

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

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???

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Elizabeth Kennedy
Joan Gordon
Jean McDonald

Montreal, Quebec

---The hearing continues at 8:32 a.m. on Thursday, May 27, 1993.

CO-CHAIR RENÉ DUSSAULT: We are going to begin the hearing by asking Mr. Claude Bissonnette to come and meet with us at the table.

For the purposes of the transcript, would you please identify yourself and proceed with your presentation when you are ready. Thank you.

CLAUDE BISSONNETTE: Ladies and gentleman commissioner, I had the opportunity to hear the presentations at the hearings of your commission that were held in Kahnawake on May 5 and 6 last, and the hearing in Montreal, which was held in the Hôtel Bonaventure on May 7.

Late in the morning of May 7, I inquired as to the possibility of testifying in my personal capacity, and Mr. Luc Lainé, the Deputy Director for Public Participation, told me it was possible to do so and I was extremely happy to hear this.

At the same time, I wondered if I was not being a little pretentious in intervening in a discussion in which the participants are of such great

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quality in the clarity of their remarks. Today I pluck up my courage in order to inform you of my experience in human relations with the Mohawks of Kahnawake. I cannot speak to you of the other Aboriginal peoples of Canada because I am not acquainted with them.

I have been a certified life insurer for twenty-four years and have worked mainly in St-Jean-sur-Richelieu and the surrounding area. The town is my place of birth and I have always lived there. In April 1987 I began working for the Aeterna-vie insurance company and I asked the agency manager to assign me the orphan policies, that is, policies sold in the past by agents who are no longer working for the company.

He answered that the only policies he had to assign to me were 263 in number and that these old policy-holders were aboriginal people in Kahnawake. He asked me if I was fluent in English and I told him I was. I then began to visit clients who were for the most part elderly people. I want to add that the only Indians I had seen to that date were those I had seen over the course of the years in

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American films. I visited these people and talked to them sometimes at considerable length, and I was going to ask them to give me references so I could contact younger people with family responsibilities.

It sometimes took me 30 to 60 minutes to find the house of a policy-holder, since the streets in this community go in all directions and also there are no street names or numbers.

I often asked people I met what route to take to locate the next policy-holder and often, to my great surprise, they would jump in their cars and ask me to follow them to the house of the next client.

The first six months were difficult as I was working very hard, and returning home somewhat tired. I had great difficulty orienting myself on cloudy days but the sunny days were easier for obvious reasons.

Several weeks later I thought I could use a topographical map and I contacted Mr. Kenneth Diabo, the Manager of a department of the Band Council. He showed me on the map the houses of the clients of my company.

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This man helped me a lot and showed exemplary generosity, as I often disturbed him in his work and he never showed any indication of impatience. On the contrary, he always had a smile on his lips and I thank him for this publicly.

The reception by these people, who are often called "savages", is warm and friendly in the extreme. I can affirm before this Commission that I was never insulted or beaten, for if such had been the case I would never have gone back.

My agent's licence allows me to sell anywhere in Quebec. I have never had any prejudice regarding the colour of people's skin or their nationality, and this has been of great assistance to me. I do not think this is the case with my Quebec compatriots, for they often ask me: "Aren't you afraid to go to Kahnawake" and they add jokingly: "You might get scalped." I was telling them until very recently that there are no problems and that this community is as safe as any town in the country.

This response did not appear to convince them and now, I answer them more

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dramatically, saying "I am not a hero and if I was having problems with the Mohawks I simply wouldn't go back there." This response seems to be more confusing.

I work at Kahnawake two to three days a week and my contact with these people in the course of my work could not be more agreeable. They are like us; they want peace, security, health and prosperity. They are a joyful people by nature, and like to tease others people with their own quite original expressions.

The news media report many events in relation to the Mohawks, and I am often shocked at the scope given to these minor incidents and I blame one daily newspaper in particular, in Montreal, which is engaging in out and out sensationalism.

Some open line hosts on some Montreal stations derive tremendous pleasure from pouring oil on the fire, quite probably in order to increase their listener ratings. The result of these exaggerations is that Quebecers and Canadians are afraid that social disturbances of the summer 1990 kind will reoccur, and rightly so.

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Whites and aboriginal peoples want to live in peace and don't want the war that is developing in Bosnia Herzegovina to happen here. I think that if the poor relations continue, we will have a conflict that everyone will regret.

It is imperative, in my opinion, that the authorities at all levels assume their responsibilities by making enlightened decisions, not dictated by their interests. The Amerindian crisis exploded because the federal Department of Indian Affairs never resolved the land question of the Mohawks of Kanasetake-Oka.

The Mohawks of Kahnawake intervened, erecting barricades to block the Mercier bridge out of solidarity with their brothers and sisters in Kanasetake.

Many people suffered from this crisis, in the first place the motorists who had to detour to get to work, and others lost money for all kinds of reasons. The whites and the Mohawks were the losers.

I personally lost several thousand

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dollars because I was unable to go see my clients for almost three months, with the exception of July 31, 1990.

In fact, I telephoned Mr. Billy Two-Rivers to ask him to let me go to Kahnawake to try to reinstate twenty-two life insurance policies that had expired for non-payment of premiums. It took only 20 days to lose these policies.

Mr. Two-Rivers invited me to take his boat to the dock on the property of Mr. John Ciaccia in Dorval. I crossed the river to the Kahnawake marina, and from there another chief of the Band Council, Mr. Thomas Phillips, drove me to the Kabaska restaurant located in the very centre of the village.

I telephoned my clients to get them to come and sign the reinstatement forms and pay the premiums. My big fear was that if a skirmish broke out and a client died from a bullet or some other weapon, the company could refuse to pay the death benefit if the policy was not in force.

So I spent eight hours within the village, three kilometres from the barricades, and I

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saw defenders on bicycles who were going home to rest or eat.

There was a noticeable lack of gasoline after these twenty days of siege. The twenty-two life insurance policies were not all reinstated, either because of a lack of money or because it was impossible to contact the policy-holders.

Still, I managed to reinstate half of the contracts, but I was still fearful about the other policies, which were still due. So I returned to Dorval by the same route and when I got off the boat I asked Mr. Two-Rivers if I could come back. He answered: "We are very happy that you came but we don't know whether we will be able to accommodate you again."

I never went back again and the policies dropped like flies over the days and weeks of this interminable crisis. I will remember it all my life!

This is an example of the problems that a conflict of this kind can entail for clients and those who serve them. I think it is safe to say

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that many other suppliers and merchants suffered the same fate.

In September 1990, Mr. Claude Ryan, the Quebec minister of Public Security, announced that an order-in-council had been adopted by the Cabinet. This order-in-council was to assist people who had suffered losses during this conflict.

I applied to the provisional office that was set up in Châteauguay to find out what forms to complete to get financial compensation for the losses I had incurred. I filled in these forms and after 15 months of waiting my application was rejected because the order-in-council stipulated that the place of business had to be located in surrounding towns such as Châteauguay, Saint-Constant, Sainte-Catherine and Kahnawake, etc. My company's office is located in Saint-Jean-Sur-Richelieu, and this was used to justify the rejection.

I requested a review of my file and on August 28, 1991 Mr. Ryan notified me personally that my application was again rejected, and this was a final decision with no appeal.

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I appealed anyway, to Quebec's Protecteur du citoyen, on September 9, 1991 and on March 19, 1993 this Ombudsman wrote to me that the minister had not made unreasonable decisions in my case. So, refused again.

I must tell you that I will not pursue the matter any longer, for I'm running into a wall and I probably have no further recourse.

In any event, I firmly believe that the government authorities initiate programs to preserve their images as prudent administrators caring for their children, but they do so without great conviction, since they are more preoccupied with their elections than they are with the welfare of the community.

Which is to say that if a white man like me does not obtain justice, real justice, how do you think the Indians of Canada will obtain equitable justice when they are considered second-class citizens, since they are under the trusteeship of the federal Department of Indian Affairs in regard to many aspects of their existence.

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I think the Commission should study the great law of peace of the Confederation of the five or six nations, as the case may be, and draw on it and think about many aspects that are applicable today; didn't the greatest democracy in the world, the United States of America, look to this great law in drafting a number of articles in the American Constitution?

Another example of democracy:
Recently the Grand Chief Joe Norton wrote an open letter in the Kahnawake newspaper, the Eastern Door, in which he offered his collaboration to his people in holding kitchen assemblies to hear the grievances of his citizens, to settle the problems of the various political factions that make up the community. I don't think he was in an election period!

Isn't that a fine example of pure democracy!

Last May seventh I was listening to Mr. Bosco-Bourcier, the Mayor of Châteauguay, who was saying that he was raised in Châteauguay and was personally acquainted with many people in Kahnawake

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with whom he had engaged in sports, such as hockey, against Mohawks and sometimes with Mohawks and that in those days there were very good, friendly relations.

However, he added that since the crisis of the summer of 1990, he is afraid to go on the reserve. I was very surprised at this, since I have been going into this community for the last six years alone and such a fear has never entered my mind.

True, I don't hold a public position as he does, and he is often caught in the crossfire. I think he should make an attempt at rapprochement, and be accompanied by a delegation of citizens from his town, to attend the Pow Wow at Kahnawake, which will be held next July 10 and 11.

I attended this event in 1991 and I can state that this celebration is extremely colourful and very interesting. In my opinion it is the ideal opportunity to recreate friendly links with one's neighbours.

In return, as a suggestion, the town of Châteauguay should organize a folklore event with heritage costumes, arrow sashes and appropriate music.

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The people of Kahnawake should be invited, of course. I would like to have the pleasure of attending such an event in September, since I will be outside the country for most of August.

Music has a civilizing influence,
does it not?

It might be the beginning of a new day, as the song by Renée Claude says so well.

Many people in Kahnawake often ask me whether I can provide them with car insurance and house insurance. I have to say no to them, since I do not have a general insurance permit authorizing such activity.

I have asked several brokers whether companies they represent would agree to insure them. The replies up to now have been that the political situation prevents them from taking such risks, given the supposedly explosive nature of the place. Once again, the media are in my opinion responsible for the opinion that these underwriters, that the underwriters have of the situation.

I would not give up, and I am

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continuing my efforts until a company understands that the risks are no greater than elsewhere.

The guards who are guarding the entrances to the village have been installed to protect the citizens, because the aboriginal people of Kahnawake fear an invasion by the Sûreté du Québec, which is already laying siege to them by excessively patrolling the approaches to the village, particularly highway 132 which leads to the Mercier bridge, which is located in the territory of the reserve. This provincial police force should let the Peace Keepers do this work, which they do very well because of the knowledge they have of the citizens of this territory.

Finally, I conclude in the hope that I have enlightened the Commission by my remarks and I hope that the Mohawks and the whites will row in the same direction: in their canoes and their rowboats, respectively.

I say "Good Day" to you in Mohawk C Onen. Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you, Mr. Bissonnette.

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I think your presentation is certainly an important one and constitutes an additional piece that throws particular light on the issue of relations with the Mohawks.

I would like to begin, if I may, by asking you with regard to general insurance, automobile insurance, house insurance, to your knowledge...you seem to be saying in the brief that it is virtually impossible at present for the inhabitants of Kahnawake to procure such insurance. Is that the case?

CLAUDE BISSONNETTE: Yes, that is the case. There are a number of people who are insured. There are some companies that agree to insure them. But they do it on a case-by-case basis, you know. It can't be said that most of the companies are leaping into the Kahnawake market to sell them automobile or home insurance.

Many people ask me if I do automobile or home insurance. I am obliged to reply that I don't and then I try on my side to find a broker who would agree to cover them. But there must be a company that

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agrees to cover them because the broker is only an intermediary.

So, the companies to which the brokers, to which I have applied have all said no, we're not interested in Kahnawake, in insuring people there because of the explosive situation.

I think that the general life insurance companies have a social role to play and should not discriminate. So I think that a company should get involved or that the government body or whatever understand the situation and insist on saying that, ultimately, the situation is no longer serious in Kahnawake notwithstanding the difficulties there were in the 1990 crisis.

At present, apart from the crisis, there have been no major problems, in my opinion. Houses are no more likely to catch fire in Kahnawake than they are in my home town. They have a good fire department, they are very well equipped to deal with the danger.

CO-CHAIR RENÉ DUSSAULT: In fact, I ask the question because it is an item that has not

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been pointed out to us as a problem by the community. That does not mean that this is not the reality, far from it. We heard of several aspects during our hearings in early May, of course, but this was not brought to our attention.

In your view, is this is a situation that results from the sequel to the events of the summer of 1990?

CLAUDE BISSONNETTE: I think so.

CO-CHAIR RENÉ DUSSAULT: Previously, when you began to work on the Kahnawake reserve before the events as you describe it, was this a situation that you were informed of? Were you approached to see if it was possible to get automobile insurance?

CLAUDE BISSONNETTE: Yes, but less often than since the crisis of 1990. I think the political situation has not helped because in the last analysis the general insurance companies are composed of people who are people who may also have some prejudices concerning the situation.

The insurance companies are consequently very conservative, and they should open

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up their procedures a little in order to do business and render service, the services they owe to a community, in my opinion.

CO-CHAIR RENÉ DUSSAULT: You still continue to do business with the people of the Kahnawake reserve?

CLAUDE BISSONNETTE: Yes, regularly, two or three days a week, depending on the appointments I may have.

CO-CHAIR RENÉ DUSSAULT: So your point of view on the issue of the sentries, the Peace Keepers, who are posted, the guards...

CLAUDE BISSONNETTE: There are no Peace Keepers at...

CO-CHAIR RENÉ DUSSAULT: No, it is the guards who are posted.

CLAUDE BISSONNETTE: Civil guards.

CO-CHAIR RENÉ DUSSAULT: This is an issue, as you know, that is very controversial in the surrounding communities. Likewise, there are some people even within the reserve who raise some questions.

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What is your assessment, because when we did the hearing here on May seventh, we were told that if the bind in relationships between the surrounding communities, for example Châteauguay, and the Mohawks of Kahnawake, was to be loosened somewhat, we must begin by taking a very close look at the issue of public security and the police departments on both sides.

When you tell us that some path toward rapprochement might lie in reciprocal participation in respective festivals, in your brief you say that basically those sentries are there to protect the population of Kahnawake against the actions of the outside police forces.

Would you elaborate a little, in view of the experience you have C you go to Kahnawake regularly?

Because it is a little bit, obviously, somewhat in contradiction with a widespread view in the surrounding communities, and since it is a central point, it would be worth your while elaborating further.

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CLAUDE BISSONNETTE: I have asked a lot of people in Kahnawake if they agreed with having such sentries. Most people tell me that it is necessary because they genuinely fear an invasion by the Sûreté du Québec.

That is their point of view. I don't think the Sûreté du Québec would set foot in there to have problems because I think there would really be some problems if the Sûreté du Québec decided to intervene massively.

There would probably be some problems because the people of Kahnawake would not agree that an outside police force (to them) should come to Kahnawake to enforce the law. Because the Peace Keepers, in my view, are doing a good job.

The sentries don't cause me any particular problems. When I come to a sentry box, most of the guards know me by sight, they know I am a life insurance agent and they let me through and wave me on.

When it is a guard who does not know me, he asks me: Where are you going? Who are you going

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to see? So I state the names of the people I will be seeing, and they wave me through. It's as simple as that.

The people who are afraid to go to Kahnawake because of the sentries are making a big deal out of nothing, because there is no problem. It is simply a control to see who it is who is entering, who it is who is leaving the reserve.

In my opinion, there are no major problems. To some people it may seem to be an obstacle to anyone going to Kahnawake. The Indians of Kahnawake want to have visitors, and they do not want to be encircled and to remain in a ghetto.

It is simply, in my opinion, for protection against a possible invasion, justified or not, by the Sûreté du Québec. I am relying on what I have heard.

CO-CHAIR RENÉ DUSSAULT: As you know, of course, there was a court judgment which basically involved the request of a group of people who were afraid to enter the reserve to go to the Kahnawake court to deal with some minor offences. Your viewpoint

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is different on this, based on your experience.

CLAUDE BISSONNETTE: Based on my experience.

CO-CHAIR RENÉ DUSSAULT: Essentially, is this due to the fact that you are known, that you go there regularly and thus they know the purpose of...

CLAUDE BISSONNETTE: Yes, it is due to that of course, but what is important above all, is that when I went there six years ago, no one knew me.

In the beginning there were none of the problems there were in 1990. It was 1987, and I was warmly welcomed. They looked askance at me, as a stranger would be in a Quebec village: Who is this intruder? Who is this stranger?

But nothing more, in the last analysis, I think that most Quebecers have been influenced by our history which relates some stories about our previous relations with aboriginal peoples in Canada.

So, we are filled with prejudices and I assure you that the people of Quebec, of Canada,

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have a lot to learn and would be extremely surprised if they had closer relations with these people. It would be a big asset in my view.

CO-CHAIR RENÉ DUSSAULT: In 1986-1987, of course, there were no sentries at that time.

CLAUDE BISSONNETTE: No.

CO-CHAIR RENÉ DUSSAULT: You are making a suggestion of a rapprochement between the people of Châteauguay and Kahnawake, a suggestion that Mayor Bourcier, for one, participate in the July 11 and 12 festival. And reciprocally, to organize one in which the people of Kahnawake could participate with the community.

As you know, this is a concern that the Commission has, in conducting these hearings, and has always tried to find out how to re-establish the lines of communication that were generally broken in the wake of the events.

We are told by both sides that the way to do this is through a normalization, a regularization in terms of public security and the police on both sides with different objectives in a

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way.

At Kahnawake we are told, listen, it is necessary to loosen the grip of the Sûreté and the RCMP, and conversely we are told that the law must apply everywhere.

Do you, on the basis of your personal experience, have other points of anchorage at which we could make a beginning in resumption of contact, on a somewhat more pragmatic basis, less fixated by images?

CLAUDE BISSONNETTE: I think there should be a joint meeting, perhaps, of the Châteauguay town council and the Kahnawake Band Council to establish bridges.

If we want to be pragmatic, we may have to do it politically, this meeting, to begin, and to be sure that there are no problems on either side. I don't think there are any problems with it because my experience leads me to believe that there would not be any inter-personal problems if the people of Châteauguay were to go to Kahnawake during the Pow Wow.

I don't think there are any problems,

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because I know my Quebec compatriots, who are fine people as well. I don't think the people of Châteauguay, if they want to put aside their grudges and their little problems, there is certainly an open-mindedness that could be created and at the same time...

You are asking me that point-blank. I haven't given it more than a quick thought, but that's what comes to my mind when I tell you that there should be a rapprochement between the Châteauguay town council and the Kahnawake Band Council. I am not acquainted with the state of their relations. I think they are not talking to each other, from what I have heard.

CO-CHAIR RENÉ DUSSAULT: Yes, I think that's a fairly accurate summary of the present situation. Obviously, one of the concerns that was expressed by Mayor Bourcier when he appeared before us, was the difficulty of finding go-betweens. There are several interlocutors within the community, and it is obvious that the Band Council has some legal interlocutors under the Indian Act. It's official.

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Thank you for having brought to the Commission your own personal experience, a fairly harsh one, too, in personal terms. If you had a copy of the letter that the Protecteur du citoyen submitted to you in early 1993, we would be interested in having a copy if you could send it to the Commission.

CLAUDE BISSONNETTE: All right.

CO-CHAIR RENÉ DUSSAULT: I am going to ask Mary if she has some questions.
[English follows]

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CO-CHAIR RENÉ DUSSAULT: Thank you,
Mr. Bissonnette.

CLAUDE BISSONNETTE: Thank you very
much.

CO-CHAIR RENÉ DUSSAULT: I would now
like to ask Mr. André Maltais of the Secrétariat aux
affaires autochtones of the Gouvernement du Québec to
come and meet with us at the table.

**ANDRÉ MALTAIS, Associate general
secretary, Secrétariat aux Affaires autochtones,
Gouvernement du Québec:** Good morning Mr. Chairman,
good morning Madam.

CO-CHAIR RENÉ DUSSAULT: You may
proceed as soon as you are ready.

ANDRÉ MALTAIS: Mr. Chairman, Madam
Commissioner, on behalf of the government of Quebec, I
am very pleased to make the presentation of the
Secrétariat aux affaires autochtones concerning in
effect the thinking that the government has at this
point in time as well as the different accomplishments
that have been achieved in recent years.

I would perhaps like to begin by

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quoting a phrase from Aristotle, which might inspire us throughout the reading. It is that injustice is treating equally things and beings that are different. I think it is important to have that in the background.

So, it is a pleasure for me to meet with you today to share with you the concrete achievements and projects of the Quebec government designed to improve relations between the aboriginal and non-aboriginal peoples in Quebec.

As a preliminary point I think it is necessary however to begin my presentation with a brief retrospective on the Quebec government's approach to the aboriginal people of Quebec.

Prior to 1960, the government of Quebec took no significant action with regard to the aboriginal peoples, with the exception of the enactment in 1925 of a law to allow the constitution of a reserve of public lands for the future use of the aboriginal people and the creation in 1928 of beaver reserves in which the aboriginal people were allocated exclusive trapping rights. This simple observation,

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the absence of a relationship, was clear evidence at the time of the distance to be covered.

After 1960, it was the creation in 1963 of the Direction générale du Nouveau-Québec that marked the beginning of exchanges between Quebec and the aboriginal people.

Services then began to be provided to the Inuit and the Cree, especially in the area of education. It will be recalled that the vote was granted to the aboriginal people by the federal government in 1960 and by Quebec in 1969.

Then, following the Malouf judgment in 1973 recognizing Cree and Inuit rights over the territory of Nouveau-Québec, the development projects for the big James Bay hydro-electric generating stations were interrupted and some intensive negotiations were begun.

These resulted two years later in the signing of the James Bay and Northern Quebec Agreement. This agreement constitutes the first contemporary treaty negotiated in Canada between aboriginal peoples and governments. This treaty laid

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the bases for the social, economic and administrative organization of a significant section C about one third C of Quebec's aboriginal population.

It is essential to understand clearly that the James Bay and Northern Quebec Agreement constituted a new social contract between the aboriginal people and the governments, a contract that covered all aspects of the life of the Cree and Inuit.

This agreement, I wish to recall, has 30 chapters, only one of which is devoted to hydro-electric development, contrary to popular belief. All of the other chapters deal with the social contract for the aboriginal people and provide obligations for both the governments and the aboriginal people.

In this connection, the Agreement was and continues to be the expression of a willingness by the Quebec government to normalize in as much as possible its relations with the aboriginal people of Quebec in all aspects of the life of a society.

In this sense, the parameters it contains continue to be essential references either to be re-used integrally or to be relied on in light of

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the experience acquired.

In fact, the Grand Chief Billy Diamond has already compared the Agreement to a charter of rights and freedoms for his people. This statement was made to the National Assembly of Quebec in 1983.

One of the consequences of the James Bay and Northern Quebec Agreement was to systematize the intervention of the government of Quebec, first with the aboriginal people covered by the Agreement, then with regard to all the aboriginal people of Quebec.

In 1978 the Secrétariat des activités gouvernementales en milieu amérindien et inuit was created, better known under the acronym SAGMAI, the ancestor of the current Secrétariat aux affaires autochtones (SAA), which is essentially a coordinating agency for sectoral government intervention in relation to the aboriginal people.

Increasingly, however, the Secrétariat's essential role has been to establish standards for negotiations with the aboriginal peoples

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in Quebec.

In contrast to the federal government, where the Department of Indian and Northern Affairs continues to be the major actor in dealing with the aboriginal people, the government of Quebec has chosen to let each government department and agency exercise its own jurisdiction with respect to aboriginal people as with regard to the entire population of Quebec.

In this connection, it should be recalled that at this point in time the aboriginal people of Quebec are on the same footing as other Quebecers in terms of services dispensed by Quebec.

This approach, which may a priori appear to be standardized, in no way signifies that the Quebec government pays no particular attention to the specific needs of the aboriginal communities, which often differ from those of the other Quebec communities. For example, in each government department and sectoral agency there is a de facto aboriginal coordinator whose role is precisely to ensure that the work of his or her sectoral department

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and access to programs are indeed adapted to the aboriginal situation.

It is also worth pointing out that Quebec is providing a significant financial contribution to the aboriginal people. In fact, the sums being spent in this area by Quebec are as large as the expenditures in Quebec of the Department of Indian and Northern Affairs. As a further illustration of the situation, I will add that the government of Quebec spends twice as much money as the Ontario government for an aboriginal population that is half as large.

Furthermore, there are now more than 250 civil servants working exclusively or for the most part on aboriginal issues within the Quebec government bureaucracy, barely forty or so of whom work in the Secrétariat aux affaires autochtones. This compares with the staff of the federal Department of Indian and Northern Affairs, which now has 195 employees in the province. This helps to show that the government of Quebec is intervening quite significantly in aboriginal matters, although the federal government

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retains constitutional jurisdiction over all
aboriginal people in Canada.

These figures are self-explanatory,
Lady and Gentlemen of the Commission, but you may
perhaps have personally been able to observe the
effects by visiting the aboriginal communities in
Northern Quebec. Generally speaking, the living
conditions in these communities are better, often
significantly so, than those of the majority of
aboriginal communities living in the north of the
other Canadian provinces.

Having made this brief reminder, I
will now speak to you about our perception of the
situation of the aboriginal people, their relations
with other Quebecers, and the means of concretely
improving the present situation.

Since the nineteenth century, and
more particularly since the adoption of the Indian Act
in 1876, the situation of the aboriginal people in
Canada can be defined as one that is characterized
above all by ambiguity. In fact, what now appears to
us as a very important error in relation to the

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aboriginal people was probably the stripping of responsibility from communities and individuals who were fundamentally self-sufficient and proud, and making them dependent.

