, among us, from the black robes, because they showed the men they were macho and it was a patriarchal [hierarchical?] system and that entirely changed our society. We have to go back to the reserves, to the land and the traditions of our ancestors and give the Indians back our dignity and pride that we had before.

This is the big problem, that there is nothing left of the values we held. It is still more tragic than the land or the money, because money can't buy that, it is something inside you, respect. Before there were no neglected old people. The people looked after them because

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we had a community life.

Today, everything is neglected, children, everything. We have to get back to our moral values from before, because now we don't have a civilization, we have degradation.

This makes us a laughing stock everywhere. Look, that's an Indian, that drunkard, that's what they say, look at that, what does that look like, and we are ridiculed, and that is not us.

And I would like one thing, and that is that the government get out all the archival records, from the priests, Sulpicians, Jesuits, and so on, and rewrite the history of Canada as it happened and not the imaginary versions we are given, like Kateri Takakweta (PH) or the Canadian martyrs, that they tell us the truth, and then we won't be called names like savage, cruel, barbarous.

And when the Indians were defending their country, they were cruel and barbarous but the whites never said, when Europe at that time, all the little armies had a castle with a dungeon and a torture chamber. Torture did not start with the Indians. Naturally they defended themselves,

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but we must simply recognize defence and cruelty for what they are.

And I also find it strange that there are whites here, they come and give their opinions on how we should govern ourselves, how we should be governed, how we are going to administer ourselves. I have even seen immigrants whose ancestors contributed nothing to this country coming and telling us what to do. I remember during the crisis, well, the Indians, we'll take them and send them to Ungava. The Mohawks don't come from Ungava, they are farmers, and nothing is grown in Ungava, why don't they go there themselves? We don't need any opinions from any Vandersan, Lopez or Cherios (PH), no, we don't.

Indians themselves, Métis themselves, that is who must decide what they want.

And if the Indians or the Métis want to live on the reserve, that is because the Métis know what nation they belong to and at that point joining the reserve of their nation for the land if they want to live that way, but if they want to live in the city -- because I would not want to live

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on a reserve, I have my Mohawk Longhouse tradition which is spiritual, in my laws, in my behaviour, in my beliefs, in my spirituality, but I also want to live with my refrigerator. I would not want to live like my ancestors, going into the forest, the forest was your Jean Coutu, your subway, your Zellers, it was all in the forest, because I was not raised that way. I can take from both cultures very well at the same time, the welfare of one civilization and the culture of my ancestors.

Speaking of ancestral culture, I want to come to a point that I don't like to talk about a lot because I find it painful. When the Indians have a ceremony, there is always ridicule in the media, why do we let the Arabs prance around with their rags on their nose, and we give them rooms in the schools so that can stick their bums in the air ten times a day to do their prayers, and then someone else prances around with diapers, tables, whatever, tablecloths on their head, we respect them, they are foreigners, they are entitled to their culture.

But when we get out our sweet grass and

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we play the drum, we do our ritual or we do our dance for a ceremony what we call Niawa meegwich (PH), well, what does that mean. No, they don't explain that we are not praying, we are not asking God to give us something, the Creator made us, he knows what we need. We are thanking him for it, we are thanking him for the opportunity to be together, to talk. We are thankful for those things.

We should have programs on television, on radio, that explain to the whites or to all the other races living in this country now that this is our culture, our way of thinking, and that we are not going to go on being ridiculed all the time, and being treated like savages, because we have our very advanced spirituality. It is not as primitive as that because we don't have idolatry in our culture, we don't have polytheism, we are monotheistic. So we are in fact very advanced people in terms of our culture.

If, physically, we did not have the same civilization as, say, the Europeans, that did not mean that in our time we were not advanced since we had respect and freedom,

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rights. I know that when the colony started, what impressed the -- what beautified [? - Tr.] the whites, I should say, is that they said the Indians have no king, they have no law, and they have no religion. Why? Because we don't need them.

We have a religion, but it is not under the domes because it is a logical religion. We are not required to have laws compelling us to think in a certain way. We did not need a king because to us, everyone is equal, we make a circle. We also have to learn that people are equal. Why did we make a charter of human rights if we don't recognize that?

And we didn't have laws or a king because we didn't need a king, we didn't need laws, because our law, we promise it in our lives, that is the law. The best law is not to put a stop sign on a post, that's fine. That is a public order sign for public safety. But the real laws are our personal behaviour, honesty, respect for one another, respect for one's self, respect for other people, respect for old people, respect for the environment, and that is why we have always, for the millennia that we have been on this planet, life was

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always beautiful on the planet. In 400 years, the white race has destroyed the entire planet, there is no more air, there is no more water, there is no more land, there is nothing that moves. It will be destroyed before long. So we have to get back to these principles, I believe.

We have often spoken of treaties, and I [that?] was respected. But I wonder why treaties are not respected. If people give their word, their word is given, the document is signed. We have two treaties, they are said to have been cancelled, but the two treaties essentially did not cover all the Indians of Canada, they covered the nations that lived on the frontiers.

It is as if they said, well, I give you my word but I take it back. And how can we trust people who spend their time signing papers and not doing anything. They don't respect anything. When there was two-row Wampum, the two nations cohabited together and one did not interfere with the other, but that was paternalism, putting the Indians in an [infantile] state and diminishing them as much as possible,

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and after that denying them their rights, saying, well, they are not capable of administering themselves, look how they behave.

It must also be understood that the Indians and the whites do not have the same concept of money and wealth.

That is something that it is very important to understand. But unfortunately people are going to learn it anyway because they will soon have no money, the way things are going, and things are coming to a state of degradation.