Now, the fact that for a century and a quarter they have been and are still wards of the federal state has had enormous consequences on the aboriginal people. Their perception of themselves and of their relations with others has been strongly conditioned by the omnipresence of the government in their daily life. This very special situation has, over the years, generated some negative perceptions of the aboriginal people among non-aboriginals.

However, it must be said that until the 1960s there was an overall acceptance on both sides of the respective roles, in this case the federal government's role as a trustee and the Indians' role as wards. There was also an implicit agreement that the aboriginal communities were evolving in isolation from C or at the very least, parallel to C the global societies in which they existed.

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Needless to say, this situation could not however be maintained indefinitely. Thus, since the late 1960s, the evolution in thinking and the desire for emancipation of the aboriginal people have put a question mark around such an arrangement.

We are currently experiencing in Canada the phenomenon of anglophone, francophone and now aboriginal nationalists.

What makes the situation rather difficult to deal with, however, is that this desire for emancipation of the aboriginal people is sometimes selective. For example, the aboriginal people seem to want to free themselves as fully as possible from the restrictive aspects of the federal trusteeship and the limitations imposed on them by provincial powers. They are also claiming sufficient lands to exercise genuine self-government and substantial compensation for the wrongs that were caused to them in the past.

However, some aboriginal people would appear as well to want to preserve all of the benefits associated with their status: full funding of their autonomous governments by the federal and provincial

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governments, exemptions from taxes, free public services, special rights to practice traditional activities while enjoying the advantages of modernity.

I emphasize here that this is a matter of perception, and not necessarily of a majority of aboriginal people.

An approach that sought to obtain the best of both worlds might well end up going nowhere. The aboriginal peoples will have to make some choices if they are seeking more egalitarian and harmonious relations between themselves and other Quebecers. After experiencing two severe recessions in less than ten years, the vast majority of Quebecers and Canadians, feeling more and more overtaxed, will find it hard to agree that a significant group of citizens be exempted from the fiscal effort and at the same time benefit from all the advantages of the society as a whole, with, as a bonus, more extensive lands and new powers.

It is essential as well to agree on a number of common rules and established facts if we are to get out of the impasse in which we all find

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ourselves.

I think it is important that the Commission, with the governments, with the aboriginal peoples, first find the points of convergence that unite us rather than always talk about the points that come between us.

We live in Quebec (and in Canada) under the rule of law. Although some significant adjustments are possible to take aboriginal particularities into account, the major principles governing our society must apply to everyone. Which does not mean that they must apply in the same way.

The democratic system and the Charter of Human Rights are not negotiable with regard to their substance. Their implementation can of course vary, depending on whether one is in an aboriginal or non-aboriginal setting. For example, all of the residents of an aboriginal government's territory should be able to exercise their individual and collective rights as citizens. The possibility that a non-aboriginal person residing in aboriginal territory might be elected to an aboriginal government should be

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examined. The Inuit have shown us the way in this connection. Some ways and means that remain to be defined should however be provided for to guarantee political control by the aboriginal peoples of their own government and the greatest possible cultural integrity of their communities. In this respect, it is absolutely necessary to realize that collective rights are necessarily of greater importance in a small, fragile community than in a large society.

Any new arrangement between the aboriginal peoples and the other Quebecers will have to be negotiated. The unilateral imposition of new ground rules by one party or another cannot be allowed.

Self-government will be a powerful means of emancipation for the aboriginal people. However, they will have to accept the pluses and the minuses of self-government and its limitations, or else there will be neither genuine accountability or autonomy. This will mean, among other things, that the aboriginal people will eventually have to assume the costs of their autonomous government on a basis of

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parity with the non-aboriginal people.

However, given fairly low capacities to generate revenues, the aboriginal governments must for some time yet continue to enjoy large financial transfers from the federal and provincial governments.

No society today is immune from modernity and the significant cultural transfers it entails. This is true as well for the aboriginal communities. Young aboriginals are already very involved in the technology that surrounds us.

Today's aboriginal peoples experience modernity on a daily basis, even if they remain very attached to a very different past. The French Canadians, too, one or two generations ago, had to make the transition from a rural lifestyle based essentially on the culture of the land to industrialization and urbanization.

The ambivalence of the current situation of the aboriginal peoples, although it is very comprehensible, does not facilitate the discussion. The steady, simultaneous reference to the ancestral past, the present and the future often

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creates confusion among the other Quebecers and, on occasion, a certain irritation.

There is, I suppose, on both sides a certain level of incomprehension and perhaps even prejudice.

In so far as the non-aboriginal Quebecers are concerned, there will have to be a genuine acceptance of aboriginal specificity and the consequences that flow from this. As I stated earlier, the government of Quebec is striving to adapt its actions and programs to the aboriginal context; however, there is still a long way to go in this regard. Within the population as a whole, we all know that there is at present more resentment than comprehension in regard to the aboriginal people.

The events of recent years have led to this situation.

In parallel fashion, we note as well a certain radicalization in aboriginal discourse. These regrettable sentiments are quite comprehensible, however. For about three years in Quebec we have experienced a series of events and we will continue to

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be faced with difficult issues that blur perceptions on all sides and polarize positions.

However, I should point out here that these are cases that have many repercussions in the media but in no way reflect the relations between Quebec and the aboriginal people as a group.

That being said, I firmly believe that Quebecers can quickly become open again to the aboriginal reality if we can emerge from a virtually constant climate of confrontation that seems to have characterized relations between Quebec and a very small minority of the province's aboriginal population. It has become essential, in our view, to negotiate a new *modus vivendi* that appears both acceptable and viable to both the aboriginal people and the non-aboriginals.

For about fifteen years now Quebec governments have been proposing and implementing a considerable number of concrete measures to make a takeover by the aboriginal people of the major sectors of their life and society more operational. I will quickly list some of these measures for you.

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In 1984, agreement with the Mohawks of Kahnawake for the construction and management of the hospital. The Mohawks deal directly in this matter with the Ministère de la Santé et des Services sociaux.

And, it is worth noting as well, this is a hospital that is now considered one of the best administered in Quebec.

Establishment, under the James Bay and Northern Quebec Agreement, of institutions among the Cree and Inuit, directed by these nations: school boards, health and social services centres, housing commissions, a regional development board, etc.

Also under the James Bay and Northern Quebec Agreement, establishment of the guaranteed income program for Cree hunters and trappers. To our knowledge, this is unique in the world, and is aimed at compensating the aboriginal people so they can practice their traditional way of life.

There are also the various agreements in the area of health, social services and policing. As examples of particularly significant agreements, I

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would cite the \$25 million agreement with Akwesasne, \$6 million provided by Quebec, the co-management of the Cascapedia river, the common management of a controlled development zone at Les Escoumins.

The implementation of programs to preserve and enhance the aboriginal languages.

There are also the numerous important steps taken in matters of aboriginal culture. A lot of aboriginal agencies, equipment and cultural activities funded by the Ministère de la Culture.

Making funds available to aboriginal businesses or communities from the Secrétariat au développement régional to support job creation.

Joint construction with the federal government of airports in each Inuit community.

Recently, a \$13.6 million agreement to build roads to reduce the isolation of the three Atikamekw communities.

The signing of an agreement 15 days ago.

There are also the agreements with the universities for the specific training of

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aboriginal teachers. For example, the University of Quebec recently graduated some Inuit students in Northern Quebec; they will constitute a part of the needed replacement forces in education.

This is the first time that a graduation ceremony had occurred with the rectors and the president of the university in an aboriginal community.

Measures to promote the participation of aboriginal people within Quebec institutions. For example, there are now aboriginal representatives on the boards of directors of the regional development boards.

In the last two years alone.

We plan to continue in this vein with other institutions desirous of taking up the challenge of building a partnership with the aboriginal people.

This, it seems to me, eloquently testifies to the concrete willingness of the government of Quebec to improve its relations with the aboriginal people and between them and other Quebecers. We plan to continue along this route, and

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if possible increase several times over the opportunities for agreements. We are however aware that this type of intervention on our part cannot by itself establish a new social contract between the aboriginal people and other Quebecers.

There is therefore, as well, a willingness in Quebec to discuss the true causes of the disputes that exist between aboriginal and non-aboriginal peoples. This willingness is now being manifested in various ways.

For example, the ongoing development of a Quebec policy on genuine aboriginal self-government that will establish the parameters within which negotiation is possible and likely to produce results that are both viable and acceptable on all sides. This policy should enable us to concretize the Resolution adopted by the National Assembly in 1985.

The famous resolution of 15 principles.

The intensification of negotiations with the Atikamekw and Montagnais Council [CAM] to reach an agreement that would constitute a new social

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contract with these two aboriginal nations.

This intensification is currently taking place and should produce some results toward the end of June.

Thirdly, the appointment of a special negotiator for the CAM and another for the review of the implementation of the James Bay and Northern Quebec Agreement with the Cree. Other pending issues should result soon in further appointments of a similar type.

So, Mr. Chairman, Madam Commissioner, the government of Quebec is thus clearly demonstrating its desire to act. However, you will agree with me that it is indispensable, if we want to progress and find solutions that are substantial and agreeable to everyone, that a similar willingness inspire our aboriginal partners. Who starts first? Do we begin together?

On this plane, we firmly believe that the Royal Commission on Aboriginal Peoples can play an important role of grass-roots education and liaison between the aboriginal people and other Canadians.

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Thank you for your attention.

CO-CHAIR RENÉ DUSSAULT: Thank you, Mr. Maltais. I think it is appropriate to emphasize the importance of the fact that the government of Quebec, through you, has made this presentation to the Royal Commission.

The aboriginal issue is one that we have often had occasion to say transcends somewhat the federal and provincial jurisdictions, even if we are aware that we are a federally appointed Commission.

As early as the fall of 1991 we thought it was absolutely necessary to meet with each of the first ministers of the provinces, the majority of them, to inform them of our concern, namely, that given the Commission's mandate, we were certain to have some recommendations that would have an impact on provincial powers.

In that sense, we hoped for collaboration from the provinces and also their participation in the proceedings of the Commission so we would avoid unnecessary surprises at the end of the line, with the viewpoints of the provincial

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governments not being taken into account.

In that sense we are trying to maintain excellent relations and communications with all of the provincial governments in the country.

Now, I think that the presentation this morning is consistent with this line of thinking, but also concretely with this objective of reciprocal collaboration on an issue that basically involves the entire population of Canada and Quebec.

I was struck, in the brief you presented, which essentially is a brief that describes the somewhat historical evolution of the question, with the role of the government of Quebec, but also with the very concrete steps that are currently being taken.

I was struck somewhat by the lack of consideration, of reflection, of references to the case of the aboriginal people who inhabit a major city like Montreal.

In the following sense, struck but not so much surprised because the urban reality, this is true for the country as a whole, has been largely

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ignored in the case of the aboriginal people.

Yet this is a reality that is increasing. The tendency is one that is heavily marked by migration. Perhaps less perceptible in Quebec than it certainly is elsewhere in western Canada, but still, I do not believe it will be reversible, given the birthrate among the aboriginal people, the number of aboriginal youth, education, the choices they can make to work among their own people or collaborate more generally with the whole of Quebec society.

We will be having a presentation by the Métis, Indians living off the reserve. We will be having a presentation by the Regroupement des centres d'amitiés autochtones. So I will take the liberty to ask, as a first question, something on this dynamic of migration to the major cities such as Montreal.

Is some thinking being given to this in the Secrétariat des affaires autochtones, because the social problems are considerable. The statistics tell us that here in Montreal it is quite variable but if you take the figures on which there is a consensus, from the last census, there are perhaps ten thousand

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or so aboriginal people, generally Inuit, Cree and Algonquin.

Some people tell us it is more substantial than that. Obviously, it is not comparable to Toronto. There are 80,000 there and if we are talking about the provinces in western Canada, proportionate to the population, it is more substantial.

My first question is this. Is something being done? In the policy that is being developed, is there some thinking about that reality, in particular, of course, in terms of services, access to services, but also in terms of the issue of self-government?

ANDRÉ MALTAIS: Yes, Mr. Chairman, in fact, in the Secretariat there is some important thinking being done on the whole question of the aboriginal people in the urban setting.

However, before getting into that subject, we are trying as much as possible to see what can be done with self-government in the communities themselves, and the land question. Consequently, in a

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way as a resultant, what that might mean now in cities like Montreal. We are told there are about 16,000 aboriginal people who pass through the Centres d'amitiés autochtones [native friendship centres] each year in Montreal.

There are many students, there are many people, it is in health matters, and there are people who are settling more to live in Montreal. Among others, there is also in Quebec City. When we speak of urban people, there is also Quebec City.

So, in fact, there is some thinking which is fairly important and we are in contact with the Centres d'amitiés autochtones. It is very much with those people that we are trying to take the pulse and see how it could be defined, in two ways: legally and in the daily life of the people. Because, do we determine a place? Do we determine a building? Do we determine a zone? In that sense, we have to avoid creating other ghettos, too.

We must ensure that the aboriginal peoples can keep their identities and function with respect for what they are from the other whites in the

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urban communities.

At present the thinking is profound but it is modulated because there are, first, among the aboriginal peoples themselves, in the urban setting, they don't have the same definition of what self-government might be in the urban setting.

There is not yet any consensus among them. There are some thoughts. They are asking themselves how they could live and make do. So there are some models that are unique but there isn't yet one that would, at this point in time, I think, attract a consensus.

We have called a meeting for September with all those working in aboriginal matters in the urban setting to in fact take a new look at that point to see to what degree there might be, at least within our different approaches, an initial effort that could be made and with other subsequent efforts, perhaps achieve the hope of some people, which would be to have a place with some managerial staff that would allow some specificity not only to be experienced but to develop as well.

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CO-CHAIR RENÉ DUSSAULT: In terms of the protection of languages, you say there is a program that exists to protect aboriginal languages.

It seems to be the situation that there are several living aboriginal languages in Quebec. We have had occasion to note this when we were holding hearings in various regions, whether among the Atikamekw or in other communities.

Could you tell us a little... There is a study by the Conseil de la langue française that was published on that, a few months ago... What are the concrete measures that are being taken because as you know the language issue is an important one in Quebec and the issue of the aboriginal languages, the aboriginal cultures, is absolutely fundamental.

We are constantly being told that it is the basis of our opening to others to be assured that we will establish our identity and that we will have some cultural security.

I know there were some provisions from the beginning in the legislation at the time, in the Charter of the French Language, that there is a

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fairly strong reality in Northern Quebec because of the agreements, but outside that region could you give us a little more information.

ANDRÉ MALTAIS: Yes. I appreciate this question, Mr. Chairman, because basically, among the aboriginal people in Quebec they are trying to point out to the whites that it is not folklore. The aboriginal peoples, it is a very strong reality. It is a mentality, it is a language, it is a way of living that is different but may also be anchored in a territory. It is the relationship between individuals, the land, and the expression in all of this is language.

They are very proud of their languages and when I was speaking of nationalism a few minutes ago, we find that the aboriginal peoples, the young people for example...the Kashtin (PH) is a superb demonstration of what this can do. You can go places with your language which is quite different and be able to go everywhere and get people together in terms of the same art, which is the whole art of the scene.

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But more concretely, first it means the schools, and this was perhaps the most important step. At present, in the schools, in the curriculum, the whole elementary curriculum is being done with the acceptance and the support of the Ministère de l'éducation, that the young people can take their classes in Montagnais, in Ottikook (PH), in Cree, in Atikamekw, in all of these languages. First point.

Second point, quite significant government funding of the community radio stations. You know that at present all of the Indians are linked in Quebec through a series of local radio stations, thus on a regional basis and after that, provincially.

So the government has invested some significant funds in this, which are recurring funds, to ensure that the aboriginal people can talk to each other, in their own languages, with the news in their own manner and be able in this way to make the language a useful day-to-day vehicle and not a marginal accessory.

That was the second point, to have an organized, integrated communications system that is

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not on the fringe of the other systems. We see this with the Sautane (PH), we see it with the Inuit, we see it with the Cree, we see it with the Atikamekw.

All of those people, all of those nations, at noon as a rule, get their news in their own languages for one hour and our figures indicate to us that the Eskamekw (PH) and the Montagnais, the Cree and the Inuit for the most part listen only to radio and television in their own languages. This is not a trivial phenomenon, on the contrary, it is a phenomenon to which a lot of thought has been given, and there is more and more expansion.

Already, in fact, in terms of language, we even gave the Hurons some financial support to help them regain a knowledge of their language.

In Quebec, it is at present in the Canadian provinces the province that has done the most in terms of legislation, regulations, and in terms of financial measures to give the language an equal status with other languages in the aboriginal budgets.

CO-CHAIR RENÉ DUSSAULT: At the

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conclusion of your brief you stress the role that the Commission can have in terms of grassroots education, and obviously we share this point of view. It's not easy, however, since we have lived separately, in reciprocal solitude, for so long.

The question I would like to ask you in terms of the Secrétariat aux Affaires autochtones has to do with school manuals at present. We know there were a huge number of stereotypes about the aboriginal peoples. The way in which they were described, also in terms of history, we know that this is a touchy subject. It is not a question of rewriting history in reverse, but the aboriginal perspective on history was never conveyed.

Have you done an evaluation of the situation? I understand that each government department, as you have described, is responsible for aboriginal matters in its own area, but the Secrétariat is responsible for the coordination. Do you have an evaluation of the situation with school textbooks in Quebec? Is this the key in terms of the children in the schools if we begin to transmit some

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stereotypes C it is hard to catch up subsequently.

ANDRÉ MALTAIS: Mr. Chairman,
fortunately the aboriginal peoples did not wait for the government to get their own manuals, because it is thanks to their initiatives that already they have themselves prepared literature, documentation, educational tools that portrayed them more accurately.

At this point the Montagnais, the Cree, the Inuit have books at the elementary and kindergarten levels that are their own, in the Ministère de l'Éducation now, and in fact books that respect the tradition, that respect the aboriginal entity.

CO-CHAIR RENÉ DUSSAULT: That's fine but it is not sufficient. The first, the primary concern of the Commission is with the non-aboriginal youth in the school system as a whole.

ANDRÉ MALTAIS: For the non-aboriginals?

CO-CHAIR RENÉ DUSSAULT: Yes. In fact, in the way we describe the aboriginal people in the school system as a whole, because I think that there

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we have taken the step for the aboriginal people themselves to correct the situation and where the shoe still pinches throughout Canada is in terms of the school manuals.

There are a lot of improvements being made, but essentially my question is whether the Secrétariat has looked into that situation, and is there an evaluation of school manuals in terms of history, in terms of where we are dealing with the aboriginal issue, the content of these school manuals in general for the population as a whole, for the young people in Quebec?

ANDRÉ MALTAIS: Mr. Chairman, I would rather check because at present our efforts are focused instead on the appropriateness of giving the aboriginal peoples the true sense of their history. The corrections may have been necessary in the first place among them because it was our books that were there and they were not, I think, respectful of the aboriginal issues.

I have noted your question. I will have it looked into by the Department and I will

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answer you in writing, to be absolutely certain to follow up on your question if it is not done. I think you are quite right to emphasize it, and it merits some effort to ensure that on the side of the whites now we are looking much more objectively at what has happened in terms of our common history.

CO-CHAIR RENÉ DUSSAULT: I think that in fact the approach ought to be somewhat similar to the one that existed 10, 15 or 20 years ago with regard to stereotypes about women in the school manuals. We had a debate on this in Quebec and some correctives were generally made.

That's the sense of my question and of the Commission's concern, and it is a concern that is shared with all of the provinces because it seems to us to be root, the basis because we are still often told...

There was a teacher who was making a presentation on behalf of the Trappeurs gestionnaires du Québec. He is a teacher in his personal capacity, and he told us again how surprised he is at the reaction of the young people in the schools to the

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aboriginal people. How do you attack a problem as massive as this, which goes to the root of the relations in Quebec between the two peoples?

ANDRÉ MALTAIS: You are right because, basically, the aboriginal people are people who are wounded and often the people who are in the city, when they read the same thing for the aboriginal people, imagine that it is folkloric. When I used the term earlier I did so deliberately.

We still have the aboriginal perception vis-a-vis Montreal, vis-a-vis Quebec City but the aboriginal reality is much broader than that and I wonder to what degree we often try to get people to travel so they can meet each other more. And there, there is a problem of contact in terms of the aboriginal people, in terms of the non-aboriginal people.

So the books, of necessity, we should perhaps be conducting the operation simultaneously with the aboriginal people, but there was so much catching up. There is still so much catching up to do with the aboriginal people that the Secrétariat has

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concentrated its efforts on that side.

But I think that you are completely right to ensure perhaps that the Ministère de l'éducation and other government departments are in a position to provide, in fact... to remove the stereotypes on the whole issue of women, because even among the aboriginal people there is a problem on that side. There is still a problem on that side. I think that the women are doing a marvellous job, the aboriginal women, on this issue.

In terms of the young people, there was the whole issue of the books that appear in the communities and that deal only with America but did not deal with what they were. They had a tendency themselves to no longer identify with the readings they had.

So I am taking a note for the question on education but perhaps we should look at the Ministère des affaires culturelles, although at the Ministère des affaires culturelles, Mr. Dussault, they are getting out an enormous amount of work on the aboriginal issue as well.

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I think that if there is one department that deserves stars among us it is the Ministère des affaires culturelles, which is very active and is trying to give the aboriginal peoples a stepping stone. The important thing is not to replace it, to give them some space in which they can develop. In that sense, I think that the aboriginal peoples too are giving us some signals. Obviously, they are not numerous. We are asking for a lot from 65,000 people.

With everything that has happened over time, people want things to happen instantaneously. I think there are some efforts to be made. We have tended to focus on their own situations, but I am going to satisfy myself at the Secrétariat that we are auditing the different government departments and I will come back to you in writing to follow up on your question, a little on what is being done in all the departments.

CO-CHAIR RENÉ DUSSAULT: Very well. We appreciate it, and once again, we emphasize that this is certainly, in the Commission's view, one of the keys to an improvement in relations. Just one point on

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that matter.

I have always been struck by the usefulness, the clarity of the little booklet you published in the Secrétariat des affaires autochtones on the aboriginal nations in Quebec C this little blue and green booklet. And I have always thought that if the high school students could spend an hour or two with their teachers in this booklet, on the one hand to learn, to know that there are eleven aboriginal nations in Quebec.

Geographically, they are located in what places? What are they? What number do they represent, to get an idea of the aboriginal reality. Through a little document like that there is an initial contact that could be extremely useful.

I take the liberty to mention that it might be worth while for the Secrétariat to make some approaches to the Ministère de l'éducation along those lines, concretely, because there are not only the school textbooks, but positively to publicize a reality that people are completely unaware of.

ANDRÉ MALTAIS: You are right, we

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should up the ante somewhat by thinking that we could have aboriginal people who could meet whites more regularly in a school setting. It is incredible the richness of those people, and it is very modulated, you know, the aboriginal people who are more educated than others. There are some who are closer to nature, and this is by choice.

There are some people who want to go to the schools, others who want to remain more with nature, and by choice. In the educational system we ought to have a lot more transfers, allow people to go and talk.

This is true for the media, I am always astonished to see how much the media have relied on the aboriginal people in crisis periods, but when are they invited to talk fairly regularly about their own reality.

Basically, it is consistent with ours, but it is experienced differently. Our problem in this is perhaps due to the fact that we are each in our reserves, the Quebecers in Quebec and the aboriginal peoples in their communities, and the

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communicating vessels are not functioning sufficiently.

CO-CHAIR RENÉ DUSSAULT: So, essentially, you think we must take some concrete steps in that area, otherwise we are beginning again all the time.

I think there are some very specific steps if there is a willingness to change attitudes. It is necessary to start with the schools. It is in that sense that I take the liberty to make a suggestion like that to you, and the first one as well, in terms of manuals. I would perhaps just like to add one point.

We had a presentation by the Métis yesterday and some non-reserve people who pointed out to us that your document did not mention them either in relation to the urban reality. They were saying that there should be a second nation, between quotation marks, a second reality that should be described, and that somewhat impinges on the urban concern that was for a long time lacking somewhat from the concerns of Canadian governments, but which is

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becoming extremely important.

I would like to go on to another subject. You say that Quebec is spending twice as much money as Ontario. You describe the number of civil servants working on aboriginal matters in Quebec. I would simply like to convey the following message. It is more in the framework of the Department of Indian and Northern Affairs.

The grievance of the aboriginal people in general, and of the Indians in particular, concerning the federal Department, is, listen, it is a system that allows a bureaucracy to thrive on our backs, and so the number of civil servants is not always the criterion in terms of which the government's effort should be judged. We are hoping for a government effort more in the direction of decentralization and self-government, and thus we want to reduce bureaucracy and controls.

CO-CHAIR RENÉ DUSSAULT: So the number of civil servants is not always the criterion in terms of which the government's effort should be judged. We are looking to a greater governmental effort toward

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decentralization and self-government. So we want to reduce the bureaucracy, the controls.

Do the civil servants have an image of control, frequently, in the context of self-government? I understand that it is in the federal context of the management of the Indian Act. I think it is important to emphasize that.

My question in relation to Ontario: Is it due essentially to the James Bay and Northeastern Quebec agreements or is it... Have you made an assessment of the Ontario expenditures compared to the Quebec expenditures? On that plane, you are giving us some two for one figures. Is there a breakdown and, if you have it, we would be interested...

ANDRÉ MALTAIS: I will send the complete breakdown, perhaps, but there are two reasons that explain this disparity. These are, one, that Quebec, in terms of the aboriginal people, is much bigger than Ontario, with the North, obviously, and the Agreement of course. So there are some Agreement items that are related to it, and there are some

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geographical items, and there are some additional programs that are provided by Quebec. I could [something missing-Tr.] the relative sizes of the figures perhaps to break them down in order to submit them to the commissioner.

CO-CHAIR RENÉ DUSSAULT: At the beginning of the week we had a presentation by Ghislain Picard, who is the vice-president of the Assemblée des programmations, responsible for Quebec and Labrador.

In relation to the resolution of the National Assembly that you referred to in your brief, and in comparison with the joint declaration Ontario made on August 6, 1991.

Essentially, Mr. Picard made the suggestion that perhaps the initial step could be to change the unilateral character of the declaration of principles that was adopted in 1983 and enshrined by the declaration of the National Assembly into a joint political declaration.

The comparison was made that it is still a unilateral gesture by Quebec vis-a-vis the

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aboriginal people. So it is not in a relationship in which they participated, contrary to what was done in Ontario in August 1991, where the declaration of principles by Premier Rae was a joint declaration.

So I take the liberty of relaying that concern. Obviously, we have had several hearings in Ontario where, between the declaration of principles and the reality being experienced, the aboriginal people tell us, there is a considerable distance. So it is not a statement that resolves all the problems.

But Mr. Picard was telling us that it could be a first, a way of starting the relationship on a somewhat different footing, and I take the liberty of relaying to you the presentation which was made and which will certainly make you transform the unilateral character into a more bilateral character.

ANDRÉ MALTAIS: I think Mr. Picard's approach is consistent with a desire, in effect, for partnership and in that case, the receivable loans, the issue would then be one of seeing to what degree we might not only update our resolution but, what we

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would like to do in the Secrétariat is to take action as well, it is to be able to really embody the desires or wishes or the declaration in a daily practice that is peculiar to the aboriginal people.

On the issue of the civil servants, I think that the greatest success we will have some day is that we will disappear as a secretariat or department, both federally and provincially, and that the aboriginal people will regain their place as a people, obviously, that can manage their affairs directly.

CO-CHAIR RENÉ DUSSAULT: Last question, because we could spend some long hours. The question of self-government and economic self-sufficiency, you refer to it in your brief. It is clear that economic self-sufficiency is the basis.

The aboriginal people tell us: We are not interested in being in a situation of dependency for the fun of it. If you want, eventually, to get out of a trustee relationship, there will have to be economic security, that we can live adequately.

This is a call for many things,

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because spontaneously, in terms of the population, one can... self-government will settle the problems but if you don't provide an economic basis to support self-government you are changing eighty-five cents on the dollar.

So, in that case, what is the government's thinking on this, because we are told: Some increased lands will necessarily have to be provided, there are land claims, resources.

So, in these increased lands, in other cases of taxes on broader, ancestral lands, in other cases it is the massive emphasis on education, the training that will truly allow the young people to enter fully into competition in Quebec, Canada, internationally.

But there will have to be a trade-off if we don't want the money spent by governments to be simply repeated instalments of social assistance creating a relationship of control, and thus of frustration, that we head toward something in which the aboriginal people will be able to take control of themselves. An economic base will have to be offered.

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The Commission is confronted with this. That is perhaps the central issue in the Commission's proceedings, in which the objectives of the aboriginal people and the general public come together.

On the one hand we want to emerge from a state of dependency, and on the other we want the aboriginal people to emerge, that it be productive, and that they be partners. But for that to happen there are no miracle solutions. There will have to be an economic basis. In the Secrétariat have you given any thought with the departments involved to the ways in which this economic development base might be provided, and it is varied, it is not simple, it depends on geographical situations.

We will be having a presentation from Hydro-Québec this afternoon, in a specific context. It involves a great many things.

Could you tell use a little if there is some thinking in the government of Quebec around the principle of providing a basis for economic self-sufficiency, where you say in your brief that it will be necessary to have some equal sharing.

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Eventually we know that they will always need the government for a time, but it will be necessary to share equally, that the aboriginal people finance their government, but I think that it is very clear in your brief that you are conscious of the need for there to be a basis to do this.

ANDRÉ MALTAIS: What I was saying earlier, Mr. Dussault, Ms. Sillett, is that for the aboriginal peoples there are three things. There is the individual, the land, the language. It is unavoidable. You cannot speak of self-government if there is no territory, perhaps economic C not only the community territory, but an economic territory.

Here, there is a question, I was going to say of political appropriateness, a question of political analysis. It is the how and the how many.

So we, in the Secrétariat, effectively there are many scenarios on that side. There have been a lot of research studies conducted among the government departments. There are in fact some theories.

Now, I think it is for the political

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arena afterward to take those decisions. I think that the Secrétariat, somewhat like the Commission; we can propose but we cannot always dispose and the problem is the question I asked earlier: Who begins first? When do we start together? And everyone acknowledges that there is no avoiding it and that it is unthinkable to have a discussion like the one we are having if in fact there is no territory.

The whole difficulty, in this case, is the how and the how much. It's that, I think, because there is a lot of distrust on both sides. Each side talks to the others but we don't seem to be prepared to say, well here is what I need, here is what I am ready to agree to.

One would say that we have not yet come to terms on the quantum of the lands, the lands, the fees, these are all words that circulate but there is no decision on it.

We have some scenarios, as there must be in fact in other governments, provincial or federal. Is it because we are not ready yet in terms of mentalities? Is it because politically the

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chemistry is not yet complete?

I don't know, but to answer your question, yes there are some scenarios and yes, in fact, it is at the heart of the operation, the question of the economic territory. Without it, these are hollow words and realities that cannot exist because the reserve, in fact, the current notion of reserve which is somewhat what is called a ghetto, is that the people do not have the land they need to effectively develop, pay taxes, things like that. That is the problem.

CO-CHAIR RENÉ DUSSAULT: This is fundamental, and one would hope that a maximum of work is being done on this, and on openings. It is important also in terms of the public that it be understood that basically there are going to have to be compromises to provide an economic base.

ANDRÉ MALTAIS: My lord, it takes nothing away from the whites. The thing it is important to make the whites understand is simply that the aboriginal people need only some space in which to develop and that then our rules will be harmonized,

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what is called a reference case or a synthesis case.

If that is the case it will give everyone legal security and it will give everyone the freedom to use the wealth.

I give an example, I'm attached to it because it was done on the North Shore with the Montagnais of Mingan. The Mingan river was assigned to them retroactively a few years ago. This river had salmon for many years, of course, and because of overuse by the whites and the aboriginal peoples, the river was now endangered.

The Indians said to us: As long as the river is not ours, as long as we are not responsible, we will not discipline ourselves and we will continue to fish as we are doing. The whites did pretty much the same thing, so that once the aboriginal people of Mingan had their river, they agreed to declare a moratorium on fishing for a number of years, four years. Now the river is regenerating. There are more whites who will be fishing than there were before. There are more people in the river and the Band Council got a trophy, presented by the

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Atlantic Salmon Federation, for one of the best managed salmon rivers in Quebec.

Now, everyone is happy. The whites are going to fish, the aboriginal people are going to manage, their pride regained, and the young people now have an interest in becoming biologists or administrators or guides or managers.

I think this is being done, the Inuit are doing it in Northern Quebec. There are precedents sometimes. The important thing is how changes are made in an orderly way, which give the signal that is needed in order to continue.

In any event, in the Secrétariat, we are counting very much on the Commission to be able, perhaps, to make some points of convergence and consensus so there are some sorts of orchestra conductors. Failing this, the danger is that everyone will be passing the buck and waiting to see what the other fellow is going to do. So the time goes by and during that time the aboriginal youth wait for a time to prove themselves, and if we don't do it quickly we may be preparing some very difficult days ahead.

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CO-CHAIR RENÉ DUSSAULT: One last point, the relations with the Mohawks. There was a lot of talk about it, in early May for example, in the Commission, it is a very important, touchy question.

We were essentially told, on both sides, that the public security and police situation was central as a starting point to unwind relationships somewhat and straighten out the situation on both sides.

Does the Secrétariat have a role to play in this? There are some sectoral departments of the government, and this brings me back again to the question of coordination in relation to objectives. What is the state of your thinking? We are looking for some paths toward rapprochement. We met with both parties within the same week, which was already a lot.

We intend possibly to report fairly quickly on our observations. Are there, on the side of the Quebec government and the Secrétariat in particular, some views on the situation at present and how this relationship might be defused somewhat, because it is basically poisoning not only the

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atmosphere in the Montreal area but more generally, has repercussions on the reality of relationships between Quebecers and the aboriginal people in general in Quebec?

ANDRÉ MALTAIS: When we speak of the Mohawks, I immediately make a distinction; there are some proud Mohawks who are obviously the majority of the people, and a particular problem in different communities. First, we are in constant contact with the Mohawk communities, Akwesasne, Kaknesatake or Kahnawake. For our part, we deal in different ways with the three communities, that is, with Akwesasne the relations with the current Chief are excellent and we have a lot of instances of working with Akwesasne and our officials are in regular contact.

Mr. Siros went quite recently to meet with the Chief and the Council. There are some difficulties inside but they are difficulties like those of any other community.

It can't be said that things are particularly tense or problematic with the Mohawks of Akwesasne. In terms of Kahnesatake-Oka, the Quebec

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ministers, Mr. Ryan and Mr. Siros, are in contact with Chief Pelletier. Very soon there will be a negotiator or a representative of the government who will be associated with the attempt by Mr. Bernard Roy to try to move more rapidly on the issue of the recovery of the lands.

So on that issue we are close to the community. Mr. Pierre Coulombe was until quite recently associated with the Kahnesatake case and our relations are good with that community.

It is difficult there. It must be realized of course that there is a problem that is internal, but still we are in constant contact and things have advanced. I know that the Ministère de la MLCP [du Loisir, de la Chasse et de la Pêche] is following the matter very closely. Municipal affairs are closely involved too.

We still have officials who are at the negotiating table. So Quebec is present in the Oka territory and giving all the necessary assistance to the Mohawks, to the federal government to work as a team and to the municipalities, the different mayors

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who are there.

Kahnawake, just a fortnight ago, three weeks, Mr. Siros, our minister, met with Mr. Norton. I met with him also several months earlier. We have some contacts except that there is a problem at this point in time on the issue of the Ministère de la sécurité publique. There is a question of reading to be done and Sécurité publique is trying to see how some agreement could be arrived at in which all of the parties would still be winners.

I think the important thing there, there is a question of symbols. It must be realized that the question of Kahnawake is a resultant of a whole series of frustrations accumulated over the years. So how can everyone now find a compromise solution in which there would be no losers? I think that this is what is happening somewhat right now. Mr. Ryan and the Sécurité publique officials are in contact with the Band Council.

In terms of Kahnawake, you have been there yourselves, Commissioners, and you see that inside as well there is no established consensus. So

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it may be that on all sides within the community there must be a bit more... I think it requires a little time.

It is a pity to have to say this, perhaps, but it may be that not all the elements are in place to get a consensus among the Mohawks of Kahnawake first, and as far as the federal and provincial governments are concerned there is still some harmonization that is developing as we speak.

The federal and provincial ministers are in contact. We are trying to be constantly in touch, but in fact we cannot say that tomorrow morning we could say there is a solution there that is all ready.

But I am not prepared to say that immediately after tomorrow there won't be one, for example, because there are some leads that are open and the Mohawks themselves are assessing them among themselves to see to what degree it would be acceptable to the factions. Is there some means in terms of the elected government, Mr. Norton, to see if the traditionalists, if there is not some means of

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doing something.

So there is some work that is being done. I think that Chief Norton is also trying himself, within, to find those points of junction, and that is why it requires time.

Now, this does not prevent that community from perhaps having some people who are extremists, as we have in other communities. The danger in the situation is that when we speak of the Mohawks we have the impression that all the Mohawks are outlaws or even that if we speak the word Mohawk, now, it is understood that all Indians in Quebec are people who are outlaws or do not want to live in a social contract.

That is the danger. It has an enormous influence on relationships, on the perception that whites have of the aboriginal people.

I think the Mohawks should be aware that acting in this way at this time can momentarily do a disservice to the cause of the aboriginal peoples.

The other point which is important, I

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think, Mr. Commissioner, Madam Commissioner, is that the Kahnawake case is an urban case as well. You can't deal with the case of Kahnawake like just any aboriginal case whatsoever. You have here, perhaps, in Quebec, in Canada, a case in which you are in the very heart of Montreal, you have the St. Lawrence Seaway. You have the railway which goes through there. You have Hydro towers that are there. You have a bridge.

So you have an urban phenomenon and some people who would like to assert themselves. In this case we are going to have to, I think, on both sides, federal and provincial with the community, find a model that is more adapted to the reality of greater Montreal.

CO-CHAIR RENÉ DUSSAULT: Thank you. It is obvious that there is a huge amount of work to do on that side, and that is the key in terms of the relations in the region but more generally in Quebec. We will have some additional contacts on this matter.

I would now like to ask Ms. Sillett to make a few comments to the questions.

[English follows]

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CO-CHAIR RENÉ DUSSAULT: Thank you, Mr. Maltais, for this presentation, and we of course hope that the follow-up on a number of questions that we discussed together can be done more generally, that the Commission can continue to have excellent relations with the government of Quebec as with the other provincial governments in Canada.

This it seems to us is essential if we are to come up with recommendations that have the greatest likelihood of being acceptable to the aboriginal peoples, to the governments that are responsible for making decisions to implement them, and to the general public.

ANDRÉ MALTAIS: Mr. Chairman, thank you, Ms. Sillett, thank you very much. I would like to tell you that first the government of Quebec is counting very much on the proceedings of the Commission and hopes that there will be, I want to say a program or a follow-up committee established with a schedule, to be sure there is an orchestra director.

I would like to recall to you the little phrase at the beginning: Injustice is treating

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equally things and beings that are different.

(Aristotle)

Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Thank you.

We are going to adjourn the hearing for about ten minutes, and resume next with the Association des femmes autochtones du Québec and the Regroupement des centres d'amitié autochtones du Québec. We will extend our hearing until 12:30 p.m. to be sure that we are going to hear each of the briefs for one hour. These are very important briefs. Thank you.

--- Adjournment of hearing at 10:27 a.m.

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--- Resumption of hearing at 10:53 a.m.

CO-CHAIR RENÉ DUSSAULT: I would like to ask the representatives of the Association des femmes autochtones du Québec and the Femmes autochtones en milieu urbain to come and meet with us.

--- (Pause)

CO-CHAIR RENÉ DUSSAULT: I think there are two briefs. We received the brief of the Association des femmes du Québec a few days ago. A brief was submitted to us just yesterday from the Femmes autochtones en milieu urbain.

So, perhaps we could ask Jackie Kistabish, who is the president of the Association des femmes autochtones, to join us at the table with the persons who are accompanying her. (Aboriginal language - no translation).

**JACKIE KISTABISH, President,
Association des femmes autochtones du Québec:** My name is Jackie Kistabish and I am the president of the Association des femmes autochtones du Québec and I am of Algonquin nationality.

I come from Bigouane (PH) and I am

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going to present as well the members, my colleagues.

On my left, Éléonor Huff, who is an Abénaquise who lives in the Wandac (PH) community.

On my right, Philo Desterres, who is the secretary-treasurer of our organization and who lives in the Bitouamid (PH) community. Christine Sioui is the coordinator who works in the area of family violence.

Ms. Beverly Sabourin, who is our director general for our organization and of course you know our former president Michèle Rouleau.

What we have decided to do is to read to you the content of our presentation, our brief, and afterwards reply to the questions if you have some questions to put to us.

I would also ask in the hall, because I have some of my sisters who are behind me if they as well, probably, if they have some remarks to make, if you will allow them to answer the questions if ever there are some questions that concern them.

CO-CHAIR RENÉ DUSSAULT: Perhaps just, as a preliminary point, I note that your brief is

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obviously a substantial one, about thirty pages, if there were some way to make the presentation in a half-hour so we can have a good exchange, another half-hour to do the exchange.

So, perhaps you could read the key parts or summarize them because I fear that the reading of the full brief could take up the entire hour.

JACKIE KISTABISH: If you will allow me, I would still like to read the presentation, because it is very important for us to really... Everything we have to say is there.

CO-CHAIR RENÉ DUSSAULT: All right.

JACKIE KISTABISH: I am going to begin, and two of my sisters will follow in turn.

It is with keen pleasure and a definite interest that the Association des femmes autochtones du Québec is participating in the proceedings of the Royal Commission on Aboriginal Peoples.

The Commission's terms of reference, as well as the way in which they have been implemented

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so far, are reassuring to us, although experience has taught us that it is always necessary to await the complete results of the work of a Commission, and especially the political will to follow through on the recommendations, before awarding any diplomas for success.

It is our hope that the crucial problems with which we are confronted as aboriginal women will not be swept under the carpet as has happened so often in the past. If, on the heels of the discussions surrounding the proposed constitutional reforms last year, we feared for a time that entire portions of the aboriginal experience would be ignored or postponed to the Greek calends, we now gladly share the observation you made in the document "Focusing the Dialogue", that the Commission's proceedings have acquired even greater importance and that we now have an opportunity to rethink the solutions and methods that have been proposed up to now.

Our brief fits primarily within what

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you call "the healing process". The reason is extremely simple: our interest is in life itself!

This is not to discredit the search for political solutions which, unavoidably, must involve self-determination and self-sufficiency. But above all, we must not lose sight of the ultimate goal of the reforms to come: to improve the life of the aboriginal women and men of this country.

This is why we begin by raising three issues that are close to our hearts, and for which we have developed over the years a fair store of knowledge and even expertise. These are the issues of family violence, day care for children of preschool age, and the precarious situation of aboriginal women in the urban setting. After which, still in relation to our expertise, we will discuss three issues that have more to do with politics: Bill C-31, the Charter of Rights and Freedoms, and the participation of aboriginal women in decision-making bodies.

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Secondly, we will outline the major ideas of what might be called our social agenda.

But, before getting to the heart of the matter, it may be of some use to remind you of whom we are.

The Association des femmes autochtones du Québec comprises some 3,000 women from aboriginal nations residing in Quebec territory. It is in fact the only association that includes women from all of the aboriginal nations present in Quebec, thus from the Abenakis, the Algonquins, the Atimamekw, the Cree, the Huron-Wendat, the Malecites, the Micmac, the Montagnais, the Mohawks and the Naskapi. On the other hand, our representation extends to all women of aboriginal descent, no matter what their status.

Created in 1974, at the time of the epic struggle by aboriginal women to eliminate the discrimination against them inscribed in the very heart of the Indian Act, our Association has gradually

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provided itself with an organizational structure that makes provision for decentralization and participation. For example, at the local level we have supported the creation of organizations representing women from one or more communities. These organizations, now forty in number, are in turn part of a general council corresponding to each of the nations. The women in an urban setting are organized in a similar way, and are represented by a general council. Finally, each regional council is represented on the Board of Directors.

We might add that once a year the executive committees of the general councils of each of the nations, and the executive committee of the General Council of the Femmes autochtones en milieu urbain participate in a general meeting. This is the opportunity par excellence to debate the needs and problems of aboriginal women, to gauge the progress that has been made, and to assess the work of the Association in order to review its directions and priorities.

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In short, the Association, notwithstanding an extremely modest budget that essentially comes from the funding that accompanies the production of special projects, has provided itself with an organizational structure that allows it to be truly tuned in to the aboriginal women whenever it is possible to do so. This is no doubt the explanation for our approach, which is highly focused on the day-to-day problems we experience such as the family violence that literally is poisoning our communities like a generalized cancer.

On all of the subjects that are of concern to aboriginal women C be they social, economic or political C the Association's objective is to provide support to aboriginal women that can help them assume, as full equals, the place that is rightfully theirs. Our methods may include awareness and information campaigns, or lobbies of decision-making bodies. But first and foremost, our organization is a place for discussion and pooling of the experiences of aboriginal women, an essential place given both the

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large number and small size of the communities that make up the aboriginal fabric of Quebec.

Over the years the Association's issues and priorities have shifted. Its first years were marked by the indispensable mobilization that was needed around the struggle against discrimination that led to Bill C-31, which is far from a masterpiece of equality, and we shall return to this later.

The recent years have given rise to various demonstrations and actions to break down the wall of silence surrounding the social scourge of family violence in the aboriginal communities. The aboriginal women soon realized, indeed, that before setting out on the path of self-determination of the aboriginal nations C and in order to do so more effectively C it was essential that they reconquer their freedom and independence on an equal basis with aboriginal men in day-to-day life.

Thus, gradually, social issues have assumed greater and greater importance, in the awareness that there cannot be political equality without social equality and, more generally, genuine

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political autonomy in a democratic society
characterized by egalitarian social relationships
between men and women.

To continue, I would ask Christine to
do the reading on the struggle, justice and equal
opportunity, our priorities, Christine.

CHRISTINE SIOUI: Hello.

The social front, family violence,
this violence that tears at us, to repeat the theme of
the public awareness campaign we launched in 1987 with
some modest financial support from the Secrétariat aux
affaires autochtones and the Secrétariat à la
conditions féminine, both connected with the
government of Quebec.

How, it will be asked, does this
family violence differ from the violence that is found
in the non-aboriginal communities? Answer: by the
scope of the tragedy, although we readily acknowledge
that any act of violence, no matter what it is or
where it comes from, is a tragedy in itself.
Scope and seriousness.

The few scarce studies that have

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attempted to gauge the scope of the phenomenon of family violence in the aboriginal communities testify to the seriousness of the situation.

For example, the study conducted in 1989 by the Ontario Native Women's Association finds that 80 percent of the respondents say they have been victims of family violence while the incidence of family violence for Canada as a whole is in the order of 10 percent.

There is no specific study on the aboriginal communities established in Quebec but there is every reason to believe, from the testimony of the field workers on the firing line that the situation is comparable. The figures in this matter are almost always short of the reality. The image that springs spontaneously to mind is that of the iceberg: the visible or apparent part always hides a good part of the reality.

The difference, however, in comparison to the situation that existed barely a few years ago, is that it is now possible to talk about it. The wall of silence has been broken and more and

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more aboriginal women, who once considered family violence to be a private matter, now no longer hesitate to denounce it publicly. This represents very considerable progress and the beginning of hope.

The causes

Although research on the basic causes of violence in the aboriginal community is not very advanced, one would not be very wrong in referring to the factors of acculturation and poverty, as you yourselves do, in fact, in the document "Focusing the Dialogue".

All indicators of quality of life show that citizens of the First Nations have the worst living conditions in Canada, although these conditions can vary from one community to another.

There is no doubt that the conjunction of a subsoil of acculturation and a subsoil of poverty promotes the germination of violence in all of its forms.

"When you don't have control over

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your life, your culture, your means of existence, you are going to look for control over someone else", said one participant of long experience.

That being said, there is no need to wait until the causes are eliminated on their own before acting. If so, the healing process may be an extremely lengthy one and even useless since the evil will have the time to disintegrate completely the social fabric of our communities.

The actions of the Association

For more than ten years now, with the modest means at its disposal, our Association has been intervening on the issue of family violence as a priority issue. We have played an important informational and public education role in order, on the one hand, to present the full scope of the problem publicly, and, on the other hand, provide some tools to these grassroots women in all the communities who, armed with their courage, have undertaken to reverse the situation.

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Thus, in addition to the extensive public awareness campaign that we initiated in 1987, we have taken advantage of available federal grants for community projects to produce three information bulletins that have gone into 5,000 aboriginal homes.

But over and above information, the Association is trying by all means to provide unconditional support to the front line workers who are confronted every day with manifestations of family violence, who provide support and accompaniment to the victims, and who are often themselves isolated and overwhelmed by the scope of the work to be done.

Within this perspective, in 1991 we set up a field workers' committee to provide them with moral and technical support and enable them to pool their experiences and occasionally develop common strategies.

However, we are also conscious of the immense educational work that must be done in relation to the male assailants. To attain this objective, we have set up an ad hoc committee composed of aboriginal men with a mandate to begin the job of information and

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public awareness with men who are violent.

The sole fact that we have been able to recruit, quite easily, men who are prepared to exercise this responsibility leads us to believe that the situation is not hopeless and that it is possible to find a way out by using as best we can the living forces of our communities.

Other initiatives

But, you will say, what are governments doing to support you in your efforts? Truth to tell, too little, even if we increasingly note a certain openness in thinking.

In 1988 the federal government established a program to assist community initiatives in opposition to family violence. According to the available information, this program is to be reviewed and expanded in the years to come.

With few exceptions, we know very little about the 180 or so projects in the reserves that have reportedly been funded up to now across

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Canada. And this is for the simple reason that there has never been a systematic evaluation of the program.

The Department of Indian Affairs also decided in 1991 to fund, through the CMHC, the construction of four shelters for battered women connected to the Maniwaki, Restigouche, Sept-Îles and Shefferville reserves.

Unfortunately, with the exception of the Sept-Îles project, these were somewhat "parachuted" initiatives that were established in isolation without even calling on the expertise of the aboriginal women involved in the issue of family violence. Often poorly located and poorly equipped, the shelters have not provided the expected results.

For its part the government of Quebec built two shelters in the "agreement" communities (Chisasibi and Kuujuaq) as well as another in Montreal to respond to the needs of aboriginal women who come from outside or live in the city itself. In addition, they have produced a family violence resources guide with the collaboration of our Association.

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Another initiative of the Quebec government is worth pointing out. This is the formation, at the suggestion of our Association, of a task force within the framework of the three-year plan of the Ministère de la Santé et des Services sociaux.

This group, the so-called "groupe de la mesure 24", is formed of representatives of five provincial government departments (Santé et Services sociaux, Secrétariat aux affaires autochtones, Secrétariat à la famille, Sécurité publique and Justice) and four other federal government departments (Indian Affairs, Health and Welfare Canada, Secretary of State and Solicitor General). The Institut de formation autochtone du Québec and our Association complete the roster.