But as I was saying, value to an Indian is not the same thing, it is not wealth that counts, it is moral value and virtues, and it is something quite important. If we had more of this today, we would have fewer murders, delinquency, violence, theft and there would not be so many people getting drunk and taking drugs and ending up killing themselves because there is nothing to live for.

So I believe that I would like the government to give much more assistance in terms of culture, to preserve our traditions as much as possible, to encourage

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them and stop seeing us always as uncivilized people, savages who don't understand anything. We have a very great philosophy of life, we have intelligence, we knew how to survive over millennia in pretty difficult circumstances that whites themselves could not have survived if we had not helped them.

Often, often, often, unfortunately, the whites forget that had it not been for the Indians, they would never have been able to set foot or live for long in America.

What is pitiful to us, perhaps not for me personally but for many of our people among the Indians, is the miserable conditions in which they are living, because right beside them, people live to excess, live in wealth with property that belongs to all the Indians.

I have covered all the subjects I wanted to. But to me, the important thing would be that we change the image of the Indians, the stereotype of the person who wanders around scalping everyone, and that we return him to being a human being as he was before, with his family life and his ways, his customs, that we teach people to respect him and

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assist the Indians to carry on this civilization because it is still valuable, since in Europe Amerindian groups have been formed where people go on weekends to live like Indians and being Indian is not just hunting and fishing. It is more than that. It is a way of thinking, a way of life, it is a philosophy.

Often people criticize the Indians, oh, their life hunting and fishing, living in tents, look at those nasty savages there, but when they do that, hunting and fishing and living in tents, they call it a vacation. People must understand that the way our ancestors lived was not so bad.

I want to say that I have come to the end of my presentation. If there are questions to ask or ideas to put forward.

CO-CHAIR RENÉ DUSSAULT: Ms. Cardin, I would like to thank you for the testimony you have taken the trouble to come and give before the Commission.

MARGUERITE CARDIN: It is my pleasure.

CO-CHAIR RENÉ DUSSAULT: You also sent us, as you mentioned at the outset, the Creed of the Iroquois which

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is a text that comes from John Collier of the Bureau of Indian Affairs in the United States.

MARGUERITE CARDIN: Yes, I translated it.

CO-CHAIR RENÉ DUSSAULT: So we shall also put it on the record, on the transcript.

Of course, you have told us a lot in a few words, no doubt. I believe that the comment you made about the importance of understanding the other person and the other person's situation properly is perhaps the most fundamental thing in all of this, and is difficult at present. In our modern times and in the record that the Commission has to examine, we must try to see how, essentially, to find avenues for reconciliation and understanding between the Aboriginal people, who are quite diverse, and the non-Aboriginal population of Quebec and Canada.

Of course, that happens through information. Perhaps my question would be whether you have anything else to tell us to enhance this understanding, so that there may be a desire to understand and listen to what the other

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has to say, we would certainly be very interested in having you tell us.

MARGUERITE CARDIN: Through communication and learning to listen how the other person things, as well.

And when I said there should be radio and television shows, preferably television because that captures the imagination more, and that the way of life, the way of thinking be explained.

That would have a greater impact on the public. And perhaps having hearings [?] between children, white children go to the reserves, children from the reserves go to visit the whites, establish communication, an alliance.

There is something I forgot to say just now. That is that here in Quebec there are two and a half million people of Amerindian descent. In many cases there are people who have been assimilated, they have been brainwashed. I always find it bizarre when I see children saying my grandparents were Indians, I am French Canadian. He isn't French Canadian, school has made him French Canadian.

I don't know how many times, in the census,

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I have said I am Indian, but wouldn't you like us to pass you off as French Canadian, I said no, I am Indian. I cannot deny my ancestors. That is the same thing. Here in Quebec, if the government took the two and a half million residents of Quebec who are Indian or Métis, and treated them as Indian or Métis, that would be half of its problems in terms of land right there, because it [they?] occupy enough already. So that it could not say, fine, we are not claiming any more, you win. This is a suggestion, just a suggestion.

CO-CHAIR RENÉ DUSSAULT: Thank you. I am going to ask my colleague, Mary Sillett, to say a few words.

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

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PIERRE TAILLON, Director, Alliance

autochtone, St-Jérôme local group: My name is Pierre Taillon, I am one of the directors of local group 72 St-Jérôme of the Alliance autochtone where Ms. Cardin is one of the elders, and my opinion is this: even in today's society, we must deal with the values, the old values, that is.

Unfortunately we are, as Mary Sillett said, we are poorly served by the people in power because there are abuses of power and of politics. One small example, our college of physicians who always protect their own, when there is professional negligence that injures someone, sexual abuse and so on.

What I can say, Madam, and what we can adopt as the our motto, is always to speak out, never to stop speaking out. We have lungs, we have heads, we have eyes, we have hands, we write, we talk, we communicate, we rebel. If we were put in a situation where there was discrimination, recognize the in black and white, we have to exercise our right of discrimination and purification. Otherwise, we are going to

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be as guilty as them. Regardless of the consequences, whether it be physical or social or whatever, we must rebel.

We are coming out of a period I would call medieval, we are entering the new age and it is difficult to change stuff, or to say, look at this, it is like when we started to drive cars. We had speed, there was technology available to us, but we did not really know how to steer, we had a lot of accidents until we learned how to manipulate that technology.

The same thing applies to our social conditions, the same thing applies to our personal development. That's all.

CO-CHAIR RENÉ DUSSAULT: In closing, I would like to thank you for coming to make this presentation and allowing us to end the day on a somewhat more thoughtful note. I think that this is a very important contribution. Thank you, Madam; thank you, Mr. Taillon.

--- Hearing recessed at 6:50, to resume on Wednesday,

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