For the first time, the group embodies a real effort to work together to confront the multitude of problems and obstacles that stand in the way of an effective struggle against family violence. The objectives of the "groupe de la mesure 24" consist, first and foremost, of educating the local authorities and reducing the isolation of the

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front line field workers.

In this regard, the group has been particularly interested in conducting a pilot training project addressed to the field workers. An initial session has already been given while two others are planned for the near future.

Problems and obstacles to overcome

Without going into details, it is important, in our view, to point out to your Commission the major problems with which we are confronted.

The lack of support for the victims of violence who, more often than not, must get by on their own and who even today must leave their home when it is the assailant who should do so.

The overlapping jurisdictions and fragmentation of responsibilities.

The lack of resources adapted to the victims' culture, especially in the isolated and remote communities.

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The lack of work teams able to
intervene in crisis situations.

The need to train the front line
field workers.

The lack of resources to assist men
who assault or abuse.

The insufficiencies of the legal
system (assailants often take advantage of the lengthy
legal proceedings to manipulate the victims, and many
complaints are withdrawn as a result).

Add to this the fact that not a
single band council has yet adopted an anti-violence
regulation or code of ethics and you will have a small
idea of the immense work that remains to be
accomplished.

Indicated solutions

We do not of course pretend to have
ready-made solutions to remedy all of these problems.
It appears to us, however, that it is necessary to
implement as quickly as possible a comprehensive

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strategy involving the mandatory collaboration of all those involved, a multidisciplinary approach, an inter-cultural pedagogy, a community undertaking (in the framework of an approach that includes the entire community as a part of the solution).

We think that it is also necessary to formally recognize the organizations that are working to stop family violence and to ensure stable long-term funding of anti-violence programs.

Urgency of action

Because this is first and foremost a question of fundamental human rights, there is no further time to lose. Violence, indifference and inaction cannot now be interpreted as anything but acts of complicity.

Acts of violence are crimes against the integrity of people and a zero tolerance policy must be firmly applied. In no case should cultural differences serve as a pretext to do nothing or to tone down the penalties. While it is true that

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rehabilitation methods may vary from one culture to another, a crime is a crime and the criminal must be punished.

Make family violence in the aboriginal community a priority at all times. That is the message that we are conveying indefatigably to governments. To your Commission we repeat the same message, inviting you to reflect on all the conditions that must be implemented to put an end to this tragedy that is inexorably destroying our communities more surely than any contagious disease.

ELEONOR HUFF: Child care for children of school age. We also wish to draw your attention, with a feeling of urgency as well, to the issue of child care facilities in the aboriginal community.

More and more aboriginal women are part of the labour force, others are enrolling in study programs, and still others are devoting themselves to community activities or social development. It is therefore normal to think of establishing child care facilities.

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Now, every woman who has had the audacity to become involved in child care projects will tell you that this is a veritable obstacle course that lasts several years. Child care centres that are now functioning took several years to become a reality. As luck would have it, aboriginal families include many children. A project designed for the needs of the first child can always be used for the most recent little one!

There are two fundamental reasons for this, and they are not new to us. The first lies in the never-ending ping-pong game between the two levels of government (federal and provincial) who toss the ball back and forth while doing nothing.

One says it has no jurisdiction to do it, while the other claims it does not have the money. A typical case. Yet, in other provinces, the two levels of government managed to agree, a few years ago, to promote the establishment of child care services in the aboriginal community.

The other reason lies in the fact that the Quebec policy, administered by the Office des

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services de garde [à l'enfance], has nothing to do with the needs and priorities of the aboriginal communities, notwithstanding whatever openness the Office may display.

The entire policy, in fact, is based on universal criteria and quotas which, in a given region, reflect the number of women in the labour market. It takes extraordinary luck, therefore, to get recognized as an aboriginal child care facility.

In practice, it is necessary to be part of a region which has not yet exhausted its credit in number of places, which is rather infrequent. The fact is that aboriginal child care facilities are almost automatically eliminated from assistance programs in the urban setting. In compensation, the isolated communities have greater chances.

The result is that five out of six child care centres in the aboriginal community have not yet received their operating permits and the grants that accompany them for the operation of the centre and financial assistance to the low-income

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families.

In practice, all kinds of standards that are perfectly justifiable in the non-aboriginal setting are hard to apply fully in the aboriginal communities. For example, the requirements of the Office in regard to training teachers. In several aboriginal communities these requirements cannot be fulfilled overnight. As an organization we have intervened many times, sometimes successfully, to smooth out problems in the application of the standards.

But what is more fundamental is the difference between the philosophy underlying the Quebec policy and the philosophy that is advocated by the aboriginal women.

In the first case, the policy is centred on the needs of the women, who are to be freed from the duties of child care while, for the aboriginal women, a child care facility is also perceived as an essential training facility, a preschool for children who will very often have to live in a dual culture and who have every interest in

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achieving some progress even before entering into the school system. How can all of these objectives be reconciled within the present system?

Our Association is placing increasing emphasis on the child care issue and, thanks to a resource person working on a permanent basis, we are increasingly able to assist aboriginal women's groups in carrying out their child care projects while promoting the pooling of experiences.

Aboriginal women in the urban setting

Although the majority of our members live in the communities, we think it is important to draw the Commission members' attention to the precariousness of the living conditions of aboriginal women who, out of choice or necessity (often to flee a climate of violence) settle in the urban community.

Often poor, without work, with little education, and with dependent children, they are isolated and particularly ill-equipped to confront a life setting that is very remote from their first

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culture.

"The young women think that in the city everything will be easier, that they will be able to find work, a 'chum' and offer a better life to their children." These are the words of a woman Atikamekw.

But the reality that awaits them is quite different.

It is hard to know even approximately how many aboriginal women have settled in the urban community, for the simple reason that they are on their own. But there is every reason to believe that there are several thousand.

In Montreal, in particular, our organization senses a real need to establish a multi-service centre for women and their children. This centre would be designed to circulate information, organize socio-cultural encounters and even provide courses in addition to harbouring a child care centre and serving community cooking for families in need. The project has been started, but we still need to find the necessary funding.

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We urge the Commission to take into account in its proceedings the specific needs of the aboriginal women and their families in the urban setting. More than others, they are often ill-equipped and victims of segregation and discrimination.

PHILO DESTERRES: We have just referred you to three issues that testify to the struggle that our organization is conducting in the social field to advance the cause of justice and equality for aboriginal women. Of course, all of these issues have political ramifications.

We will now discuss three other matters of great concern to us, which are located more specifically in the political field. These are Law C-31, the Canadian Charter of Rights and Freedoms, and, more generally, the participation of aboriginal women in political life.

Law C-31

It is necessary to begin by recalling that for a century, as a result of the enactment of

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the Indian Act, which purely and simply legalized discrimination, an aboriginal woman who married a non-aboriginal was driven out of her community, cut off from her family and deprived of her status and some of the rights pertaining thereto.

During the same period an aboriginal man who married a non-Indian was not disturbed and never had to suffer any loss of rights for that reason.

The fierce struggle of aboriginal women to reconquer their status really gained force during the 1970s. At first they suffered a defeat in 1973 in the Supreme Court of Canada, in the Lavell case, a defeat which is explained essentially by the absence at that time of constitutional guarantees of sexual equality.

There was indeed a Canadian Bill of Rights, but it was only a statute that could not prevail over any other statute, in this case the Indian Act.

During this period, a remarkable

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woman came to the fore as a pioneer and figurehead. This was Ms. Mary Two-Axe Early, a Mohawk from Kahnawake who, having herself lost her status following her marriage to a non-Indian, founded the group Indian Rights for Indian Women. This group, the specific objective of which was to get the Indian Act amended to eliminate the discrimination against women, played a very active role under the impetus of Ms. Mary Two-Axe Early, in lobbying the federal government, educating Canadian public opinion, and even obtaining some significant support internationally.

As a result, the aboriginal women who were being subjected to systematic legal discrimination in 1981 won an international victory in the Lovelace case, in the United Nations Human Rights Committee. The committee in effect recognized the merit of the complaint but of course this judgment, notwithstanding its enormous moral weight, had no legal implications.

It was only with the advent of the Canadian Charter of Rights and Freedoms, however, that

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it became possible to end the discrimination. Although the Charter was enacted in 1982, it was necessary to wait until 1985 before section 15, which specifically guaranteed equality, came into effect.

The governments were aware that several statutes then in force were fundamentally discriminatory and they wanted to have a few years before them before the courts would be able to declare these laws to be illegal. The Indian Act was, of course, one of these laws.

It was in this context that in 1985 Law C-31 was adopted, amending the Indian Act so that women and their children who had lost their Indian status and their right to belong to a band could finally regain them.

In Quebec 11,300 men, women, boys and girls had their names added to the Indian register. Of this number, 829 people are now living on the reserves. However, 10 percent of those who were re-registered are estimated to be living off the reserves but wanting to return and live in their community of origin.

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This long battle, which is far from ended since the implementation of Law C-31 has given rise to new forms of discrimination, has enabled the aboriginal women to draw a number of lessons.

First, the fundamental importance of the Charter because, without it, it is certain that it would have been necessary to wait several more years before the Indian Act could be amended.

Secondly, the awareness that the band councils and the aboriginal establishment could not be relied on to support our claims to equality. Not a single aboriginal leader dared to come out publicly and recognize that there was discrimination and undertake to end it.

On the contrary, a number of aboriginal leaders invoked all kinds of arguments, some more far-fetched than others. The same people, moreover, who still dot the landscape today and who invoke tradition, the merits of the patriarchal institutions and the need to busy ourselves first with collective rights before recognizing individual rights.

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The awareness also, in the same sense, that the federal government agreed to budge only when its back was to the wall and there was no other choice to save face.

Finally, the profound conviction was solidly established among the aboriginal women that the struggle had really only begun and that it would be a long time before they would attain equality in all aspects of their existence.

In short, an epic struggle which has left its mark, which has contributed to our understanding of the obstacles, in particular the strength of the prejudices and ravages caused by the Indian Act, but which has above all helped to strengthen the determination of the aboriginal women to fight discrimination wherever it is found, beginning with the discrimination that operates at the grassroots in the communities. We can never be too grateful to those women who mounted the barricades at their risk and peril.

And yet, Law C-31 represents only a half victory. It is an incomplete reform.

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Why do we consider that Law C-31, this amendment to the Indian Act, is not satisfactory to all aboriginal people and why do we state that it maintains aboriginal women in a state of inferiority in relation to men?

On the one hand, the provisions of this legislation contain needlessly complex and restrictive mechanisms for determining who has the right to Indian status.

On the other hand, Law C-31 maintains the spirit of the previous version of the Indian Act, the defects of which in theory it was supposed to correct, such as in regard to the bequeathing of Indian status to the children.

This status is transmitted unequally according to whether the status derives from the mother or the father. In fact, following a union with a non-Indian person, the mother's Indian status is cancelled more rapidly than that of the father.

Law C-31 is essentially bureaucratic. With section 6, it artificially creates C more in order to meet the administrative needs of the non-

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Indian authorities than to recognize our right to status C two categories of Indians, the "6.1's" and the "6.2's", as we commonly say. Let us look at the criteria that were used to classify us in these two categories. We are "6.1 women" within the meaning of Law C-31 if we had already been enrolled on the Indian registry before the adoption of this legislation and if we regained Indian status that we had been stripped of following a marriage with a non-Indian under section 12.1 (b) of the Indian Act, in force until April 17, 1985.

On the other hand, we are considered in Law C-31 to be "6.2 Indians" if our aboriginal mother married a non-Indian.

However, the validity of the status of the 6.1 and 6.2 Indian women, or the possibility of arguing it on the facts, is largely diminished by section 10 of Law C-31.

In fact, the effect of this section is to dissociate the recognition of Indian status from the right to belong to a band. Under section 10, a band has the privilege of determining the rules under

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which a woman becomes a member of the band, regardless of whether her Indian status has been recognized.

To us, recognition of the right to belong to a band is not a trifling matter. It has implications for our lives and the lives of our families. Besides the possibility of living in a cultural environment and the family context from which we come, band membership gives us the possibility of exercising certain prerogatives such as the right to live on the reserve; the right to vote in band elections; the right to run as candidates for band council positions; the right to acquire and hold property on the reserve; the right to inherit from one's parents property located on the reserve; the right to receive one's share of the profits resulting from a transaction performed by the band; the right to education in the reserve school and the right to participate in cultural and recreational activities.

Another harmful effect of Law C-31 flows from section 11. It establishes differing criteria for category 6.1 and 6.2 women for enrolment on the list of band members.

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Law C-31 provides that all persons who have regained their status under section 6.1 are mandatorily re-registered.

On the other hand, a woman whom the legislation parks in category 6.2 is subject to the good will of the Band Council and the community as to whether she will be re-registered. If this re-registration is refused to an aboriginal person in category 6.2, she has no recourse.

Furthermore, the aboriginal women classified in category 6.2 are placed in a situation of inferiority to men.

In effect, because their mother married a non-Indian, they can only transmit to their children at best a category 6.2 status. But their brothers can transmit category 6.1 status.

This is a very concrete expression of segregation against aboriginal women. When we say that the legislation is discriminatory, we are not making this up.

We draw the necessary conclusions from the effects of Law C-31. The result is that

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Indian status is cancelled more rapidly if it is transmitted by a woman than if it is by a man.

Discrimination against women is among us. They are considered by the law as being in category 6.2, not further. It also affects our children.

If our status is limited to category 6.2 and we elect to marry a non-Indian, our children will not be considered Indians. Law C-31 also has harmful effects for children whose mother has regained the Indian status that she had lost by marrying a non-Indian.

These children, when they marry, will necessarily have to marry an aboriginal person enjoying category 6.1 status if they wish to transmit Indian status to their children.

In our communities, women find that their personal freedom is not respected by this legislation, as a Montagnais woman said: In a marriage between an aboriginal person and an alien, I see no place for a law. It is a question of love, it is a choice.

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Our children, if they are born outside the framework of a union recognized by the Non-Indian Act, are also victims of discrimination. When their father is aboriginal, he must sign a declaration or, under Law C-31, our child will be considered to have been born of a non-Indian father.

Now, among our people, births out of wedlock are quite frequent. Confronted with this situation, we are forced to conclude that Law C-31, which governs our children, accords less value to our maternity it does to paternity. Don't the facts prove us right? As mothers, we believe that the right of a woman to transmit to her children the language, customs and values of her nation is sacred.

The Charter of Rights and Freedoms

As an extension of the opinions we have just presented to you on the iniquities perpetuated in the Indian Act, we think it is important to let you know what we think of the Canadian Charter of Rights and Freedoms.

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Compared to the potential establishment of aboriginal governments, of course, now is not the time for constitutional debate, but in our opinion your commission will, sooner or later, have to consider this important question. We are convinced that some of the rights protected under the Canadian Charter of Rights and Freedoms are, on the whole, fundamental human rights that are recognized in international law.

They are in fact classic, universal rights. Fundamental freedom, democratic rights, legal guarantees, the right to equality. Equality between men and women, etc.

We also think that the Charter, as it exists, represents a proper balance between collective rights and individual rights. Even if it is a fragile balance that has not yet been truly tested by the courts.

Certainly, it cannot be said that the Charter is concerned only with individual rights. If only because of section 25, which protects the collective rights of the aboriginal peoples.

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It is our opinion as well that the Charter, as drafted, helps to attain the objective of restraining abuses of powers in relation to individuals, and for us this is fundamental.

For all of these reasons, we ask that the Charter apply to aboriginal governments, as long as there is no aboriginal charter guaranteeing us better or at least equivalent protection.

We of course agree in principle with the existence of an aboriginal charter, but since we have never any draft aboriginal charter we can only speculate about certain aspects. The legal foundations, constitutional protection, judicial review, one or more charters.

In contrast to our position, other aboriginal organizations view the Charter as an alien document. A tool of assimilation to the white culture, which gives priority to individual rights over collective rights and is therefore incompatible with the aboriginal traditions and cultures. There is therefore no choice but to construct aboriginal charters.

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The report of the First Nations Circle on the constitution is an accurate reflection of this perception when it states, in relation to the rights of aboriginal women:

In the long term, the solution to the problems of aboriginal women is not a document that is alien to our people. The response is a three-pronged one. Return to our traditions concerning respect for women, heal the sources of the violence, and educate the men who have adopted whites' attitudes toward women.

If this is a foretaste of what an aboriginal charter would contain, it is rather disquieting. However, it must be acknowledged that the position on the Charter being conveyed by some organizations sometimes incorporates a fair number of contradictions.

For example, the above position often invokes international law to justify the right to self-determination of the aboriginal peoples.

It should not be forgotten that this same international law also guarantees the protection

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of fundamental human rights. Such as the rights of women to equality as they are found, moreover, in the Canadian Charter. Not to mention the many international agreements aimed at protecting women against all forms of discrimination.

If some aboriginal organizations do not hesitate to claim rights under international law, we should, to be fully consistent, also recognize responsibilities. In terms of respect for the fundamental human rights that are established by this same international law.

Moreover, many aboriginal leaders are quite prepared to speak of the Constitution as the supreme law of the country. But at the same time they claim that the part of this supreme law that concerns the Charter of Rights should not apply to the aboriginal people.

Similarly, some organizations would be prepared, it seems, to accept the existing legal system for a more or less lengthy period as long as aboriginal judges were added to the judiciary. These organizations would then be disposed to accept

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judicial review but not the Charter.

Finally, some organizations have already indicated that they would be prepared to accept the Charter provided that the aboriginal government could invoke the powers of derogation provided in section 33, the notwithstanding clause. Where, then, is the consistency between speech and practice?

Whatever the case, we firmly believe that before conceding the authority to use the notwithstanding clause, it is important to evaluate the impact of a derogation from the Charter in the aboriginal community.

What type of aboriginal government will be able to use the notwithstanding clause? Will it be a national government or a local government? Should we go so far as to give a band council authority equal to that of the federal government?

Not to mention the fact that aboriginal citizens who might be aggrieved in their rights as individuals would be in substantial danger of finding themselves without any possible means of

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establishing justice and equity when faced with remedies of lesser force than those that already exist.

MICHÈLE ROULEAU: The participation of aboriginal women in politics. While we were struggling with the members of our organization to amend the Indian Act, and subsequently to acquaint aboriginal women with the provisions of Law C-31 that affect them and to lobby for the implementation of this legislation by the non-Indian authorities, some aboriginal women decided to get involved, for the first time in their lives, in direct political action.

Motivated by the desire to defend the specific needs of women, their communities and their nations, they have helped defend the interests of all aboriginal women in Quebec.

Our association encourages women to hold positions of responsibility within their community. It urges them in particular to join the band councils, the school boards, the social services and the local economic development agencies.

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The AFAQ believes that the involvement in politics of aboriginal women will benefit not only the women themselves, but also their families, their communities and their nations as a whole.

The arrival of aboriginal women on the political scene has been met with some hesitation by some aboriginal leaders and non-Indian authorities. Occasionally we have even had to confront the open hostility of certain men holding decision-making positions. In most cases neither the band councils nor the department have opened the door to them.

We have half-opened it little by little and even now it is hard for us to occupy our rightful place in the political space dominated by men. No, discrimination against us within aboriginal and non-aboriginal institutions is not a figment of our imagination! The figures are revealing.

In 1980 there was not one woman band chief in the aboriginal communities in Quebec; few women, at the time, would dream of being elected within aboriginal institutions.

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Ten years later, three women had been elected chiefs. Today, women are leading the band council in six of the 40 aboriginal communities in Quebec, or barely 15 percent of the total.

The increased political participation of aboriginal women testifies to the increasing willingness of aboriginal women to participate in decisions aimed at improving the living conditions of not only their families but their communities and their nation.

The AFAQ, to which the majority of women sitting on band councils in Quebec belong, rejoices that the efforts it has devoted over almost twenty years to training and educating aboriginal women on the need to participate in the political process are yielding such promising results.

In 1992 the AFAQ won recognition of the right of aboriginal women to promote and defend their rights and interests within the provincial section of the Assembly of First Nations. Our organization now sits in the AFN, but while we participate in all the discussions our right to vote

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has not yet been recognized.

Why is the AFAQ struggling for the full recognition of the right of women to participate in all political organizations devoted to the defence of the interests of the aboriginal people of Quebec? We think it is not only a question of being fair to more than one half of the population, but also of responding to the necessity that we feel to defend ourselves, our rights and our interests as women.

We are not asking that the aboriginal leaders or authorities allow us within the aboriginal political organizations out of charity or because we are women. However, we find it strange that women, who represent 52 percent of the aboriginal population of Quebec and sometimes more, do not yet have the same decision-making power as the men in their community and their nation.

We think that we are not the only ones responsible for the state of inferiority in which we are maintained. Do we lack initiative or willingness to participate in political life because we are women? We believe on the contrary that our

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absence from the decision-making processes has more to do with the domination that men exercise over us and is in no way due to any natural and immutable inferiority of women.

Besides, we readily acknowledge that the aboriginal organizations have many responsibilities to assume and that they must establish some priorities in defending the interests of all their members.

It is not up to aboriginal or non-Indian men to decide in our place whether the organizations or institutions they dominate serve our interests. We have the right to form our own opinion on the matter. We do not believe it is necessary to debate at length the existence of discrimination toward aboriginal women. We let the facts speak for themselves. What interests us today is rather to manifest our desire to put an end to this situation.

Our social agenda

Much work remains to be done before

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we can articulate a social agenda in which aboriginal women fully occupy their rightful place. But in view of our concerns and demands, as they appear in a number of issues, there is a strong possibility that the social agenda would be based on the following values: equality, responsibility, truth, solidarity and openness. Those are words, to begin with, but words that cover some basic orientations.

On the issue of equality

Above and beyond the equality that is recognized in the charters and statutes C and which is still fragile and uncertain in implementation C it is necessary to invent some concrete strategies to advance "equality" in all fields of activity: work, recreation, politics, family responsibilities, etc.

Responsibility

We cannot indefinitely slough off responsibility for all of our problems on the backs of

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others, whether they are called whites, governments or the Indian Act. We must recognize that we are a "part" of the problem, and that we have the power to act and to find solutions that are appropriate to us. While it is true that we bear an onerous legacy of trusteeship and loss of accountability, it must be recognized that we increasingly have the means at our disposal to assert ourselves and come up with some new solutions. We are in a better position than anyone to recall that there are no rights without responsibilities and that, to advance one's cause or one's project, it will be necessary to "roll up one's sleeves" and work hard.

Truth

Telling the truth means, first, agreeing to break down the wall of silence that has caused and is still causing so much harm to aboriginal women. It means concretely denouncing violence in all its forms, exploitation, oppression, intolerance, injustice, etc. It means refusing to accept that so-called "traditions" and so-called "culture" be used to

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endorse conduct and behaviour that are nothing but abuses of power. It means denouncing the myths and prejudices that suggest that women have no need for power because they already hold it.

It means combatting the lie that only collective rights are important, by reducing individual rights C which are often fundamental human rights C to an infectious disease transmitted by whites of European origin.

Solidarity

We must never stop demonstrating forcefully our solidarity with the major aboriginal demands which, fundamentally, concern the right to life and to dignity. But at the same time we must not confuse solidarity with a false superficial unanimity that excludes all thinking and debate. On the contrary, it is important to stimulate thinking and discussion if we, as women and men on an equal footing, are to succeed in defining our future together. That is the best demonstration of solidarity

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that we can give.

Openness

For minorities, no matter who they are, there is always a temptation to withdraw into one's shell, if for no other reason than to try to protect one's identity and culture.

As aboriginal people, we have millennial cultures to publicize and appreciate and we should not hesitate to do so. In return, we should not fear openness to other cultures, reminding ourselves that we live in a world characterized by trade and interdependency, a world that presents too many advantages to isolate ourselves from it.

These are a few of the orientations, among others, that are already familiar to many aboriginal women. It remains to translate them into action strategies and concrete projects.

And on this matter, Ms. Kistabish will inform you of the Association's recommendations.

JACKIE KISTABISH: As you see, the

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document speaks for itself. I think that what is said in the document itself comes from all women, it comes from the bottom of the heart. It is not just idle talk, things that we have always said.

On the social front the Association des femmes autochtones du Québec submits the following recommendations to the Royal Commission on Aboriginal Peoples.

The first is to make the whole issue of family violence, as covered in the recommendations of the National Task Force on Violence Against Women, a clear priority in its work.

To outline in general terms what could become a framework policy on family violence, taking into account the following aspects: the formal recognition of the organizations concerned with family violence; on-going funding of anti-violence programs; collaboration of the field workers in the context of a comprehensive, multidisciplinary and community-based approach; training and support for the front line workers (this is a demand that has always been very real on the part of the workers); resources to assist

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the victims and their families; resources to assist assailants or abusers; ensure that the police receive adequate training to intervene in crisis situations.

Thirdly, to examine ways and means that could be of assistance in reaching a federal-provincial agreement to promote the establishment of child care facilities in the aboriginal community based on specific programs corresponding to the needs of the communities and defined in collaboration with aboriginal women.

Examining the possibility and feasibility of establishing multi-service centres in the urban communities to benefit aboriginal women and their families.

On the political front, to examine, in relation to Law C-31, the ways and means that could ensure: that the federal government fully assume all of its fiduciary responsibilities (you see that my mother tongue is Algonquin. There are French words that I have difficulty reading and understanding) to all Indians, including the women and their children; that the names of all women who have regained their

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status be registered on the band lists; that the federal government provide the band councils with the necessary funding to allow women and their families to return to the communities; that the children and grandchildren of the re-registered women be registered as Indians and members of the band council; that there be an end to discrimination against single mothers who are required to obtain the father's statement in order that their child be given Indian status; that the spouse or relative of a band member have the right to reside with that member on the reserve; that the rights of all those who have recovered their Indian status be adequately protected once the Indian Act has ceased to exist.

Sixth, to propose some mechanisms of participation that could enable the associations representing aboriginal women to participate fully in the ongoing discussions on constitutional reform or establishment of aboriginal governments.

Seventh, to propose that the associations of aboriginal women be given financial resources comparable to those of the other aboriginal

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organizations, to enable them to carry out their duties adequately.

Eighth, to consider making the Canadian Charter of Rights and Freedoms (with the exception of section 33) apply to the aboriginal governments that may eventually be established, until an aboriginal charter accepted by the associations of aboriginal women is integrated into the Constitution with a guarantee that it is subject to judicial review.

We have another presentation to make to you that we think is important to our organization, the Association des femmes autochtones, which has experienced some cutbacks that have really affected us. So I would ask Beverley to present her brief.

It is very short.

[English follows]

JACKIE KISTABISH: Just to remind you that the brief that Beverley will be presenting, it is our organization in the Association des femmes autochtones, it is not the women in the urban community.

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[English follows]

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CO-CHAIR RENÉ DUSSAULT: Thank you.

[English follows]

Madam president, I would like to thank you for having come and presented this brief to the Commission. It is a very important, very detailed brief.

We are glad that the intervenor participation program established by the Commission could contribute financially in part to your work in relation to the preparation of this brief to the Commission.

We are aware, here again, that the funds available are very limited in relation to the needs, even if this is a fund of eight million dollars, there were applications for more than 32 million in fact.

This fund has been managed for us, as you know, by David Crombie, the former minister of Indian and Northern Affairs.

This brief is exemplary from several points of view. Certainly technically, because it is both the most difficult and the easiest and at the

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same time an important step.

I think that the presentation you made on the effect of Law C-31 and the categories that flow from it, the distinctions that flow from it is certainly the clearest I have heard to date, not only by people who have made a presentation to the Commission and God knows we have heard of Law C-31 and the fact that in its spirit it has maintained the discriminatory flaw that existed previously.

But also by federal civil servants for whom it is also dangerous to actually explain the bureaucratic aspect of this legislation.

So in this, I think that if the understanding of a problem is the first step toward acting on it, you have truly crossed it this morning and I think this is appreciable. It is an appreciable service not only for the Commission but more generally for a great many people and organizations in Canada.

Having said that, essentially, we have heard, as I just mentioned, many things, representations about Law C-31 and its effects. It is completely unanimous on the Canadian level as far as

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the aboriginal women are concerned, where we are being asked to correct the effect of this statute. From another standpoint, I think you are well aware, the aboriginal leadership, frequently, or some people in the aboriginal communities argue, of course, the long term consequence which is the dilution of the Indian critical mass.

So, it is somewhat a dialogue of the deaf because it is a principled debate over rights that you are advocating and, on the other side, I presume, the debate that we hear from the other side, flows in part from the debate and arguments that were presented before the corrective measures in the 1985 statute were made, in Law C-31 itself.

Of course your position is very clear. The question I would like to ask you is how do you react to the argument on the dilution effect, given a situation in which mixed marriages are more and more considerable and it is not a trend that is going to decline?

I am echoing somewhat the argument that is counterposed to the presentation that the

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women are making across the country on the effect of C-31 and I would like to know your point of view a little, the way in which you answer this type of arguments that are received essentially from aboriginal leaders. Not all, far from it, but from a certain number, a fairly large number who are generally men.

JACKIE KISTABISH: As far as the Indian Act is concerned, I think that it is still one of the issues that the Association is still continuing to develop.

To answer that question, I would ask Michèle, given that she is the one who has always been involved in the debates.

CO-CHAIR RENÉ DUSSAULT: Ms. Rouleau.

MICHÈLE ROULEAU: In fact, it is a bit difficult and the problem, I think it is always the same. It is that people often raise the issue of Law C-31 forgetting that Law C-31 is now an integral part of the Indian Act.

So, I do not agree that we are speaking of Law C-31 but rather the Indian Act. It

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must be said, perhaps to begin, we have many criticisms of the Indian Act. Especially regarding the implementation of the changes.

Except that it is not that we are criticizing the fact that the Indian Act was amended, quite the contrary, because everyone knows very well that the aboriginal women's associations are the ones who fought to get the amendments to the Act.

The reason why we now come back to the issue is that there were some amendments but it was done, if you will pardon the expression, in a lopsided way, in the usual government way.

They amended a statute, there were enormous pressures from certain aboriginal groups that it not be changed, and we ended up with the mess we have today.

On the one hand because, in fact, they developed, as they said in the [illegible], such complex systems for re-registration. There are some things the average Canadian citizen cannot understand and doesn't have to confront, which are still aberrations, which are disguised in the way people are

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re-registered or even how the status is to be transmitted from one person to another, except it is necessary to understand the situation of the women who fought for it. It was that or nothing.

I think that in the constitutional debate we had a demonstration that if we had waited for the good will of our big leaders at the time, well the women would never have been re-registered. Mr. Mercredi himself would not have been re-registered.

So I think we cannot kid ourselves and say that it is the Indians who are going to decide themselves because we have seen some of the decisions taken by our Indian leaders, and they were, it's the least one can say, disquieting from the human rights standpoint.

We do not want to go back and the issue of wanting more changes... It's just that the Indian Act is the reality today. It pleases no one except perhaps those who have used it to maintain their power and make decisions.

It pleases no one except that it is the reality, and nowhere in Quebec, in any case, is

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there any recognized political autonomy. It is the Indian Act that dictates all acts. The band councils are creatures of the Indian Act.

So no one can come to me and say we are talking about something that is outside the reality. We are talking about the same Indian Act that governs the life of all the aboriginal people in Canada, with few exceptions.

So I think that we cannot look at the Law C-31 issue simply as a problem as such. I think we must look at the whole thing in its totality, and I for one am unable to understand how people can argue that the Indian Act is going to create some type of dilution of status.

It is true that it dilutes status, especially that of women and transmitted by women. We have not at all eliminated the discrimination against women in the Indian Act. They are still losers.

On the other hand, we were able to render a minimum of justice to some people who had lost it and in our view that was the most urgent situation. The women who by marriage had lost their

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status. Often without even knowing it.

I think that the wrongs that were committed by the Indian Act in our time had to be righted through this same Indian Act because it is what exists.

The leaders' opposition to the implementation of Law C-31, in my opinion, I have certainly seen it from the other side, I am not in power in a band council and it is not me who decides, unless the aboriginal people had agreed to take back their sisters more easily and not go fight against them in the public arena, we would have had an opportunity to demonstrate in the nicest way in the world that the aboriginal people can be fair. That a woman need not cease to be an Indian because she married a white man.

I think it is extremely unfortunate that they now come back to blame Law C-31. It was simply a principle of justice, Law C-31.

What the aboriginal leaders are unfortunately applying today, I am not saying all leaders, is the policy of exclusion.

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In the first years of implementation of Law C-31, from 1985 to 1987, the approach of some band councils was simply to try to make some rules that would not accept the re-registered women, to frustrate Law C-31, to avoid Law C-31, often before the eyes of the Indian Affairs ministers who paraded by one after the other.

I think this was extremely regrettable and the government bears a large part of the guilt. Of not enforcing its own Indian Act. I don't think it is a process of dilution. It simply involved re-enrolling people who are entitled to Indian status, who should have had Indian status, and those people simply constitute a resource for the aboriginal community.

The problem, when I say we must look at it as a whole, it is obvious that it affects the issue of autonomy. That it affects the issue of the reserves, which are for the most part minuscule. People are confronted with housing problems.

It is obvious that there was a very strong opposition to the return of people to the

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communities because the people have no more houses, the people have no more room. Not only for housing but for a bunch of other things.

At Manouane (PH), there is forest all around, there is space surrounding it. They don't even have room to build one more house to make a child care centre.

There is a terrible lack of space so the issue of re-registration is strongly linked to the issue of land, to the issue of the enlargement of the reserves, to the issue of the abolition of the Indian Act, and it is linked as well to the issue of accountability.

I think there is a phenomenon that may be recent in the last few years, maybe related to all the economic pressures that have been pressing down on Canadian citizens, who are taxed to the limit, where people have often thought that Indian status would bring them some advantages.

But when I say that it is related to the issue of autonomy, it is when the nations are autonomous and people have had their collective rights

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recognized.

When the aboriginal nations and citizens are applying their rights and living out their responsibilities as citizens. When the aboriginal citizen will have a share in his or her social agenda. When the aboriginal citizen will be able to participate in financing his or her society.

I swear to you that there are a lot of people who will not want aboriginal status simply to have the privilege of not paying any taxes.

I think there is a need to re-establish some order, and it cannot be done as long as we have made no progress on the issue of self-government, but at the same time I am saying that we cannot advance on the issue of political self-government of the aboriginal peoples by excluding a part of the population, by excluding the part that has always suffered discrimination.

At present the speeches, the negotiations, are always engaged in with politicians, with people who are in power, with people who are usually very well paid and who have the means to

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defend themselves vis-a-vis the laws.

The people who are left out are those who have no means. So I tell myself that there is a need to restore some order, and Law C-31 is a first step and unfortunately we got off to a bad start. But I think that we must ensure that all of the components of Law C-31 are implemented and complied with.

Because it is the only thing, the only thing that can enable women to take part in their society.

CO-CHAIR RENÉ DUSSAULT: Just one additional question there before going on to something else.

In your reply, there is a part that affects the application of Law C-31 but there is also in your brief some proposals for changes to Law C-31, in categories 6.1, 6.2 with impacts in term of the children. Different situations of children, of men compared with women in terms of legacy.

So, your proposal goes further than the actual application of the Act but a change that you want to make in the Act.

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MICHÈLE ROULEAU: But in the last analysis, as long as there is the Indian Act, there is still a huge number of revisions to make.

I think it should be done strictly on the equality point. To take another look at everything that discriminates against women there. I think it should be done.

Canada is nevertheless a signatory to agreements to eliminate discrimination against women. So the Indian Act should be reviewed from that standpoint.

This cannot be done without the participation of the women themselves. Not the leaders, who want to remain in power and prevent some people from coming home.

CO-CHAIR RENÉ DUSSAULT: Thank you once again. I think that your brief is exceptionally clear on this and will be a major contribution, both technically but also with the political backing that you put into it as an association. Ms. Kistabish?

JACKIE KISTABISH: Yes, I would just have a few short words to say to Ms. Sillett, given

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that the document is just in English, we apologize but we will send it to you as quickly as possible.

I would like to thank you very much for having listened to us and I hope that we have some news before too long.

[English follows]

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MICHÈLE ROULEAU: I was myself a case worker for eight years. I was a paralegal worker. I was a victim, in relation to one of my clients, I had death threats and I unfortunately had to lay a complaint because I feared for the life of my children and for my own life.

It was very, very hard for several months before I was able to get my feet back on the ground, because I had to shut myself up completely in my house. I did not even dare leave my house and when people talk to me about punishments for assailants or abusers, I was very surprised at the sentence my assailant got, 18 months imprisonment for the death threat he uttered against me.

According to the Criminal Code, it is more than that, and I know that the person who threatened me... The way they defend themselves is that they don't speak French, they don't speak English. Perhaps it is true, just as perhaps there are some for whom it is not true. I know that is very cruel to send them perhaps into detention where they might not have any support.

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But what can you use at the time, there are no aboriginal detention centres for those who assault. What do you do with it?

I think, as a victim, that being myself a victim of society, I should say, because in the last analysis it is society, it is the government, it is the Department of Justice that protects society.

It means that for me, it was a protection to see my assailant behind bars. For the time being, I feel safe, next year my assailant gets out of jail. I do not know how I will feel. Just thinking about it makes my hair go white.

But I think there is no denying it, there is no one in some detention centres, if there were programs that were developed, I know that particularly in a community at big Victoria lake they have some assistance internally.

When I say internally it is in the detention centres. They have some assistance, they often have meetings of groups of men who are working on their problems. I think that today's victims, with the women who are suffering violence in the

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communities, it is the only protection at present that they can use, it is white society. It is to use the white law.

I do not know what would happen if there was an Indian law in terms of jurisdiction. I don't know, I am asking myself some questions about that.

I understand very well when they say, the assailants, it is very cruel, if you send us there but it is not cruel for the victims who are protected, for example.

If there is someone who might add something there, when I talk about it I get all upset.
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CO-CHAIR RENÉ DUSSAULT: As the very last question, Ms. Rouleau, we are confronted, as a Commission, with the following situation and Mary alluded to it a few moments ago. We are hearing from a very large number of women's groups, individual women who are partly breaking the wall of silence in the Commission's hearings.

Often we have difficult circumstances. However, we also have a situation in which we often hear more in the private hearings of the Commission.

Often, the message that is given to us is the following, that is, listen, before going ahead with self-government, it is absolutely necessary to heal the social problems, put an end to violence against children, against women. Otherwise, you are going to worsen the situation.

This is not universal, but we hear it enough, frequently, for it to be a major concern for the Commission.

I would like to know the point of view of your Association, because in this line of

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thinking we are told, declare a moratorium that has priority. It is not self-government, we must do this first because if you provide more powers within the community you will worsen the existing situation.

It is a question that is extremely difficult because conversely of course we get messages as well that self-government is the way to help. It is necessary to work on both levels at the same time and that is the official message overall that was repeated in the document Focusing the Dialogue.

I would like to see a little more precisely where you situate yourselves on this because it is somewhat a dilemma in which we are placed, we are placed as a Commission. We would like you to share with us your point of view.

MICHÈLE ROULEAU: For me in any event it is not a dilemma at all because giving power back to the people in the community is to restore order in the community, to provide a balance. Precisely to pursue, to apply the values that are cherished by everyone on earth when I speak of the values of respect, etc.

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To enable people to heal themselves if you want to use that expression. To ensure that there is less violence in the communities, that is autonomy.

To ensure that people are going to have better living conditions, that is what becoming autonomous means. To ensure that people are going to have rights, that is autonomy. To ensure that people are going to have rights and that their rights will be respected and protected, that allows them to participate fully in their society in order to continue, to make their way towards autonomy.

So for me it is very simple. It is all closely interrelated and we will necessarily become independent by taking charge of ourselves. But the autonomy issue that you are talking about of course is the political issue where some politicians come and say, we want self-government first.

I think that is the misfortune in the aboriginal community. The problem is that we have clearly divided people into different categories and there are the people and there are the politicians.

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The politicians talk about autonomy politically and the people below talk about autonomy in terms of participation of the population and democratization of aboriginal society and I think I can say this on behalf of everyone.

The aboriginal women who are for autonomy are not for a political autonomy that will be an agreement signed with five people around a constitutional table.

The people are for autonomy because they are under the impression that it will improve their living conditions and if autonomy allows only some individuals to get more control over the entire community, for us this is not autonomy.

Then it becomes a dictatorship and we don't want a change for the worse. That's clear. If we are asked some day, do you want autonomy so that that person there directs you for ever and ever but there are no rules, we are going to vote no.

CO-CHAIR RENÉ DUSSAULT: That is why it is important, in terms of the powers of aboriginal governments, that we have as many ideas as possible

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from organizations such as yours concerning the mechanisms.

You have spoken to us about the charter, your point of view is very clear. On the accounting mechanisms, the mechanisms of instability, the mechanisms of internal auditing within the communities because the message that we are getting is if you give more powers to a certain number of individuals who already have a concentrated quantity, you will be in a worse situation.

In that sense, whether by going ahead with self-government it is absolutely necessary to provide in terms of government structures some control mechanisms that will in fact help to make it a situation that improves and allows the individual autonomy that is the basis.

So if you have some additional thoughts in the coming months, I think it will become extremely important concerning the structure, even internal, of the aboriginal governments.

MICHÈLE ROULEAU: I think that the proceedings of your Commission are still going to last

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a fairly long time yet, so I hope to be able, perhaps, to come back and speak to that in a more detailed way.

It is obvious that we are now beginning a process of decolonization. Of getting out of a trusteeship that has lasted more than a century. So it is obvious that this will not be settled in the 1990s.

I think we must be realistic and I think that women are very realistic. I say that one does not exist without the other, but it is necessary above all not to confuse autonomy with the power of a few politicians.

I think you have seen it everywhere else in the world, we know what it means. The President of Guatemala just abolished almost every institution there was to protect the rights of his citizens in their own country. That is what it means. I think we can't...

Canada protests things like that, against inequalities everywhere in the world and I think the government of Canada has the responsibility to ensure that it doesn't happen in its own backyard

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and with its own complicity here at home.

I think we should not pretend to give autonomy back to the aboriginal people and give ourselves, as we say, the poison ball as the lure of power for a some people. I think there must be no confusion over this.

When women were talking about participating in the constitutional process, it was not to oppose the leaders, on the contrary, it was to go and contribute the point of view of some people who are a part of the people, and we were refused this.

For us, this is extremely worrisome. I think we have not got off on the right footing, but there is still time to redeem ourselves. I think it is essential that we not allow societies to develop in which discrimination will simply be reproduced.

Because being discriminated against by the Indian Act, being discriminated against by a Canadian or Quebec government, or being discriminated against by an Indian leader is discrimination. I think that this is the thing that must not be forgotten.

Thank you.

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CO-CHAIR RENÉ DUSSAULT: Thank you. I would simply like to say that we are not forgetting the second brief that you presented to us.

Obviously, this is a question that is excessively important with the present budget cutbacks, it is a matter of concern to the Commission when the cuts are at the level of the living forces, where we have the greatest need of relying on those forces in order to have a fuller discussion.

I simply want to say to you that we are very aware of what you have presented to us this morning and we will be seeing, in as much as we are able, what we can do, what steps, to ensure that it is as acceptable as possible.

I would like to thank you for having come before the Commission, for having presented these briefs to us. We will keep in touch, we are going to return to Montreal in the fall in any event.

So, I hope that between now and then, we can make some progress on both sides in a much more specific way under concrete leadership and decisions.

JACKIE KISTABISH: Thank you very much

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and I am going to turn over the floor to the Femmes en milieu urbain, to come and make their presentations.

I know that we have taken a lot of time but I think it is important that you hear as well from the Femmes en milieu urbain. Thank you.

CO-CHAIR RENÉ DUSSAULT: Good morning, we have a small scheduling problem. We should be resuming the hearing at 1:30 p.m., which leaves us 20 minutes at this point, unless we find some other time in the afternoon to continue if that is necessary. But we are going to have to adjourn the hearing for a quarter hour, and resume at 1:30 p.m.

You can perhaps make your presentation in the minutes that follow. This is the framework within which we work. We will see at 1:15 if you think that we need to continue at some other time during the afternoon, if this is possible.

I am going to ask you if you think you can cover the essentials of what you want to do in the next 20 minutes.

DOLORES ANDRÉ, Les femmes autochtones en milieu urbain: All right, what we intend to do is

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to read the document in full. We this this is the only place where we have an opportunity to present a document of this kind and, in addition, the reality of aboriginal women in the urban setting is very misunderstood.

CO-CHAIR RENÉ DUSSAULT: I understand that, perhaps if you are available this afternoon, after the brief by Hydro-Québec, we will be able to hear you.

DOLORES ANDRÉ: We would have liked to present our document now in the presence of our members because some of them have to leave during the afternoon.

CO-CHAIR RENÉ DUSSAULT: We will do what we can between now and 1:15 and we will see after that.

DOLORES ANDRÉ: All right.

CO-CHAIR RENÉ DUSSAULT: But we will be adjourning at 1:15. We have to adjourn for a quarter of an hour. Thank you.

DOLORES ANDRÉ: I will introduce myself, my name is Dolores André and I represent the

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aboriginal women in the urban setting.

To my left is Debbie Dedam, assistant director, and Véronique Thusky, president of the Femmes autochtones francophones en milieu urbain de Montréal.

The General Council, which includes Hull, Québec and Montreal is part of the Association des femmes autochtones du Québec. In Montreal, owing to the language barrier, the local is subdivided into two parts, anglophone and francophone; nevertheless, we work together toward common objectives.

By the inclusion of the community of aboriginal women in the urban setting in the Association's structure, the Association not only recognizes the reality, but it intends also to support their actions, including the presentation of this brief.

Furthermore, the AFAQ is also a member of the Native Women's Association of Canada, as well as the Conseil du statut de la femme. The Urban General Council is therefore part of a significant network of aboriginal and non-aboriginal women with

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which all of the interlocutors of the North American Indians, Quebec and Canadian, must now deal.

The Urban General Council of the AFAQ is a voice for aboriginal women in the urban setting, a network of women who will be more and more active in the debates surrounding our American Indian societies.

Why come to the Royal Commission on the Aboriginal Peoples?

The Urban General Council of the AFAQ firmly believes that the aboriginal women in the urban setting in our societies have rights that are the product of their situations as First Nations and that these rights must not be limited by the notion of "place of residence".

We think that aboriginal women living outside the communities; those who live in the major cities; those who live in the urban periphery of communities or those who come from other provinces of Canada, have recognized aboriginal rights that should be inherent rights in the whole of Canada and not in the enclaves of our communities alone.

Unfortunately, we find that

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aboriginal women leaving their communities for this or that reason are considered non-status Indians by the Canadian government which, all of a sudden, continues a neo-colonialist policy of assimilation through the Indian Act.

In the view of the General Urban Council of the AFAQ, the aboriginal women in the urban setting are first and foremost women of aboriginal descent and should have inherent rights like all of the First Nations.

It is obvious that no political autonomy will be genuinely viable if it is not subordinated to the equality of women and men and the formal recognition of the place of aboriginal women in our North American Indian societies. The voice of the aboriginal women in the urban setting should be equal to that of the men at all political levels.

We have come before this Commission to bring to your attention a particular aspect of the situation of the aboriginal women. That a great number of aboriginal women live in the major urban centres.

We regretfully observe that this

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community is not receiving all of the necessary attention on the part of our aboriginal leaders and governments.

For example, Statistics Canada estimates that about 44,000 aboriginal people C more than half of them women C are living on Montreal Island alone. Many of them are registered on the band lists of the communities and are considered to be still living in their respective communities.

However, because of the interpretations of the Indian Act made by the governmental institutions, the rights of the urban aboriginal women are not recognized and sometimes the communities are unable to help them owing to these legislative interpretations.

Without claiming to have conducted a comprehensive overview of the living conditions of the aboriginal women living in the urban setting, which could only come at the conclusion of a detailed analysis, we would like to direct our intervention in terms of certain sectors of activities in which some rectifications should be made.

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I am going to let Véronique continue.

VÉRONIQUE THUSKY: The activities sector, the health sector, the health conditions of urban aboriginal women are largely unknown, particularly because there are few studies on the subject.

However, some ambiguities persist. For example, what services are urban aboriginal women entitled to? Transportation to the hospital? Aboriginal mid-wives? Interpreters' services? etc. All of these services and so many others necessitate significant expenditures for this community, resources that are inaccessible for aboriginal women in the urban setting.

When these aboriginal women living in the urban setting want to procure particular drugs pursuant to a doctor's prescription, they are categorized as social welfare recipients. These women must go to specific pharmacies, for not all pharmacies will accept the Indian card.

Moreover, one of the problems is when aboriginal women coming from other provinces in Canada

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need health services, and the health and social services systems vary from one province to another and are not easily accessible.

The Urban General Council believes that before going into greater detail on the health issue, a minimum number of irritants should be eliminated within the shortest possible time.

The housing and accommodation sector.

Housing development in the urban centres.

The Urban General Council believes that the budget directed to the housing sector in the communities is not sufficient to reduce the overpopulation relative to housing that currently prevails.

Aboriginal women in the urban centres do not have access to adequate and/or affordable housing. It is important to recall here that this growing population is primarily composed of single-parent families and/or couples with one or more children.

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The government allocates funds for housing development in terms of the number of people living in a community. But the urban aboriginal population is listed by the census as members of their communities of origin, even if in reality they only rarely have access to those homes.

Aboriginal housing resources.

Safe homes and/or accompaniment are accessible in some urban centres. However, these resources, although they do good work, are nevertheless non-aboriginal resources.

The members of our communities who must stay in these places do not feel at home. They are primarily seeking a network of cultural relationships in which they feel confident, enjoying the necessary support and attention.

There are also some women in our societies who have left their communities for personal or family reasons. Once they make their first contact with the big city, they enter the network of social

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services and possibly of transition houses in which our people must often live separated from their family members.

We think that American Indian transition houses and/or housing, managed by aboriginal people, should urgently be established in the urban centres to meet their needs in an aboriginal cultural environment that is also disciplined and fair.

These transition houses should reflect the family dimension so that the relatives and next of kin of the person concerned remain united, which is an important factor in social rehabilitation.

I am going to turn over the floor to Debbie, who will speak about the educational sector.

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DOLORES ANDRÉ: The recommendations:

That the Urban General Council of the AFAQ be recognized as an agency devoted to protecting the rights of all aboriginal women living in an urban setting;

That the Urban General Council of the AFAQ be considered both as a representative interlocutor for urban aboriginal women and as an ex officio partner in all discussions concerning our American Indian societies and Quebec society.

That adequate human, material and financial resources be guaranteed to the Urban General Council of the AFAQ so that it can fully accomplish its mission;

That the Urban General Council of the AFAQ be given all of the support need to continue its analytical and research work on the entire complex of living conditions of aboriginal women in the urban setting in order to improve their situation;

That the aboriginal women living in an urban setting have access to social and health services equal to those of the communities;

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That the Ministère de la Santé et du Bien-être social hire aboriginal resource personnel who are dedicated to providing health services to aboriginal people;

That the Indian card have inter-provincial application, in order to overcome the difficulties resulting from the existence of different health care systems in each of the provinces;

That a fund be made available to aboriginal people living permanently in urban communities to promote the purchase of homes and/or apartment buildings;

That a network of housing cooperatives be developed in the urban centres of Montreal, Quebec City and Hull, accessible to all aboriginal people;

That safe homes and shelters with better structures be established in the urban centres, in accordance with the needs and the situation of aboriginal women, and consistent with their cultural values;

That infrastructures be established

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to provide an adequate support system in educational matters for all aboriginal students in the urban setting;

That the elementary, secondary and post-secondary students in the urban setting have access to the same services and rights to funding for the payment of educational and academic materials;

That greater financial resources be allocated to the Pathway to Success program, to allow more training and thus break the vicious circle of employment;

That urban aboriginal women have access to aboriginal child care facilities;

That the Urban General Council be given the financial resources needed to establish a regular publication on the realities of aboriginal women in the urban setting in order to create a network of information and contacts between aboriginal women of all milieus;

That an aboriginal women's centre be established in the urban areas and be recognized as a resource for mutual assistance, support, accompaniment

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and information for aboriginal women in the urban setting.

Conclusion

As you can see, we have voluntarily cut back on what we have to say on certain points. We consider that these irritants should be eliminated within the shortest possible time.

The above recommendations are an effort to find solutions in this sense. The Urban General Council thanks the members of the Royal Commission on Aboriginal Peoples for their attention and for having taken the time to listen to us. Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you. I think that your brief is certainly important in the sense that urban questions, you were present this morning, are at the heart of the Commission's concerns.

I would like to thank you for having presented it to us. I would like to ask you because the major proposal you make turns on the establishment or creation of an aboriginal women's centre in the

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urban community.

I would like to ask you whether, from your point of view, it would be a service centre not only for American Indian women, because I am looking at your diagram, but in your minds, it would be accessible to Inuit women, for example, who are in Montreal.

We also had the Association des Métis, yesterday, can you elaborate a little, give us your point of view?

DOLORES ANDRÉ: First, I would like to explain that most people can be concerned in the sense that they may consider an establishment of this kind, of centre, as a duplication of services. I would simply like to add that it will in no way be a multiplication of services.

When we got the idea of creating the need for a centre for aboriginal women in the urban setting, it came after discussing all the needs of the women living in the urban community.

In our General Council of aboriginal women, there are some Inuit as well, there are a lot

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of Inuit in the Montreal urban community.

We are not closed, we want to include all aboriginal women in our centre.

I would just like to explain the situation to you. If we have a centre, we could hire aboriginal women who could do research, analysis, studies on aboriginal women.

There could also be some information sessions. Some information services, some resources available in the urban centres.

Often there are women who feel isolated and who try to meet in groups to discuss family matters, we also talk about sexuality.

Also, in the urban communities, there are street women, prostitutes. There are lesbians who are left out, who are considered to be very marginal.

But we consider them to be human beings. These are women who need to be supported. So if there could be an aboriginal women's centre, I think we would be doing a lot to help the women themselves. To find out other information, learn skills.

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CO-CHAIR RENÉ DUSSAULT: All right, and you see in this a distinct role for aboriginal friendship centres. We are going to have a brief soon from the Ralliement.

DOLORES ANDRÉ: Yes, it is quite distinct. That is why I also mentioned the issue of duplication. It will not necessarily be the same service.

One of the reasons why we thought it appropriate to have an aboriginal women's centre. Because often there are aboriginal women who do not want to go into the friendship centres for personal reasons.

Given that the friendship centres are devoted to the entire community. Often an aboriginal woman will not want to go there because, let's say, a man with whom she had a fling last night, this is just an example I am giving, or some misfortune, she will not want to go there especially if the woman knows that this individual is a regular client of the friendship centre in question.

CO-CHAIR RENÉ DUSSAULT: All right.

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DOLORES ANDRÉ: This is just an example that came to mind but it will not be a duplication of services.

VÉRONIQUE THUSKY: Perhaps I could add something as well in relation to duplication. In Montreal, where there are 44,000 aboriginal people, there are not a lot of resources on the Island of Montreal, and that is the problem, in the end.

Because some agencies are in fact specifically devoted, mandated, let's say to education, politics, or whatever. That is the problem.

CO-CHAIR RENÉ DUSSAULT: We are very much aware that the urban sector has been overlooked and that there is a problem of resources adapted to the aboriginal situation in the cities, and this is certainly the case in Montreal.

I would simply like to indicate that the census figures tell us there are about 45,000 people who have reported they are of aboriginal origin, however, there are only about 8,000 who self-identified as aboriginal.

So, there is a whole gradation within

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that, but it is the situation, somewhat.

I would like to thank you for coming and making this presentation. We have your brief on file and you can be assured that the aboriginal situation in the urban setting is a major concern for the Commission.

That the future will provide, very clearly, that the number of aboriginal people in the urban community can only grow and the reception services are not presently sufficient to deal with this situation. We are very much aware of this. Thank you.

Ms. ANDRÉ: Thank you as well.

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VÉRONIQUE THUSKY: Excuse me, what is
CMHC?

CO-CHAIR RENÉ DUSSAULT: The Central
mortgage corporation.

[English follows]

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VÉRONIQUE THUSKY: I would just like to come back, perhaps, to complete the presentation, to the reply by Véronique. There is an existing corporation called Wasgaregin (PH) and it is through the experience of a number of aboriginal women in the urban setting.

Or they don't have access to these services and then there would be a need for improvement. Also, the fact that most of the women are not satisfied with the houses that the Corporation has to offer. There is also the fact that there are aboriginal families living permanently in the urban setting and they cannot be housed in apartments all their lives.

So if, in the communities, there is this kind of financial assistance that is provided, why would we not be able to have it? And, just to confirm, there is a corporation that exists, but it does not meet our needs.

CO-CHAIR RENÉ DUSSAULT: Very well, we thank you for having made this presentation. It is on file and we are going, then, to pursue our thinking on

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the urban reality.

We are still interested in getting to know your additional suggestions in the coming months, because the Commission's proceedings are of course oriented toward the formulation of concrete recommendations. Thank you.

We are going to adjourn the hearing for 15 minutes. We will resume at 1:45 with the brief by Hydro-Québec and after that we will hear from the Centre d'amitié autochtone, the Ralliement des centres d'amitié autochtones du Québec, which we were to hear from this morning.

So, we are going to hear it immediately after the presentation of the Hydro-Québec brief and then we will continue with the agenda as scheduled. Thank you.

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--- Short adjournment

--- Resumption of hearing at 1:52 p.m.

CO-CHAIR RENÉ DUSSAULT: Mr. Couture and your colleagues, if you will take your places. I wish to welcome you, and you may proceed with the presentation of your brief.

ARMAND COUTURE, President and Chief Operating Officer, Hydro-Québec: Madam Commissioner, Mr. Commissioner, I would like to begin by introducing the people who are with me. Mr. Robert Brunet, who has held the position of Vice-president, Indian and Inuit Affairs since 1985, and who has just been replaced by Mr. André Laporte, who will occupy this position from now on. We have Mr. Marguillier who helped us in preparing the brief that you are going to hear today.

So, if you will allow me, I am going to present the brief in French. We have some English copies and we can reply to questions in English, or in French, as your choice may be, and we will reply in the language of the questions.

First of all, let me thank the Royal Commission on Aboriginal Peoples for giving us this

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opportunity to participate in its work. Hydro-Québec hopes to offer the Commission a useful contribution to the formulation of concrete solutions that will bring about the desired change in the dialogue between aboriginal peoples and the other citizens of this country.

It is our impression that the climate in which discussions between aboriginal peoples and non-aboriginal peoples take place has deteriorated in the past few years. Of course it is only reasonable that the aboriginals should have organized and grouped together to make their claims heard. They have formulated demands based on new concepts, such as that of inherent right, and of a new scope, such as that related to aboriginal self-government.

The concept of territorial sovereignty within the country or the provinces and the right to use all of the territory for hunting and fishing, however else the land may be used, do however cause some apprehension among non-aboriginals. This renders negotiations about the fundamental rights of aboriginals difficult, so that agreements are rare and

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proposals often inadequate.

However, if made on a reasonable scale, all of these claims are legitimate, just like the numerous other demands for, among others, the right to development, and regimes for the protection of the environment, health and social services, education and justice.

Nevertheless, the aboriginal expectations expressed in these claims are sometimes so high that negotiation runs out of steam. How can we restore a balance between reasonable and legitimate demands and realistic offers that reflect great openness and can create the foundations for balanced compromise?

We believe that the Commission must analyze the current climate and make specific recommendations to both aboriginal peoples and governments and the other interveners (experts, attorneys, developers, etc.), that will establish better dialogue, based on respect for others, the facts as they exist, the unvarnished, unrestricted truth, and the depth of trust that the word of each

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party should generate.

This is the perspective in which we present to you today our understanding of the major issues in the relationship between aboriginal and non-aboriginal peoples.

The agreements we believe necessary cannot be reached without an approach which balances, on the one hand, the aspirations and needs of the aboriginal peoples and on the other, society's capacity to respond to these needs and aspirations. In our view, the issues are (and we will be developing these): the necessity for establishing a social compact; self-government; shared land use; the environment; and economic development.

After a brief description of each of these issues, we will briefly review the main elements of our submission, making reference to the aspects that concern us so deeply.

And finally, we will offer some recommendations to the Commission. They are based on the experience of our relationship with the aboriginal communities of Quebec and the numerous agreements in

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which we have participated with the Cree, the Inuit, the Naskapis, the Atikamekw and the Montagnais.

The Major Issues

First issue, A Social Compact

The first issue is the necessity for concluding detailed social compacts that are acceptable and beneficial to both aboriginal peoples and the population at large. In our view, such covenants are vitally necessary. No lasting understanding can be built on fragmentary agreements that only serve as a basis for ever more exacting demands.

As a society, we must find ways to restore aboriginal peoples to their full dignity, and we must redefine the framework and accommodations that should guide our dealings in every area. And it must be done in full recognition of the necessity for real economic and social catching up.

Comprehensive agreements that are true social compacts are, in our opinion, the best way to ensure that our aboriginal fellow citizens

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participate fully in the future of our society and, by the same token, end the climate of confrontation that has too often characterized our dealings. It is the best way to achieve the reconciliation sought by the Commission.

The way to achieve a true social compact is through sustained and patient negotiation on all the questions that can contribute to settling fundamental disagreements. We must also show determination and respect the pace of both parties if we are to reach balanced solutions.

Above all, we must negotiate in good faith, leaving aside demands or offers that are ambiguous or incompatible with human rights or the laws of the country such as can be amended by agreements. Inherent rights can be subject to constructive negotiation only when the negotiators have clearly understood what these rights consist of and how they will affect our society.

For us, the James Bay and Northern Quebec Agreement, signed in 1975, is a concrete example of social compromise. It was a social compact

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which at the time largely met the expectations of the signatories.

Today, the aboriginals wish to improve it, and I think that is possible if all parties respect the 1975 compromise. Accordingly, the improvements being contemplated cannot disregard the provisions of the original compact, and they must all be negotiated.

In short, any new charter of aboriginal rights must reflect the social compacts that already exist and avoid the very real temptation of creating new rights whose consequences would be unforeseen.

Second major issue, Self-government

The second issue concerns the self-government that the aboriginals seek. Naturally we support this goal, on condition that it is achieved with respect for the laws and regulations of the country and is thereby compatible with them.

However, this principle is not yet

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clearly understood, and it is not impossible that it does not signify the same thing for all First Nations. That is why I think it must be defined as concretely as possible, taking the reality of the aboriginal and non-aboriginal communities concerned directly into account, according to the principle of balance I mentioned earlier.

Several forms of aboriginal self-government have existed in this country for a long time, which makes it somewhat surprising that this principle still raises so many problems. That is doubtless because it has not yet been clearly defined.

What is certain is that to facilitate the process, we must avoid adopting dogmatic positions that have no chance of being accepted and would lead inevitably to an impasse.

In our opinion, the Commission should analyze Canadian experience in this area and suggest rules that would help generate a better appreciation of the expectations of those involved. How should the territorial integrity of the provinces and potential conflicts with nearby populations be taken into

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account?

Various possibilities that could enrich the discussion of aboriginal demands should be studied, based on concrete cases from both the north and the south of the country.

After all, it is impossible to reach a true balance if we do not grasp the scope of the specific claims, some of them reasonable and others excessive.

Third issue, Shared land use

The third issue is shared land use, a kind of territorial coexistence. Coexistence between aboriginal and non-aboriginal peoples on a specific territory must, in our view, be defined as clearly as possible. Some areas should be for the exclusive use of aboriginal peoples, and others used by non-aboriginals. Moreover, there are large territories that must remain in shared use.

Some clear and concrete principles for the common use of land were set out in the James

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Bay Agreement, for example. This enabled Hydro-Québec to fulfil its responsibility while the aboriginal peoples were able to pursue and even increase the practice of their traditional activities, even as they expanded their participation in the economic development of Québec and Canadian society.

Thus, some territories were reserved for aboriginal fishing, hunting and trapping, while others retained multiple use.

How do we reconcile conflicting uses where the principle of shared use has been accepted? To what territory does shared use extend?

Let us say first of all the greatest difficulty is agreeing on priority of use while respecting other rights of usage and determining who should arbitrate among the users.

It is hoped that land-use management will take into account land ownership and exclusive usages. In unincorporated lands, land management must be regulated according to fair and acknowledged rules. Minority rights must be taken into account, just as the collective rights of the population at large must

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be.

The situation of the various aboriginal nations living in territories already partly occupied by a non-aboriginal population is quite specific to each individual nation.

Shared land-use should therefore be applied differently from one region of the country to another. Acceptance of the principle of the multiple use of a major part of the land involved is in our opinion essential to negotiating a detailed social compact with the aboriginal peoples.

However, it is essential to make a careful distinction between rights of multiple usage and the right of exploration or controlling the exploitation of the area's natural resources.

Fourth major issue, The Environment

The fourth issue is protection of the environment and the environmental assessment and review of development projects.

I would like to stress how

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fundamentally important this subject is, not only to aboriginals but to society as a whole.

Is it not conceivable that environmental protection could become a central element of convergence, rather than a source of conflict, as is the case at present?

Whether it can or not, we think that a scientific approach must prevail in all environmental protection issues.

On the one hand, it is essential that the aboriginals affected by the development projects participate fully in the assessment processes in force, such as those provided for in the James Bay and Northern Quebec Agreement or those of general application.

On the other, it is also essential that these environmental assessment projects and review processes be fair to all and not allow special interest groups or associations with interests other than the environment to take precedence over society's rights and interests.

Environmental protection schemes must

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not serve to promote all causes nor be used as delaying tactics, for reasons other than those for which they were created, i.e. environmental protection.

We deplore that some interveners, including several American groups who signed advertisements in the United States, are using the aboriginal cause in Northern Quebec and the environmental protection regime to denounce our hydroelectric projects, especially the Grande Baleine project.

The Commission should in our view condemn the use of lies, crude exaggeration and disinformation to promote aboriginal interests with regard to environmental issues. For example, invoking aboriginal genocide in the framework of the Grande Baleine project is excessive, in our opinion.

Seeking a balance means respecting the agreements already signed, seeking social compacts for lands not governed by agreements and promoting new accommodations whenever the interveners cannot wait for the signing of agreements of the stature of a

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treaty.

In dealing with the environment, we need a climate of cooperation rather than a climate of confrontation. We think the Commission should study the conditions that would favour such cooperation.

Fifth major issue, Economic development

The fifth issue is economic development. It is undoubtedly the most important issue for the future of aboriginal nations. Here it must be understood to include the economic development of both aboriginals and society as a whole.

On the one hand, reconciliation of aboriginals and non-aboriginals is only possible if aboriginals can aspire to the kind of economic development that respects their values and traditional way of life and allows them at the same time to look ahead to the future with confidence and pride.

Balanced development is particularly important for young aboriginals, who want to participate fully in the economic life of their own

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nation and that of Quebec and Canada, without at the same time giving up their ancestral heritage.

On the other hand, no agreement can be achieved if it does not allow resources to be developed for the benefit of the whole population. Here again, we must find a balance between society's right to development and the rights of aboriginals.

These principles are in our experience generally well accepted. But increasingly, the ownership of resources or at least the right to control development is at the core of aboriginal demands.

To hear some people speak, one would think that all resources belong to the aboriginals. That, I believe, is an excessive statement that ignores history and calls to mind strictly regional demands.

How, moreover, can we reconcile the use of resources in non-exclusive territories with demands for the right to consent so often invoked by aboriginal peoples?

We believe that we must reject any

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concept that is not in keeping with the reality of the situation in a given region. Seen from this perspective, no one solution can be applied uniformly throughout the country.

We think that economic development and resource ownership must take the land ownership system into account. We must seek solutions that allow the reasonable pursuit of traditional activities while assuring sustainable development of resources for the benefit of society as a whole.

Furthermore, the idea that every new agreement must necessarily be better than those that preceded it must be abandoned.

Let me now turn, if I may, to the highlights of the brief we are submitting to the Commission. It summarizes Hydro-Québec's principal achievements in its dealings with aboriginal peoples, seen from the perspective of the five issues I have just discussed.

Reference to brief, section 2,
Seeking a new relationship and greater autonomy.

Our brief discusses the major

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principles, objectives and the positive spinoffs of the James Bay and Northern Quebec Agreement, an agreement that was freely entered into and drafted in a spirit of justice and balance, with the participation and signature of Hydro-Québec, which also participated in and signed most of its amendments.

We then describe one of the foundations of our relationship with aboriginal peoples. This is the principle of continuous negotiations which has led to the signing of eleven complementary agreements and nine specific agreements with various aboriginal communities C an average of one and a half agreements each year since the original James Bay Agreement.

Reference to brief, section 3,
Negotiations and consultation on land use.

It is this spirit of permanent dialogue that allows Hydro-Québec and aboriginals to live together in the same territory in mutual respect. Patience and good faith are worth more than legal or media battles in solving concrete problems in the

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field.

We also emphasize what we consider the two fundamental principles of shared land-use: Quebec needs to use the resources of all of its territory; and it must do so with respect for the way of life of aboriginals and respect for all users.

Our brief also provides several examples of Hydro-Quebec's approach, which consists of soliciting participation from local residents at all stages of a project, on joint committees and task forces.

Reference to brief, section 4, The Environmental issue.

With regard to respect for and enhancement of the environment, we first look at the principal environmental review and assessment procedures for projects. In our opinion, they offer an effective instrument for taking the concerns of aboriginals into account.

We then discuss various agreements on mitigating and enhancement measures. An example is the

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one that led to the creation of SOTRAC, the Société des travaux de correction du Complexe La Grande, a joint agency responsible for managing the environmental impact of the La Grande complex and carrying out enhancement projects.

We also discuss the problem of mercury, which had not been foreseen when the Agreement was signed in 1975. Because of the ongoing negotiation process, an agreement dealing specifically with this problem was signed in 1986, and steps were taken to ensure effective follow-up and establishment of mitigating measures.

This agreement was signed by Quebec, Hydro-Québec and the Crees and I chaired this committee, the James Bay Mercury Committee it created for four years.

Reference to brief, section 5,
Hydroelectric development and economic development

With respect to economic development, we first note that a consensus has been established in Quebec as to the choice of hydroelectricity as the

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preferred means for generating electrical energy. We discuss the main economic and environmental benefits of this form of energy.

However, the Crees contest this form of development in northern Quebec and recommend reduced consumption. A debate on this subject is under way and will be resumed as part of the Grande Baleine environmental evaluation, which is scheduled to begin immanently.

We look at Hydro-Québec's role as an economic driving force within the aboriginal communities. To some extent, we can contribute to aboriginal self-sufficiency, one of the key objectives defined by the Commission.

Hydro-Québec measures that contribute to this objective are numerous: regional hiring and purchasing policy, information campaigns, founding of joint ventures, etc. We have also established an administrative branch focusing on Indian and Inuit affairs that enables us to maintain contacts and better understand the needs of aboriginals.

The brief then describes the economic

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spinoffs of our construction projects in terms of job creation and contracts awarded to aboriginals, as well as the economic spinoffs from the operation of our installations.

We conduct various promotional activities to promote the hiring of aboriginal workers. And we also have information and awareness programs to foster their integration with our personnel. The creation of the training centre for the Crees at La Grande-3 is a good example of our achievements.

Reference to brief, section 6,
Conclusion and recommendations.

Over the next decade, Hydro-Québec will play an important role in driving Quebec's economy by building several projects that will affect aboriginal populations as well as the whole population of Quebec.

For example, the Sainte-Marguerite project if approved will help create jobs and develop infrastructures for both aboriginal and non-aboriginal

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residents. The same is true for the Grande Baleine project among others for the Inuit, with whom we are at this moment negotiating an agreement in principle.

Hydro-Québec sincerely hopes that the negotiations between governments and the aboriginal peoples on land claims will quickly come to a balanced resolution that is acceptable to both parties.

Our recommendations to the Commission.

First, we believe that the work of the Commission must seek to establish the principles that will allow the drafting of a social compact based on a balance between the needs and aspirations of aboriginals, and those of non-aboriginals, and acceptable to both sides.

The Commission should make a thorough analysis of the factors that facilitate the signing of detailed social compacts and those that obstruct them.

Secondly, the right of aboriginals to self-government must be recognized. Its definition should be based on concrete situations that already exist in a number of regions of the country and they

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must also include guidelines that are clear and comprehensible to all. The Commission should recommend a framework for aboriginal self-government, to facilitate the signing of social compacts.

Third, the Commission must recognize the principle of shared use of territory and define the guiding principles for such use, taking into account the need to establish the conditions necessary for shared use of land by aboriginals and non-aboriginals.

Fourth, the Commission must affirm the right to economic and social development as a fundamental right and an essential condition for reconciliation. Moreover, the Commission must acknowledge the need to respect the right to development recognized by the country's laws and in this context invite developers and aboriginals to work together for the economic development of the communities.

The Commission should study the right to development and give its opinion on the concept of aboriginal consent for the exercise of this right over

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land subject to shared use.

Fifth, the Commission should recognize environmental protection and enhancement as a principal objective and a central point of convergence between aboriginals and non-aboriginals and recommend concrete actions that will transform a climate of confrontation into one of cooperation.

Thank you.

CO-CHAIR RENÉ DUSSAULT: I would first like to thank you, Mr. President, for your presentation, to which is attached a detailed brief the highlights of which you described.

My first question will be the following. I think that in reading your brief one notes that it is written in the spirit of balance and reasonableness, reflecting the reciprocal interests of the aboriginal peoples and the Quebec population as a whole. In that sense, a central point of your brief is the need for detailed social compacts.

I would like to ask you, balance and reasonableness is something that often fluctuates in time, from one decade to another, and what might seem

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to be a balance, to give an example, in 1975 when the agreements were signed, the James Bay Agreement in particular, may appear different from a different standpoint today.

Essentially, I know that this may be a difficult question to pin down, over and beyond the principle, but when you speak of balance, of need, of taking account of the realities on both sides, could you clarify this in regard to the issue of the detailed social compact?

I understand that if we could reach a comprehensive agreement for Quebec society, and for Canadian society, concerning relationships between the aboriginals and the Canadian governments, the general public, the government of Quebec, that this would provide a framework within which the concerns of Hydro-Québec.

We had the forest industry this week, or the mines could intervene and maybe more easily reach a reciprocal agreement on limited albeit very important specific projects.

So, when you speak of a detailed

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social compact, do you have in mind, in the context of the Hydro-Québec operations, the hydroelectric development of Quebec, or some broader framework of direction encompassing relations between the aboriginal peoples, governments and the public, which would help facilitate the work, your work and that of the aboriginals who are involved in the Northern developments, and also in the South.

Because more and more, we see it with the Sainte-Marguerite, the Fibreton (PH) projects, etc. That it is not only Confilona (PH). So are you telling us, help us to get an overall framework and this will allow us to work on a sector by sector basis more effectively, or whether within the hydroelectricity sector, when you speak of a detailed compact, are you asking us to look at it more specifically?

It may be that I sense something there when you talk about the notion of consent in relation to shared multiple-use lands, etc.

Can you clarify this notion first, of a detailed social compact?

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ARMAND COUTURE: Let us say that our point of view is broader than a point of view that is peculiar to Hydro-Québec, but a point of view of a major intervenor in a territory. This could, in my opinion, apply to any major intervenor, be it in the forest industry, the hydraulic field or the processing area.

Those involved in the area need to work in social peace. Economic development, of the aboriginals as of the rest of the population, is difficult if there is no minimum level of social peace with the aboriginal population, with the regional population, it's the same principle.

There must be bodies, elbows, ways of operating and you can't easily operate in a territory if there are no ground rules. So the social compact, in my opinion, is designed to establish ground rules between the different intervenors in the territory.

If there are some lands set aside for the exclusive use of the aboriginals, the minimum one can ask is to know where they are. If you don't know where these lands are, you will not respect them or

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you will not respect lands that are to be used exclusively for hunting, fishing and trapping.

On the other hand, if you go to the other end of the balance and you say you can't go anywhere, well, you have a disequilibrium, an imbalance that I would say can only be resolved through a social agreement.

So the need for a detailed social compact is that we need a code in our world in order to work. We need to know when we should not encroach upon a neighbour's land. We need to know where it is. We need to know where the hunting and fishing rights are. So we need to have some knowledge of this social compact, thus it has to be established.

At present, we have a fairly specific knowledge in Northern Quebec. Of course the agreements in 1993 may differ from those we might have had in 1975. But there is nothing to prevent periodic reviews, and you have seen that we have had 11 amendments to the James Bay Agreement, and we sincerely believe that this is a social compact that must evolve over time.

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It must evolve through the negotiation of corrections if there are things that are disinherit within this social compact.

But the lack of a social compact, as is the case on the North Shore, as is the case in most of the other regions of Quebec, creates a problem that prevents those working there from knowing what they can do and what they cannot. This is our situation.

CO-CHAIR RENÉ DUSSAULT: All right, I think your answer is clear. You mean by that, in the context of Hydro-Québec, as you know, in regard to the Commission's terms of reference, we must look initially at the idea of a new social contract between the aboriginal peoples and Canadian governments, the public at large and Canadian society.

So, in that sense, this is a concept that is broader, and what is coming out of our public hearings is that essentially as long as we have not achieved a new relationship, and this involves the Indian Act of course, it involves the lack of opportunities in several regions of Canada, of economic developments, given the meagreness of the

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reserve lands.

In view of the lack of formulas that would allow economic development, not for geographical reasons but for reasons, also, that are intimate to the system. We had a round table on economic development that emphasized, for example, the deficiencies of financial institutions on the aboriginal side, and this is an area that is simply seething.

Because we realize that there is nevertheless a lot of money that is circulating, the banks are becoming more and more closely involved, and thus the need to have a more general framework of relationships with the aboriginals in this country appears fundamental if we are in fact to succeed in terms of major industrial sectors such as hydroelectricity or the forests or the mines.

To be able, without always fooling around with the basic principles of the relationship, to address the real issues in a more specific context with more specific codes.

So I would like to specify this

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notion of detailed social compact because I think it fits into the context of a broader social contract. Thank you for your answer.

Second question is economic development. You say in your brief, and you are certainly right, everyone agrees that self-government without an economic base will only accentuate the frustrations that exist on all sides among the general public, which has the impression that governments are spending a lot of money and essentially are throwing it away.

Because it keeps aboriginal people in a state of dependency, but there is no light at the end of the tunnel in a system in which, necessarily, the payment of money implies control and thus frustration on the other side, and the aboriginal people tell us, we want to get out of this state of dependency, we didn't ask for it, we didn't create it ourselves.

So I think that is a point of junction here between the public and the desire of the aboriginals. In that framework, Hydro-Québec certainly

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has a major role to play, both as an employer and because it is responsible for the development of a resource in a territory that is substantial.

My question is, in your brief, it nevertheless struck me, you say that at Hydro-Québec itself, there are 141 employees of aboriginal origin. I understand that, as well, you explain that there are tens of millions that are given through contracts to aboriginal companies that have their own employees, for economic development.

I would like you to elaborate quickly on the economic impact that Hydro-Québec has and might have in terms of the basis of the future aboriginal governments, because it seems to us that the message we have is not one of freezing or unfreezing of resources but of participation in resources.

But conversely, what you often sense is that the aboriginal people do not want to get directly involved, to look at a bargaining position, and basically prefer that the money come to aboriginal organizations for them to do the work. This is true on the hydroelectric side. I think that the figure of 141

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aboriginal employees demonstrates it. It is true on the forestry side.

And it seems to us that there is a sound barrier there that we must try to cross, in order to interest aboriginals in hydroelectric development, encouraged [?] not only through indirect contracts but at Hydro-Québec as such. It's the same thing with the forestry firms and the mines. So could you specify your thinking a little, to see how you see the situation?

ARMAND COUTURE: The level of participation in the modern economy of the aboriginals, at Hydro-Québec or elsewhere, is very dependent on the social climate that prevails in a particular region or place, in a specific situation. In many places there is confrontation, which prevents a climate of collaboration.

When the climate of collaboration is achieved, there are major spinoffs that I associate fairly proportionately with particular territories or situations, as in any region of the province. If we look at the level of aboriginal hiring,

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notwithstanding the frequent lack of conditions favourable to collaboration, we still have a hiring level that is not much different from what we have in the regions with respect to the rest of the Quebec population.

So it works wherever we can have committees, we can have, if you will, conditions making collaboration between the aboriginals and Hydro-Québec possible. If the climate improves, the spinoffs will be greater. Thus in terms of operations you have a situation that to a large degree depends on the climate and you can increase, if you will, the economic spinoffs. The self-sufficiency of the aboriginal peoples depends in part on this climate and the contribution they make to our activities.

In terms of construction projects, it is the same thing. So we have experienced periods in which there was no collaboration because we were in court arguing fundamental issues and during that period the jobs were not there, nor the contracts. In so far as the climate improves, today, well we agree to be in court and yet to have a climate of reasonable

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collaboration. This is in itself a huge step forward and you have some contracts in substantial quantities that are awarded to firms managed and owned by aboriginals.

So we have already evolved over time, by saying that it is not because there is a confrontation on some point, on fundamental rights, on theories that often have little to do with reality. But in reality we have some interesting relationships, nevertheless, some spinoffs in terms of jobs, in terms of contracts.

Phase II of James Bay, of the La Grande Project, has increased quite substantially the economic spinoffs in jobs and contracts among the aboriginals. Why? Because we have come to agree that notwithstanding the differences that may exist on some fundamental points, in practice we live together, we occupy the same territory and we are capable of working and leaving spinoffs within the local aboriginal community.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I repeat my question, perhaps in a

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more pointed way. At the time of the presentation that you are making of your training centre, which is going ahead, you tell us that at present there are about 50 Cree enrolled and this information [sic] centre is one that is designed to train, I presume, Crees in terms of hydroelectric techniques.

I think this is the heart of the question, what steps are being taken to try to interest aboriginal workers, not only through construction projects, everything that flows from the developments that dam and powerhouse construction entails, but in the resource itself in relation to hydroelectricity.

This is one of the messages we are getting regularly, we are told, they come to us, they develop the resource and they leave and we're not involved. But on the other hand, as I said, there is a certain contradiction when you push a bit, you see that there is a reluctance to jump in, so as not to become teamed up, and this is true whether you are in Northern Saskatchewan with uranium or with the forests, etc.

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And it seems to us to be a major issue on which we should not throw in the towel because the day when the aboriginal people feel they really have an interest and participation in the development of the resource, it seems to us that the climate might well change and it seems that it is taking longer than one might wish to get to this. I would like you to explain to us a little what your training centre means in these terms.

ARMAND COUTURE: I am going to ask Mr. Laporte to comment.

ANDRÉ LAPORTE: Obviously the LG-3 training centre is essentially established with a view of course of increasing the number of aboriginals capable of working in the context of the La Grande project and ensuring that the residents of the territory in fact achieve the objective to which you referred, namely, being an integral part of and having an active role to play in the operation of these facilities.

Obviously, this still poses a number of very substantial problems on their side, in terms

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of recruitment, for a number of reasons. The desired objectives are fairly audacious and the reality in fact means that we will quite probably have to stagger our objectives within that perspective. The fundamental problems are the following:

I think we must be aware that it requires that the Cree youths, on the one hand, adapt to a new mode of work, a work schedule, a work context that is different from the one they know.

It also requires that they adapt in terms of language of work. The majority of Cree youth today speak English. The language of work at Hydro-Québec is French and this calls for an additional adaptation.

The jobs are technical, thus requiring initially in terms of the training we give them five years of high school, except that in practice we find that the five-year high school curriculum provided in Northern Quebec is not entirely equivalent to the five-year high school level in the South, so within that perspective some additional catching up is required for the young Crees.

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And finally, a fourth C and not the least C problem is, I think, a cultural question. I think it is relatively hard today for a young Cree in a village, 21, 22, 23 years of age, to get up and say he is interested in working for Hydro-Québec in a context in which, generally speaking, the Cree say they are opposed to the proposed hydroelectric development.

So within a community it can create a number of tensions and I think that for the young people it must demand C in any event I presume it demands C a certain degree of courage to be able to show an interest in coming to work at Hydro-Québec in a context like that.

Notwithstanding these difficulties, we still have, as I speak, about fifty young Cree who have graduated or are currently in the training course. At this moment we have hired 18. Eighteen are currently working for us and of course the strategy is of course to hire almost all of those who graduate from the school.

The other element we are working on

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around the training centre is also to develop other Hydro-Québec employment perspectives in addition to the more specific jobs, equipment electrician or equipment mechanic, which was the initial objective of the training centre. So we are now in the process in fact of reviewing all of the job possibilities and in this way to be able to offer a bigger range of different positions to the young Crees so that we can multiply the chances of reciprocally attaining some joint objectives that we can provide in such matters.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Mr. Couture, I would like to come back to the question of territory. We know that one of the difficulties at present is that the land claims across Canada are evolving, but evolving slowly and, among other things, there are some apparently promising negotiations with the Atikamek Montagnais.

We think that the insecurity that is created when there is an absence of results in negotiations and thus on the land claims, aboriginal lands, etc. this is what leads to the whole notion of consent to say C that is what we were told this week C

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then, no development should be done on the land until the fate of the land has been settled, either by legal means or by a negotiated agreement.

So in that sense, I understand that as far as James Bay is concerned, this negotiating was done more than 18 years ago now, but I know that obviously you have some projects in the South with the Montagnais, the Atikamek. This reality of insecurity, of wavering on the nature of the territory in fact makes negotiations difficult on concrete projects.

On the Hydro-Québec side, for example, has a relationship been established with the land claims negotiations that are occurring as well on the governmental level to try to ensure there is some result, that there is some outcome because it seems to us almost a precondition to facilitate, just to remove the concepts there are out there, and the claims that often mean that settling on the reality of a precise project is more difficult because of the general context.

In fact my question is what is the role that your corporation is playing on this level,

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on the level of the land claims issue, among other things, such as the claims of the Atikamek Montagnais at present?

ARMAND COUTURE: There are, of course, two sorts of negotiations that are going on at the same time. There are the claims based on aboriginal rights or territorial rights of whatever nature. For example, with the Conseil Atikamek Montagnais, which is a government negotiation, we support and we participate to the best of our knowledge in finding proposals, or helping to develop proposals that can be the government's position in the solution of these claims. So that is one aspect of what I call the social compact. If it succeeds, it will result in a social compact between the aboriginals, Atikamek and Montagnais, and the province.

Parallel to that, we have negotiations in relation to a particular project, that is, that we are trying, project by project, to get agreements to mitigate some effects of the project on the local population and on the aboriginal population. So the mitigation measures are, for example, measures

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that will facilitate the hunting, fishing and trapping activities, the boat loans, access roads in certain places, environmental protection measures at some sites that are particularly cherished by the aboriginal people.

There are all kinds of practical, concrete steps that can be taken to help and there is also the policy of enhancement, if you will, of compensation for rights C of effects of projects that are not directly compensable by concrete actions. So the policy of mitigation and compensation of residual effects is an agreement of the project type, while parallel to that there are the territorial rights agreements.

Obviously, if there is a major argument in court over aboriginal and territorial rights, this may prevent, if you will, reaching concrete agreements that would be related to a project. Our policy is that we favour the parallel approach of these two types of agreements. We have reached draft agreements several times without getting comprehensive agreements or social compact agreements.

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So we find that there is a practical obstacle when the project serves as a hostage, if you will, to seek a more rapid conclusion of the discussions on the social agreement. So there is a conflict, if you will, but we are trying, and we always say in our comments that both these types of agreements are in separate fields or paths and do not necessarily intersect, but we ensure that in either case the negotiators are always informed of what is happening on each issue.

For the Atikamek Montagnais, there is the provincial issue, which is handled by Mr. Guy Coulombe and we support Mr. Coulombe, so we meet with him and we support him in the development of proposals. We have our own Indian Affairs group which tries to negotiate parallel project agreements.

CO-CHAIR RENÉ DUSSAULT: As you mention, although there are two types of parallel negotiations that you are trying to keep parallel, they are not unrelated to each other. I would like to ask you the following question, which is perhaps the most difficult question on the comprehensive land

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claims in the country and the reason why they take time, and often break down, this notorious question of the extinction of rights that is demanded in exchange for a clarification on land ownership for the aboriginals.

They are asked to extinguish rights over other portions of lands in return for legal security, to do economic development, etc. Obviously, this is the subject of concern and a discussion throughout the country. Everyone is to some degree looking for alternative solutions to this extinction of rights formula which would help obtain the security objective that is the reason why, basically, governments are requesting, demanding the extinction of rights and at the same time would not force the aboriginal people to make a rejection, a symbolic agreement to abandon an ancestral territory.

Once we fall into a dimension such as that, it is much more difficult. Does Hydro-Québec C because I understand that this is the path that was taken in the '75 agreements, the James Bay of Northeastern Quebec, but it is currently the federal

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policy in the land negotiations C but in terms of Hydro-Québec, technically is there some thinking being done to find alternative solutions, by having temporary, lasting certainties with a limited duration in time that would allow development with entitlements that would be created during that time?

There are all kinds of formulas and without going into detail, basically what I am asking you is, at Hydro-Québec is there any thinking being done around that C obviously, this is not an easy question, perhaps, but the official approach on the Canadian level is the approach of extinguishment of rights and it is the approach that is followed by all governments.

But as a commission, it is one of the major concerns we have, to try to see if it is possible to obtain the same security objectives for the development of resources on the lands without forcing all the loose ends of a full assignment of lands to be tied up, with the whole symbolic aspect, etc. that this would mean for the aboriginal people.

ARMAND COUTURE: There is in fact some

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research, I believe, by all those involved in the negotiations on this issue to find a solution, if you will, that achieves the objectives of all sides, while providing the same result. So in the negotiation of the James Bay Agreement, we found many solutions to, if you will, demands or offers that seemed totally irreconcilable, and ultimately on the 30 chapters of the Agreement, we found a way to reconcile at all levels.

It wasn't perfect and no one on either side, the negotiators were saying, well we didn't get everything we wanted to get, but we got something that was, on the whole, reasonable. When we look at the particular aspect of extinction of rights, there are other formulas, I suppose, that might be envisaged, but I think that our legal advisors are those who have the greatest responsibility in this respect, to find innovative solutions that will achieve the objectives and allow everyone to go home with a significant part of the expectations they had.

What might that consist of? We have given a lot of thought to whether we shouldn't

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introduce the notion of an exchange of some rights or other through agreements that define them. Should that be called a definition of rights? Should that be called an exchange of rights the nature of which has never been very precisely known for rights that are established with ground rules?

I think we must continue to look for a solution. Is it an exchange, is it a definition of those rights or is it an extinction, to replace them with specific rights as in the case of the James Bay Agreement and the federal policy? I think the result ought to be the same.

You can't make an agreement and one week later or one month later go back and say, well the agreements we made, well we're recreating them through a new charter of rights or through inherent rights. I think it is absolutely necessary to end this dialogue, which is an obstacle to reconciliation, and which says that rights can be recreated every week.

So I think that the formula may vary. It may be an extinction, it may be an exchange, it may be a definition, but it should not be subject to

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challenge after a social compact, if you will, has been signed. There must be some duration, nevertheless.

CO-CHAIR RENÉ DUSSAULT: On self-government, you are telling us in the Commission to look at structuring and it is obvious that this is probably one of the major reasons why the Commission was created, to try to concretize a number of models that will vary considerably, forms that self-government might take in terms of powers, also in terms of financing.

What we said in the document "Forcing the Dialogue" is that it is essential to find an economic base and provide, to a considerable extent some degree of economic independence so that not all the funds come from the government; without that nothing will have been accomplished.

I would like, in terms of information, you tell us in your presentation that we should look at some Canadian experiences, etc. We have instituted about 100 case studies, more than a hundred, in various areas, including 22 community-

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based case studies on some self-government situations in various stages.

For our part we are convinced that we must build on things that already exist and not come with theoretical models from above, and that this has much better chances of being understood and working. So that's an item of information that I wanted to give you. It is the fundamental research approach of our Commission, to try to base our recommendations on what's known and this applies not only to the non-aboriginals but to the aboriginals themselves who are basically asking to start with what they know, and to go further.

This is an approach that we think is essential and that has great chances of success. So we will be producing a fair number of models of approaches based on actual experiences. However, the question will always remain of relations with the surrounding communities and of course with the governments.

The question I wanted to ask you in terms of developments in southern Quebec, in your

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brief you report that the regions are increasingly interested, particularly in Quebec, in having sort of the same debate that the aboriginal people are having, of saying it must serve us, it must take into account our regional or local interests. So there's a relationship there between the regional communities and the aboriginal communities.

Can you elaborate on the experience you have in this, because to us this relationship is fundamental more generally in terms of government structures and broader relations outside of hydro-electric development?

ARMAND COUTURE: In fact we believe there is a fairly substantial parallel between the aspirations of the regions and the aspirations of the aboriginals concerning regional government, concerning the implication of the regions in the decision-making process, in selecting the type of development, etc.

There is a parameter to aboriginal self-government that is very important, in our view, and that is the acceptability of the regime that will be created in relation to the other inhabitants of the

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given region. I think that one of the solutions we see, is a period of transition, that is, envisaging, first, aboriginal governments which would follow the models that have been experimented with so far, and there is not a great deal of social stress if we begin with some models that have functioned well in different parts of the country, in Quebec and in the rest of Canada.

Gradually, with the experience those governments acquire, because we can't create something huge right from the beginning, it won't work in practice. So those governments must develop over time.

I think that one possible solution, from my point of view at least, is to have aboriginal governments that are set up and we consider the possibility of increasing the responsibilities over time to the degree that they become acclimatized to their milieu and they become acclimatized to appropriately managing the responsibilities that an autonomous aboriginal government must have.

So I think that a transition period is almost essential in this concept and that we should

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not, at the beginning, try to entrust all the powers that are imaginable and possible to these governments, but let them experiment, become integrated into the community and increase their responsibilities more and more over time.

CO-CHAIR RENÉ DUSSAULT: One last point from me, a question on the environment. As you know, we are going to have a presentation tomorrow from the Grand Council of the Cree. The environment has been at the heart of the debates in recent years, both in terms of the issue of impact studies but also in terms of the larger issue of the development of hydroelectricity, of the needs in relation to other forms, energy conservation, etc.

I think that the Cree, like others, the Montagnais, have claimed or argued that we should have a debate in Quebec on energy policy to ensure that this is a necessary development. So this is a concern that has been presented. Hydro-Québec's viewpoint on this issue, because it is fundamental C you say in your brief that it is a point of convergence. It is true that environmental values are

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a point of convergence but the appearance has been quite different in recent years. So can you explain your thinking?

ARMAND COUTURE: What we say, Mr. Commissioner, is that it ought to be a point of convergence, it is not at present, but it is a climate of confrontation that we have because the environmental regimes are being used for purposes other than those for which they were created.

With time, we think that the scientific approach, environmental assessment will end up prevailing. If you look at the environmental systems that were created by the James Bay Agreement, they were the vanguard of everything that is now being done in this country, this was before the provincial and federal systems that were created later. The James Bay system has subsisted in time and although it is slightly different in the way it works compared with those systems that apply elsewhere, in the non-Agreement areas, they have the same objectives and I think that in general they achieve the same goals.

The assessment must be done, if you

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will, in everyone's interest. So there is no reason, when we speak of environmental protection, that we be on different wavelengths, that we be aboriginal or Québécois, for the rest of the Quebecers. We should have the same attitude. With time will it come to this? I think so. I think the battles that are now going on will pass in time, and then we will have, if you will, some assessment solutions that will tell us whether this or that project is appropriate or not.

We agree with these assessments, but they cannot be done solely in the interest of a single group in society. So the participation of the communities concerned, be it in the regions, be it in Northern Quebec by the Cree or the Inuit, is absolutely essential. And it exists, at present.

So with time we will have a debate that is no longer environmental. There is no ecological catastrophe in the North. You just have to visit the complexes. This is a false debate. It is a false debate because it is being used as a means, if you will, to delay or, if you will, to fight the development you don't want to have for other reasons.

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But from the environmental standpoint, with time, we should get an assessment that is scientific and achieves the same goal for everyone involved.

CO-CHAIR RENÉ DUSSAULT: So you are relying on science to handle a debate that you characterize as very sensitive, that you characterize as a false debate on a more rational plane. Obviously, this is a situation that is very sensitive and the aboriginals in particular, I think you are well aware, are often the first, through their way of life, to get hit with developments and so it is somewhat to be expected that they argue, quite vehemently, a number of points of view.

The question, basically, because this discussion is poisoning relations somewhat, is, somewhat, how to find concrete solutions. I don't think there is only one solution to the whole relationship, but I think it is certainly important to get to a situation in which there is some degree of confidence established. What you are telling us is that by scientific analysis, at a given moment, this is the approach that you take in saying we will sort

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of try to have a basis that is more objective. Will that be sufficient?

ARMAND COUTURE: The climate is going to be an essential condition for improving this debate over the environmental sector. From another perspective, I don't think we should, if you will, try to prevent some debate over our social agendas. When we are doing when we discuss energy savings versus the creation of a new hydroelectric complex or co-generation projects is to have debates over social issues.

The Cree, the Inuit are entitled to participate in these debates, as is everyone else, so it is valid to want to discuss energy policies, to discuss our modes of production independently of the particular issues or individuals or interest groups. But creating a coherent discussion is not an objective in itself for me, because we must accept a certain degree of diversity within our community and within the aboriginal community.

It's strange to see us having on the same day or within the same week debates on the

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cancellation, if you will, of hydro-electric projects and, at the same time, in the same week, extremely insistent calls for more jobs and more contracts. So we shouldn't think that society can always act in a completely homogeneous way and monolithically. I think we must accept that there are diversities and different interests. This is what is happening with the Cree, it is what is happening in all regions of Quebec, and we agree to engage in those debates.

CO-CHAIR RENÉ DUSSAULT: I don't want to unduly prolong this discussion. Obviously, the scientific aspect is always a sensitive issue. The aboriginal people, as you know, claim to hold particular expertise concerning the environment, through their secular knowledge of the land and the various reactions. Basically, I think that the challenge is pure scientific rationality and aboriginal expertise how can we put them together at the end of the day after a vigorous debate [unless?] a certain degree of consensus is established.

In that sense, is there, in your experience, a de facto relationship on the part of the

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aboriginal people in terms of environmental expertise, in the overall experience of Hydro-Québec over the last 15 or 20 years?

ARMAND COUTURE: I certainly have no grounds to say no to that. I think the aboriginal peoples are making an enormous contribution in helping us understand the traditional activities, the hunting and fishing. I will always remember that in the James Bay Agreement, we negotiated a guaranteed income plan for the trappers, hunters and fishermen, and this was a typical case of demands that were considered to be very reasonable, while on the government's side they were saying, we can't venture into this area because we don't know the extent of the costs that might be associated with such a demand.

The debate was resolved by saying, all right, if that's what is preventing us from having a plan like that, the traditional activities, it is an objective to maintain them, to increase them notwithstanding the projects, so we are going to agree that the plan will apply within certain limits that we have defined based on the experience of the last five

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years.

So on that basis the plan was established and has since been improved on at least two occasions that I know of and perhaps more, but the plan has therefore become one of the jewels in the James Bay Agreement because we managed to reconcile the hunting and fishing activities by listening to the aboriginal people, by hearing how they carried on these activities, by trying to have a financial assistance plan that would allow them to continue.

So we should always try to start from practical experience. The Cree, the aboriginals have a lot of practical experience in land use. We must always be tuned in to that.

CO-CHAIR RENÉ DUSSAULT: In fact, my question went somewhat in that sense, a little further. We have the same debate in connection with health care. The aboriginal people tell us that some traditional techniques and values can make an enormous contribution to western values in the health care field. And you often miss a lot, we are told, you miss a lot because you don't listen to us, you don't look.

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So, there is somewhat the same rhetoric in the environmental area and that was more or less the sense of my question on the developments as such. Is the experience or knowledge, which is called intuitive or experimental, of the aboriginal people taken into account not only in the sense of preserving their way of life but in the sense of the projects themselves?

ARMAND COUTURE: I would say so, and a concrete example is in the choice and the type of mitigation measures used to conserve and improve productivity on the lands. For example, the aboriginals have made a major contribution to avifauna mitigation measures, the creation of ponds along the James Bay coast and wetlands that have clearly helped to promote, if you will, the avifauna, so that today it can be said that after completing many hydro-electric projects we have a situation that compares favourably with that which existed before, and they have contributed to this.

CO-CHAIR RENÉ DUSSAULT: Thank you
Mary.

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[English follows]

CO-CHAIR RENÉ DUSSAULT: So, I would now like to ask the Regroupement des centres d'amitié autochtones du Québec, the representatives of the Regroupement, to come to the table to meet with us.

I would first like to welcome you, and to apologize for the inconvenience, for having agreed to come and meet with us this afternoon instead of at the end of the morning, in view of the busy schedule we had and we appreciate this very much.

So I would like to ask you perhaps to identify yourselves for the purposes of the transcript and proceed once you are ready.

My colleague Mary Sillett will join me in a minute.

**ÉDITH CLOUTIER, President of the
Regroupement des centres d'amitié autochtone du Québec
Inc.:** Thank you.

My name is Édith Cloutier. I am the president of the Regroupement des centres d'amitié autochtones and I will let each person introduce herself or himself, beginning at my right.

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IDA LABILLOIS-WILLIAMS, Executive

Director, Native Friendship Center of Montreal: My name is Ida Labillois-Williams and I am Executive Director, Native Friendship Center of Montreal.

LOUIS BORDELEAU, Vice-president of

the Regroupement des centres d'amitié: I am Louis Bordeleau. I am vice-president of the Regroupement des centres d'amitié and I am the director of the Centre d'amitié autochtone in Senneterre.

ROSEANNE PETIFUAY, Executive Director

of the Centre d'amitié de la Tuque: I am Roseanne Petifuay. I am the executive director of the Centre d'amitié in La Tuque and I am secretary-treasurer of the Regroupement.

ÉDITH CLOUTIER: We will spare you a complete reading of our brief. We know that you will surely study it in full. So instead, we will summarize it, which should take about 20 minutes.

It is a pleasure for us to introduce ourselves today as representatives of the Regroupement des centres d'amitié autochtones du Québec, and we thank you for this. Our Regroupement has an original

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message to convey to you because the five friendship centres it represents have some unique expertise concerning the needs of the aboriginal peoples living in urban settings, as well as an overall analysis of the situation.

We urge you therefore to study the whole of our brief, in which we have invested a lot of time, to get a clear understanding of the logic of our analysis and the detailed problematic concerning the urban communities. We will limit ourselves here to summarizing our document for you.

The friendship centres that belong to the Regroupement are located in Montreal, Val d'Or, Senneterre, Chibougamau and La Tuque. The positions that we develop in our brief reflect the necessary nuances between the concerns of a friendship centre located in a metropolis such as Montreal and those of the centres in the towns of Quebec and hence in the smaller cities.

The goal of our centres is to provide aboriginal peoples with meeting places, reference and information services, socio-cultural and recreational

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services, training workshops in a number of fields and, in some places, temporary accommodation services.

Thus the centres also play an important role in the liaison between the aboriginal and urban settings. This role can assume a number of forms, such as accompaniment and reference for aboriginal peoples in urban public services, the holding of intercultural events, and making non-aboriginal institutions aware of the aboriginal realities.

The specific objectives of the centres are to maintain harmonious relationships between aboriginals and non-aboriginals, improve the quality of life of the aboriginal people in the urban setting, and promote the aboriginal culture in the communities in which aboriginal people have settled.

In our presentation we will try to identify some of the problems encountered by the friendship centres movement as well as some future perspectives. We will do so on the basis of our examination of the current situation and in light of some specific thinking we have done in three-day

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workshops to develop the position we are presenting to you today.

The communities in which we work have some particular characteristics. The centres located in the regions are virtually the sole employers of aboriginal peoples in those communities, and access to other jobs is almost non-existent, particularly because of the prevailing high unemployment. This situation amounts to a form of discrimination, which is experienced as well in housing. The constraints related to the need to use the French language are also significant in some communities.

The migration of aboriginal peoples to the urban centres has been increasing constantly, and this growth will accentuate in the years to come. It is a remarkable phenomenon throughout Canada, and our communities are no exception. This means, then, that the needs of the urban aboriginals are growing and that our friendship centres are virtually the only available resources to meet those needs, with extremely limited means.

There is some tension between

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aboriginals and non-aboriginals in Quebec, resulting, among other things, from the generalization of certain issues that are local or peculiar to particular aboriginal groups. And there is some tension among the aboriginal peoples, between the modern life style and the traditional culture.

We should point out that there is very little social research on the situation of the aboriginal people living off the reserves and in the urban setting. We wish to draw the Commission's attention to the fact that most aboriginals living in the urban setting or migrating there are not people who could be identified as "problem people", but they are relatively independent. Some, however, need special assistance and others a resource centre to assist them with the transition while remaining a part of their aboriginal culture.

Urban aboriginals experience problems in such areas as access to housing and employment, a lack of occupational or general training, low educational levels, a lack of skills and preparation for urban life, the fast pace of life in the cities,

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the difficulty of planning, the cultural differences, the difficulties in intercultural relationships, prejudices against aboriginals, the identification with a poverty-stricken social layer, wage inequity, problems specific to the young people, isolation from their original culture, a lack of autonomy and problems related to the language of use.

To help in understanding the situation, we can classify urban aboriginals according to socio-demographic factors, the type of service they need, the degree of experience they have of the city, or the degree to which they are absorbed in the process of integration into or adaptation to the urban setting.

Some specialists identify the stages of integration as transition, migration, residence and permanent establishment. We refer you to our brief for further information on this research.

The major reasons for the migration of aboriginal people to the urban areas are the unfavourable labour market situation and social conditions in the reserves, and, conversely, the

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access to the social conditions associated with urban living. The phenomenon is also the result of difficulties experienced by the migrants in their community of origin, for example, the stress of a restrictive community life, the lack of intimacy and privacy, the pressure of a group that is too large for the available services, the lack of housing or the situations of violence or disruption.

The friendship centres intervene in this conjuncture. Few services are offered by the First Nations outside the reserves or Indian institutions. The centres therefore play an indispensable role and maintain a generally good relationship with the First Nations. Moreover, the Regroupment now sits as an observer in the Assembly of First Nations of Quebec and Labrador.

The First Nations are governed by the Indian Act and the funding of reserve services comes from the Department of Indian and Northern Affairs. This department provides no funding to the aboriginal friendship centres movement. The Secretary of State does, however, have a specific program for the centres

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that allows base funding. This financial base is however threatened by cutbacks that have been announced by the responsible federal minister. The remainder of the funding comes from temporary programs and special funding activities of the centres.

Virtually all of those involved now agree that there must be a radical change in the type of relationship that the federal Government maintains with the aboriginal community through the Indian Act, but it is still hard to predict how this change will come about and how the collective rights of the aboriginal peoples will be protected if the fiduciary relationship under the Act is eliminated. Some forms of self-government will have to be explored, based on the rights of the aboriginal peoples, but also on the actual situations experienced in the various aboriginal communities, including the urban communities.

The aboriginal peoples and our Regroupement refer to self-government in the sense of the right to self-determination and the recovery of the rights of which they were stripped. This debate is

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not confined to us, but we think that it cannot involve the urban communities without our centres playing an important role in it.

I am going to let my colleague continue reading.

LOUIS BORDELEAU: The friendship centres can play a role in the provision of services for potential aboriginal governments in the urban setting. The scope of the jurisdictions of the potential aboriginal governments and the mode of representation of the members of the aboriginal nations in these zones will have an impact on the individuals living in the urban areas. The real needs of these individuals may be overlooked in this complex process and the centres have a duty to remind those involved of these needs.

The friendship centres have a knowledge and expertise that no one should overlook in dealing with aboriginal problems in the urban setting. The centres have a duty to put forward their analyses on the perspectives for self-government in the urban setting, while not abandoning their primary vocation

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as service distribution agencies.

The friendship centres are not intended to represent individuals politically in the urban setting, but the fact remains: the centres and their provincial association are defending daily the rights and interests of every nature of the aboriginal peoples of the communities they service. This responsibility could easily be characterized as political because a lot of political representations are made concerning existing programs and the needs of the aboriginal people in the urban setting.

The centres have therefore developed a significant and unique expertise that could help in establishing self-government mechanisms in the urban setting with the necessary flexibility and capacity for integration in these communities. It is in this sense that our thinking on self-government should be situated.

Some models of self-government in the urban setting have been considered by specialists. Three such models are possible, in our view:

The model that is called

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extraterritorial, which extends the jurisdiction of the First Nations to individuals wherever they are; the model called the neighbourhood model, which attempts to create in the city an aboriginal neighbourhood, somewhat like the ethnic neighbourhoods we are acquainted with in the major cities; and the community of interest model, which takes account of the aboriginal population dispersed to the four corners of an urban area, independently of the status or nation of origin of each individual.

We describe these three models at greater length in our brief.

However, we favour the community of interest model, which fundamentally corresponds to the needs of the aboriginal communities that we are acquainted with in the urban setting, and reflects the notion of cultural territory rather than geographical territory. This model is also easier to establish.

We favour this model because of its realism in relation to the current needs of the urban aboriginals, the limited nature of the bureaucratic structures it presupposes, and because it corresponds

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to our reading and analysis of this issue at present in the friendship centres, based on our concrete experience and our knowledge of the aboriginal communities in the urban setting.

This model is much more applicable in a major urban centre like Montreal, in which there is a fairly large aboriginal population. It may be adaptable to the regions.

The development of communities of interest in the cities will allow a slow evolution by stages toward growing responsibility of the urban aboriginal communities in a number of sectors of social life, in the context of an ongoing adaptation to and constant adjustments in needs as observed by this population.

The model also has the great advantage of being fully compatible with the possibility of territorial aboriginal governments for the First Nations.

It involves, therefore, a community autonomy that is consistent with programs adapted to the particular needs of the aboriginal peoples in the

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urban setting. The model is fully compatible with and adaptable to individuals claiming a citizenship pertaining to the nation they belong to, for example, Cree, Métis, Montagnais or Mohawk. However, it treats the participation of the urban aboriginals as a whole, with no distinction as to individual status or membership in a particular nation.

Having sketched a general portrait of the context underlying our analysis, we now want to emphasize the recommendations we are making to the Commission. You will find these recommendations in chapter seven of our brief.

Concerning the recognition of the status and role of the centres, the centres should obtain recognition by the aboriginal and non-aboriginal authorities of their role and responsibility as major and essential institutions for the delivery of services to aboriginal people in the urban setting.

The political organizations that represent the First Nations, the Inuit and the Métis should respect the right of the aboriginal peoples

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living in the urban setting to determine themselves the services, structures and processes they believe are most capable of meeting their needs, their objectives and their financial situation.

Some surveys that have been conducted in Canada indicate that aboriginals living in the urban setting do not want to have organizational models based on their status imposed on them without their consent.

Generally speaking, urban aboriginals do not have a structured membership in the national organizations that claim to represent their rights and interests in relation to the political and constitutional authorities. They are much more likely to identify the friendship centres as organizations for defending their interests, because of the proximity of the services and the hearing they get from these agencies.

The aboriginal community living in the urban setting must not be excluded from participating in the definition of self-government. The urban aboriginals and the friendship centres

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should be full and equal partners with the agencies working at more exclusively political levels in the process.

When the time comes to structure an aboriginal government in the urban setting, it would be desirable to bring the government into closer contact with the population, and not to erect a rigid, remote and frigid bureaucratic structure. However, there must be some link between the urban governments and the political structures of the First Nations, the non-status Indians and the Métis, to fight for aboriginal rights or rights under the aboriginal treaties, even if they are not living in their locality of origin.

The surveys indicate as well that provision must be made for establishing urban institutions that encompass all aboriginals without distinction as to status.

The friendship centres necessarily demand consultation and research among the urban aboriginal electorates concerning the distribution and structuring of the services that concern them. This

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consultation should include the concerns of the young people, the seniors and the women within a perspective of traditional wisdom.

The urban aboriginal communities have developed independently of the administrative and political structures of the reserves. For the welfare of the aboriginal people it will be necessary to continue and even increase the cooperation between the centres and the aboriginal political organizations.

With regard to communications, the centres must have a greater presence and visibility in their respective communities and the media. It is necessary to improve their relations with the media and strengthen the positive aspect of the remarkable message of the centres in the media.

The Commission must remind the media of their social responsibility concerning the elimination of racial prejudice, particularly as it affects aboriginal people. It should remind the organizations responsible for enforcing media ethical standards of the need to be vigilant in this sense, so the precarious and fragile situation in Quebec does

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not deteriorate.

The Commission should recommend that the government agencies and political authorities be attentive to the implications of the message they broadcast to the public at large with regard to aboriginal issues, so that certain messages do not add to discrimination or prejudice against aboriginals, and that they envisage an objective, positive public communications policy that can reestablish the facts about aboriginal issues where necessary.

The Commission should also recommend that all civil servants who work directly on aboriginal issues, regardless of the level of government, be required to have a sufficient knowledge of aboriginal realities. These civil servants should also undertake immersion courses in the aboriginal communities, the local communities or in the urban setting as the case may be.

I am going to let Roseanne continue.

ROSEANNE PETIFUAY-LAROCHE:

Concerning funding programs, the Commission should recommend funding of services in the urban setting

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that corresponds to the growing needs of the centres for the future, failing which we are vulnerable to a steep rise in the level of difficulties that we are already identifying in the major Canadian cities.

Aboriginal people living off the reserves have been neglected up to now by the Department of Indian and Northern Affairs, and in the allocation of priorities among the programs and funding available for services to Canada's urban aboriginal population.

The urban aboriginals must have access to the current Indian Affairs programs, which are applied essentially to Indians when they live in their own locality and are no longer accessible once they live outside of those localities. Although the funding of services for registered Indians is calculated on a per capita basis, these resources are not available for those living off the reserves. The friendship centres could serve as a place of distribution for some services for aboriginal people living outside their community of origin.

Statistically, it is recognized in

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Canada that more than one half of the registered Indians live off the reserves; in Quebec, the percentage is currently more than one quarter. The accessible resources do not always follow the migratory movement of aboriginal people toward the urban centres. Yet the process by which the aboriginal peoples are migrating to the cities is growing across Canada. The aboriginal organizations must exert pressure at all levels of government to get adequate resources allocated to meet the social, educational and economic needs of the aboriginal peoples in the urban setting.

The Commission must draw governments' attention to this priority and recommend the appropriate policies.

Quebec currently provides few financial resources to the friendship centres. The Commission should recommend, to the degree that its terms of reference so allow, that the province make available to the centres programs of social and educational activities that are complementary to the available federal programs.

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Faced with the urgency and scope that the AIDS problem is assuming in the major urban centres, and the importance of educating the local communities on the social perspectives of this scourge, the federal and provincial governments must facilitate access to particular resources for the local or urban aboriginal communities and encourage the joint action of all those concerned that is already taking place on this issue.

In the field of education, the friendship centres are almost the only agencies to be playing an important role in relations between the aboriginal and non-aboriginal communities. In a conjuncture that is particularly difficult in this sense in Quebec, we hope that events and activities promoting encounters between the two solitudes, the development of educational materials on the aboriginal cultures and intercultural relationships, and educational workshops on aboriginal cultures can be established. The centres are already performing this role through the establishment of community interaction programs and this role should be extended

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and reinforced.

In some communities with a large aboriginal population, such as a big urban centre like Montreal, the aboriginal friendship centres hope to develop grassroots educational services for aboriginal peoples and suitable popular education and training programs. These services would supplement the educational activities that currently exist.

The Commission should recommend the funding of this type of activities, particularly in Quebec.

It is essential to increase the awareness of all aboriginals concerned to the dynamics of life in an urban setting, to give French courses to those whose first language is English, to work together with the schools, colleges and universities in activities designed to increase cross-cultural awareness. The schools and youth programs are places and perspectives for priority attention if we are to increase awareness of our mutual realities and develop mutual understanding in the long term.

The Commission should recommend to

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all of the potential actors on these issues that they pay all the necessary attention to them. This attention can take the form of school programs, the promotion of thematic events in the schools or elsewhere, and the development of educational materials specific to the aboriginal realities. This often involves an attitude of open-mindedness and the development of tolerance more than a particular need for funding.

Economically, to enable greater financial independence for the centres, and ensure that the quality of services no longer suffers the impact of budget cutbacks, the Commission should recommend that the friendship centres be given access to government economic development programs in order to promote and structure aboriginal economic development initiatives in the urban setting.

In regard to culture in the urban communities, the aboriginal friendship centres should continue to work to enhance the traditions and customs of the various aboriginal peoples. They should collaborate in events in the non-aboriginal community

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designed to publicize the aboriginal cultures, such as volunteer festivals, the celebration of an historical event, a craft show, a book fair, etc. They should continue to use the expertise of the elders in the enhancement of aboriginal cultures and in particular educational and social activities. The centres hope to enhance the traditional healing practices of our peoples through integrating such practices with the methods currently used in the urban setting.

The Commission should recommend that the friendship centres have access to government funding of cultural centres, which is not the case at present. The centres must be able to establish a special curriculum on aboriginal arts, cultures and languages, both to meet the needs of their own users and for their educational activities among non-aboriginals.

The centres have a particular responsibility to promote a feeling of membership in the greater aboriginal family. They are particularly concerned with the youth and with people who, for all kinds of reasons, have been alienated from their

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aboriginal culture and identity.

The centres should be recognized in their mandate of enhancing the diversity and richness of the aboriginal cultures.

Concerning our mutual relations, the Commission should be concerned with the urgent need to establish forums of communication, exchange and ongoing joint action between aboriginals and non-aboriginals, particularly in Quebec by virtue of the particular conjuncture, and the friendship centres should be recognized as primary resources for this purpose.

This joint action should be envisaged at a number of levels: political, social, economic, educational, cultural, etc. The friendship centres cannot play this role at all levels, but they are already especially appropriate places for grassroots encounters between Quebecers and aboriginals.

The centres should be recognized as popular education and accompaniment agencies for individuals in the machinery for implementing the charters of rights and freedoms and the laws that deal

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with the protection of individuals.

The Commission should remember the importance of the International Year of the World's Indigenous Peoples, proclaimed by the United Nations Organization, and denounce the lack of interest demonstrated so far by governments and public and private institutions.

The Commission should recall the importance of public and private financial contributions to the success of this event, which can promote the enhancement of the aboriginal cultures and the reconciliation of our differences. The importance of follow-up to this event should be recalled.

The Commission should ensure that no major change in federal policy toward the aboriginal people is carried out before it has concluded its proceedings and issued its recommendations as provided in its original terms of reference. The budget cutbacks recently made by the federal Government in some aboriginal programs and its desire to tax the income of aboriginal people who work outside the territory of a reserve in organizations with a head

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office on reserve territory are examples of decisions that short-circuit the work of your Commission.

The Commission should remind public opinion as a whole of the importance of respecting the cultural differences of the aboriginal peoples at various levels, the preservation of the original aboriginal languages and cultures, and the wealth that this diversity procures to humanity.

So much for our recommendations.

We sincerely hope that your Commission will consider that our analyses and recommendations are clear and relevant in relation to the concern we all have in the future of the aboriginal peoples in the urban setting.

We have attempted to illustrate to you the problems of the urban communities and the particular aspects of these problems in Quebec. We have attempted to demonstrate to you that a number of courses of action can be envisaged, and that the aboriginal friendship centres are front-line participants in understanding and defending the interests of the aboriginal peoples in the urban

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setting.

We have stressed the possibility of a political evolution toward aboriginal self-government and concluded that the urban communities are strategic locations in which to demonstrate that this peaceful evolution is possible.

We hope that our contribution, alongside the solutions that will be envisaged by the other participants in the proceedings of the Commission, will be considered a positive one.

Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you.

The Commission is certainly very pleased to receive the brief of the Regroupement des centres d'amitié autochtones, which was given financial assistance by the intervenor participation program established by the Commission. It is our estimate that the aboriginal friendship centres represent a major force, in fact, almost the only one in the urban areas that is actually tackling the needs of the aboriginal people specifically in Canadian cities. So your brief represents an extremely

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important contribution.

I would like to begin perhaps simply in terms of figures to ensure perhaps that we talking about the same thing in terms of the statistics that result from the last census in 1991.

Essentially what Statistics Canada told us was that there has been a substantial increase in the number of people who declare themselves to be of aboriginal origin in Quebec. It has risen to 137,000.

However, at the same time, we also had figures on a specific survey that Statistics Canada did on the aboriginals concerning identity, namely, do the people who self-identify as aboriginal, and those figures of course are different... For example, in Montreal, the figures we have from Statistics Canada say that there are 45,000 who, in the census, declared themselves to be of aboriginal origin, to have aboriginal origins, but there are 8,000 who said I self-identify as aboriginal.

So I am making this clarification, because the 137,000 on the Quebec scale, when the

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question was put in terms of identity and not only origin, was reduced to 56,000 although that does not cover everyone since several aboriginal communities did not participate in the census, the Mohawks in particular. But I think it is important to make these distinctions when we are talking about figures.

That being said, between aboriginal identity and origins, in fact, there is a whole gradation, and it depends on the people. So the reality is probably to some degree between the two extremes, the two figures.

I would like to begin perhaps in reverse, at the conclusion of your brief, you tell us that the Commission should ensure that governments, the Canadian government in particular, not move in terms of its policies with respect to the aboriginal people until we have submitted our final report and completed our work.

Obviously we are caught somewhat in a situation in which once the Commission was created, the aboriginal people in Canada asked the Prime Minister of Canada for a guarantee that the Commission

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would not be used as an excuse for inaction as commissions of inquiry often are, unfortunately, so it would not prevent progress being made on land claims. At that time we were getting involved in the constitutional negotiations process, and this was a promise that was made. It is certain that since the failure of the Charlottetown accords last October as a result of the referendum, there is a tendency and a very great temptation on the part of governments in Canada to refer the aboriginal groupings that are making demands on issues before the Royal Commission and to say, we are going to await the report of the Commission. This is a concern to us, but in the contrary sense to the one you express. Conversely, there are some sectors in which the government is moving, and in which a lot of questions, and controversies and difficulties are being raised.

The Revenue Canada directive, for example, in the wake of the Williams judgment in the Supreme Court on unemployment insurance, which will change the ground rules in terms of taxation when you live outside the reserves, is certainly a major point

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and we have had several representations. Likewise, we know that there is a bill that affects the territories that is to be debated, tabled in the House of Commons, which is called in English the "Charter Lands Act" which also raises some questions.

So it is hard to tell the government, move when it's appropriate, don't move when it isn't. We are somewhat caught in the crossfire on this and the aboriginal people are too. So we are trying to ensure, on the one hand, that the governments move because there is some significant catching up to do, but when there are very contentious issues that there be some thinking, a second look, to ensure that it doesn't, as you say, short-circuit the proceedings of the Commission.

So it is not an easy thing but this is the context in which we are working and we are very aware of it.

Having said that, the first question I would like to ask you has to do with the model of self-government in the urban setting. You described three models to us, the extraterritorial model, the

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neighbourhood model, and the community interest model, while favouring the third, without distinction as to status, whether one is Métis or Indian or Inuit in Montreal or elsewhere in some other city in Quebec.

I would like to ask you the question. I think that already it is a direction that is important for us and you know that it is controversial, the issue of whether there should be Métis, Inuit, Indian aboriginal governments. Some aboriginal friendship centres in general in Canada that are into services tell us, don't make any distinction as to status and keep it in a services rationale rather than politically attached to some agency to politicize the distribution of services.

There is the other point of view which is expressed in which some of those who have signed treaties, the chiefs of Indian bands often tell us, we are going to want to follow our people and the rights must follow our people when they leave the reserves and go to the cities. So this is a debate and I that on this you are telling us what the aboriginal friendship centres are telling us in general.

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My question would be in the community interest model, if we go a little further in terms of what you contemplate, what form, in your mind, should it take? We have been told about distinct school boards for the aboriginal people in the cities. We have been told about health care institutions such as hospitals with distinct boards of directors. Others have spoken to us instead of participation on municipal councils, of participation in the existing school boards, but with a real say.

In your brief you do not get down to this level. May I ask you what your point of view is? Have you thought concretely about the forms that the community interest model you advocate might take?

ÉDITH CLOUTIER: First of all, I would like to tell you that the friendship centres, we are very conscious of the problem in terms of the self-identification of the aboriginal people. We meet people every day who come back to the friendship centres identifying themselves as aboriginal, so at that level we are very conscious.

Also, we are aware of the limitations

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of the Commission precisely with regard to the undertakings that were made to the governments not to limit some applications or some decisions that might affect aboriginal issues. However, we felt that it was our duty to emphasize in a brief the concerns we had in relation to that.

To come back to your question on the model, we based ourselves on the study that was done by the N.C.C. in developing different models. As we say in our brief, we feel that that form could apply in a somewhat larger setting. So I would like, if will allow me, to yield the floor to Ms. Labilloy who has been working in Montreal for over ten years and who has followed closely the ground that has been covered in relation to the needs of the aboriginal people who have come to Montreal. So I will let her continue and elaborate in that sense.

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ÉDITH CLOUTIER: Obviously, the model needs to be studied a lot more and we spent three days in workshops to get an overview, in its totality, of the role of the friendship centres, whether in a self-government setting or otherwise. However, we are aware that the greater the evolution of the negotiations, the greater the development that will be made in terms of the aboriginal people, that we must increasingly be conscious and manage to develop more concretely. But, in the last analysis, it will have to be done gradually and be able to follow the evolution that is there, as well.

However, we are very aware that we must make the political authorities aware of the need to use our expertise and knowledge. In Quebec, the Mouvement des centres d'amitié is over 20 years old. So I think this is something that is not negligible and I think we can contribute significantly to the definition, in any event, specifically in regard to services, we can be very major partners in that process and succeed in developing much more precisely and in much greater detail the model that is adopted

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because, as I was mentioning, we have seen this as a whole and, in the last analysis, it is something that we are going to give serious thought to.

[English follows]

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ÉDITH CLOUTIER: Thank you very much for giving us the time to propose our recommendations to you.

CO-CHAIR RENÉ DUSSAULT: Thank you. We will be looking closely at your brief.

So we are going to adjourn for a break for about ten minutes and we will resume the hearing with the presentation of the Nunavik Constitutional Committee.

--- Adjournment of hearing at 4:17 p.m.

--- Resumption of hearing at 4:35 p.m.

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CO-CHAIR RENÉ DUSSAULT: Thank you.

[English]

I would now like to ask the representatives of the National Action Committee on the Status of Women and the Comité québécois des droits indiens pour les femmes indiennes to come and meet with us at the table and proceed with the presentation of their briefs.

[English follows]

MADELEINE PARENT: My name is Madeleine Parent. I am a member of the Board of Directors of the National Action Committee on the Status of Women.

[English follows]

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CO-CHAIR RENÉ DUSSAULT: [English]

We are adjourning the hearings until tomorrow morning, 9:00 a.m., when we will be hearing the presentation of the Grand Council of the Crees.

Thank you.

--- Adjournment of the hearing at 5:58 p.m., to resume at 9:00 a.m. Friday, May 28, 1993.